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Louise Adamson
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Date: 6 June 2017

Dear Sir/Madam

You are invited to the following meeting:

Development Committee
Auditorium, Shetland Museum and Archives, Hay's Dock, Lerwick
Monday 12 June 2017 at 2pm

Apologies for absence should be notified to Louise Adamson at the above number.

Yours faithfully

Executive Manager – Governance and Law

Chair: Mr A Cooper
Vice-Chair: Mr S Leask

AGENDA

- (a) Hold circular calling the meeting as read.
- (b) Apologies for absence, if any.
- (c) Declarations of interest - Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest and include some information on the nature of the interest. Advice may be sought from Officers prior to the meeting taking place.
- (d) Confirm the minutes of the meeting held on 6 March 2017 (enclosed).

ITEM

1. Development Directorate Performance Report – 2016/17
DV-32-17-F
2. Management Accounts for Development Committee: 2016/17 –
Draft Outturn at Quarter 4
F-46-16-F
3. Allocation Policy Annual Performance Review
DV-35-17-F
4. EU Engagement and Brexit Sounding Board
DV-36-17-F
5. Proposed Living Lerwick Business Improvement District (BID) Ballot
DV-38-17-F
6. Promote Shetland Service Contract – Update
DV-39-17-F



Meeting(s):	Development Committee Environment & Transport Committee Shetland College Board	12 June 2017 13 June 2017 14 June 2017
Report Title:	Development Directorate Performance Report - 2016/17	
Reference Number:	DV-32-17-F	
Author / Job Title:	Neil Grant - Director of Development Services	

1.0 Decisions / Action Required:

- 1.1 The Development Committee should discuss the contents of this report and make any relevant comments on the achievements of the Directorate during 2016/17, progress against the priorities set out in the Directorate Plan and contribute to the planning process for future years.

2.0 High Level Summary:

- 2.1 This report summarises the activity and performance of the Development Directorate for 2016/17, enabling Members to analyse its performance against the Directorate's Service objectives and the Corporate Plan outcomes.

3.0 Corporate Priorities and Joint Working:

- 3.1 Effective Planning and Performance Management are key aspects of Best Value and features of "Our Plan", the Council's Corporate Plan 2016-2020.
- Our performance as an organisation will be managed effectively, with high standards being applied to the performance of staff and services. Poor performance will be dealt with, and good service performance will be highlighted and shared.

4.0 Key Issues:

- 4.1 The Directorate's objectives as detailed in the Directorate Plan are the outcomes the Directorate aims to deliver in the year. We said "**what we must do in 2016/17**" was:
- reliably and safely deliver our day to day services that meet the needs of our customers;
 - meet our statutory requirements and deliver compliant services;
 - deliver our objectives to ensure the Corporate Plan commitments are met;
 - maintain our existing assets;
 - protect the environment and reduce the environmental impact of our activities;
 - address inequality- supporting those most in need and not making inequalities worse;
 - provide best value for the public funds invested in our services and Development;

Progress on Corporate Plan Outcomes

4.2 The Directorate is leading on the following Corporate Plan Commitments to work with others to:

- Help new business start ups and growth, and having a thriving social enterprise sector.
- Have a much closer match between the skills which businesses need and those that the trained workforce have.
- Invest Council funds wisely to produce the maximum benefit for Shetland's Economy.
- Achieve a sustainable model for Tertiary Education and Research.
- Increase the supply of affordable housing in Shetland.
- Implement the Community Empowerment (Scotland) Act.
- Support Communities to find local solutions, and people in Shetland to feel more empowered, listened to and supported to take decisions.
- Increase the levels of volunteering.
- Ensure that people, particularly from vulnerable backgrounds are getting access to learning and development opportunities.
- Ensure more people are getting access to high-speed broadband and mobile connections.
- Enable people to book and pay for journeys on our busses and ferries using efficient and effective systems, and there will be a system of fares that helps people on lower incomes travel to and from and within Shetland.
- Enable our communities to feel better connected using new community transport solutions developed by communities themselves.
- Have a clearer understanding of the options and the investment needed to create a sustainable internal transport system over the next 50 years.
- Influence changes to our external transport systems that meet our economic growth needs.

4.3 The Directorate is also contributing substantially to the Young People commitment to provide opportunities for young people to gain work placement experience and vocational qualifications while at school, giving them the skills they need to get jobs or continue into further education.

Directorate Achievements in 2016/17

4.4 During 2016/17 the Development Directorate:

- Led a public engagement process focusing on 'the place we live', and its effects on our wellbeing. The analysis and findings from the Place Standard engagement will inform the Local Housing Strategy, Local Development Plan, Local Transport Strategy and Local Outcomes Improvement Plan in the coming year.
- Produced a Housing Revenue Account (HRA) Business Plan.
- Secured commitment from Government of £2.561 million for 2017/18 for investment in new affordable housing as part of Strategic Housing Investment Plan.
- Worked with Community Planning partners to develop a 10 Year Plan to attract people to Live, Work, Study and Invest in Shetland.
- Developed and implemented a new Lending Service, Policy and Fund.

- Led the engagement with Transport Scotland and the Scottish Government on Specification and Fair Funding of Inter-Island Transport services.
- Refreshed the Shetland Transport Strategy and published a Main Issues Report.
- Developed a programme and body of evidence/ information to support the case for Fair Funding of Inter-island transport services and infrastructure by Scottish Government.
- Worked with colleagues in Orkney and the Western Isles to develop a draft Islands Deal as part of the Our Islands Our Future project.
- Produced a Planning Brief for the Knab Site and worked with Corporate Services to produce a Master Plan Development Scope.
- The Colleges jointly delivered Further Education (FE) activity 12% in excess of UHI target, which was the highest over performance in the UHI.
- Established a new Community Learning & Development (CLD) Partnership, and had a successful external inspection.
- Worked with the Chief Executive and Corporate team to achieve a satisfactory resolution to the HIAL runway issue.
- Established an externally funded Employability Pathway to help more people into employment.
- Delivered a programme of Participatory Budgeting and Community Choices projects, with engagement from more than 1000 people.
- Community Empowerment (Scotland) Act, worked with Corporate Services to develop and implement an Asset Transfer policy.

4.5 Appendix A is an Infographic which provides the Committee with a range of statistics to show the activities and outputs of the Directorate.

4.6 Appendix B shows progress on the key projects and actions the Directorate set out to complete or substantially progress in 2016/17. Appendix C shows the Council wide indicators and the Key Directorate Indicators to enable the Committee to monitor service delivery against our performance targets and our Directorate Objectives in 4.1.

Risk and Service Challenges

4.7 Performance monitoring and performance reporting must also consider the areas of risk arising from our operations, the service challenges the directorate faces, actions and projects which have not progressed as planned and where we don't meet Performance Indicator Benchmarks:

- Colleges Integration, plans to agree and implement an Integrated 2nd Management Team have been delayed.
- Homelessness and Temporary Accommodation, we continue to experience significant pressure on housing stock particularly in the Lerwick area, leading to long periods in temporary accommodation.
- Islands with small populations. We are already experiencing reducing numbers in some of the communities and difficulties in meeting need for example island fire crew required for island air services.
- We continue to experience difficulty in recruiting to posts within the service notably Planning Service posts where there is an acute national shortage of qualified staff.

4.8 The Directorate Risk Register in Appendix E sets out the strategic risks which might prevent the Directorate from achieving its objectives in 4.1. The Committee should consider whether additional control measures could be applied to reduce the risk of circumstances giving rise to a negative impact on Directorate Performance.	
5.0 Exempt and/or Confidential Information:	
5.1 None.	
6.0 Implications:	
6.1 Service Users, Patients and Communities:	Effective performance management and continuous improvement are important duties for all statutory and voluntary sector partners in maintaining appropriate services for the public. The Directorate uses customer feedback and complaint analysis to drive service change and service improvement.
6.2 Human Resources and Organisational Development:	There are a number of actions in this service plan with staffing implications. Care is taken to ensure that staff are involved and informed about changes that might affect them, that HR are closely involved and that relevant Council policies are followed. Ensuring staff feel valued and supported especially through periods of challenge and change is a key consideration for the Directorate Management team. Recruitment continues to be an issue in some services.
6.3 Equality, Diversity and Human Rights:	The Directorate carries out Integrated and Equalities Impact Assessments to ensure its services are supporting those most in need and not making inequalities worse. There are some recent examples of best practice within the Service; for example, the ZetTrans pilot which has enabled at least 7 people to move into employment, without cost to any public service.
6.4 Legal:	The Directorate delivers statutory services, monitoring performance provides assurance that statutory requirements are met and the Council complies with its duties in delivering Services.
6.5 Finance:	The actions, measures and risk management described in this report have been delivered within existing approved budgets.
6.6 Assets and Property:	A number of the actions in the Directorate Plan relate to maintenance and replacement of Development and Council assets to maintain delivery of services to the people of Shetland.
6.7 ICT and New Technologies:	Limitations of the Shetland wide Broadband and Mobile networks impact on delivery of services which require remote access to digital networks and databases.
6.8 Environmental:	The Directorate works closely with Infrastructure and other Directorates to reduce energy usage and carbon emissions.

6.9 Risk Management:	<p>Embedding a culture of continuous improvement and customer focus are key aspects of the Council's improvement activity. Effective performance management is an important component of that which requires the production and consideration of these reports. Failure to deliver and embed this increases the risk of the Council working inefficiently, failing to focus on customer needs and being subject to negative external scrutiny.</p> <p>Risk management is a key component of the performance cycle and the Directorate Plan actions are determined to be priorities to manage the Directorate risks.</p>	
6.10 Policy and Delegated Authority:	<p>The Council's Constitution – Part C - Scheme of Administration and Delegations provides in its terms of reference for Functional Committees (2.3.1 (2)) that they;</p> <p>“Monitor and review achievement of key outcomes in the Service Plans within their functional area by ensuring –</p> <p>(a) Appropriate performance measures are in place, and to monitor the relevant Planning and Performance Management Framework.</p> <p>(b) Best value in the use of resources to achieve these key outcomes is met within a performance culture of continuous improvement and customer focus.”</p>	
6.11 Previously Considered by:	None.	

Contact Details:

Neil Grant, Director of Development Services,

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6 June 2017

Appendices:

Appendix A – Development Infographic (To be tabled at meeting)

Appendix B - Progress on the Directorate Projects and Actions

Appendix C – Key Directorate Indicators and Council Wide Indicators

Appendix D – Complaints Summary

Appendix E – Risk Register

Development Services Directorate Plan 2017-20 -

<https://www.covalentcpm.com/reportdoc?id=jb3sfybueryl73fxk2qje59gz02y0zuvikmobe4nuqxclb6ey05e6pw7biax5iv&attempt=18&collect=yes&ext=.pdf>

DEVELOPMENT SERVICES REVIEW OF THE YEAR 2016/17

86



new houses built:



70%

PRIVATE HOUSING



30%

SOCIAL HOUSING

Almost

99%

of applications for house builds approved by our Planning Service

1,768

COUNCIL HOUSES



3,149



STUDENTS at Shetland College and NAFC

2,913 Further Education
236 Higher Education

83%



of Modern Apprentices passed their qualification



119

different adult learning classes

719

people took part

97

people with challenges received support to move into employment

661

housing applications on waiting list



114

HOMELESS CASES a downward trend as a result of our prevention work



23

NEW BUSINESS StartUp



78

business gateway enquiries

£583,878



grant assistance awarded to **17** economic development projects

2.3

million

passenger and vehicle journeys on transport services throughout Shetland



research commissioned shows



49%

of all households in Shetland do not earn enough to have an acceptable standard of living (Scotland 36%)



Community groups have accessed

£286,486

of external funding with support from **Community Planning & Development Service**



334

enquiries on a range of community development issues including influencing local decision making



Appendix B - Projects and Actions - Development ->Development Committee





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OUR PLAN 2016-2020

C) ECONOMY & HOUSING

7) Housing supply



We will have increased the number of houses in Shetland, with a range of options that are affordable and achievable for all.



Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP126 Local Housing Strategy	Complete new Local Housing Strategy (5 year plan)	New Local Housing Strategy to support future direction of Housing in Shetland across all tenures.	Planned Start	01-Mar-2016		At early planning stages, waiting on completion and validation of HNDA. Place Standard feedback to be fed in to LHS process.	Housing
			Actual Start	04-Aug-2016	<div><div>5%</div></div>		
			Original Due Date	31-Mar-2017	Expected success		
			Due Date	30-Sep-2017			
			Completed Date		Likely to meet or exceed target		
Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP133 Housing Need and Demand Assessment (HNDA)	The evidence base to support development of the Local Housing Strategy and Local Development.	Accredited robust & credible HNDA.	Planned Start	01-Sep-2015		Draft submitted. Liaising with the Centre for Housing Market Analysis (CHMA) to achieve final document as robust and credible.	Housing
			Actual Start	01-Sep-2015	<div><div>90%</div></div>		
			Original Due Date	30-Sep-2016	Expected success		
			Due Date	31-Jul-2017			
			Completed Date		Likely to meet or exceed target		




D) COMMUNITY STRENGTH

1) Community support



Communities will be supported to find local solutions to issues they face.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP062 Local Development Plan	Main Issues report for next Local Development Plan	Progress towards next Local Development Plan	Planned Start	02-Mar-2015		The Planning Service is under resourced due to ongoing vacant posts. This has slowed down progress, while every attempt has been made to use new and innovative methods to advance the plan preparation process with the limited resources currently available, it is inevitable that delays are experienced. Involvement in Masterplanning and acting as an enabler to the development of other key sites within the Local Development Plan are priority workloads, in line with the Council's aspirations and those priorities set out in the Review of Planning but take up time from already stretched resources.	Planning
			Actual Start	06-Nov-2015	<div><div>35%</div></div>		
			Original Due Date	31-Mar-2016	Expected success		
			Due Date	31-Mar-2019	 Experiencing issues, risk of failure to meet target		
			Completed Date				

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP134 Improve High Speed Broadband and Mobile connections	Promote take up of Next generation broadband services to businesses and communities	Promote take up of Next generation broadband services to businesses and communities	Planned Start	01-Apr-2016		High Speed Broadband: Scottish Government R100 (Reach 100% with 30mb/s broadband by 2021), being discussed with Scottish Government and HIE. Business case being developed for maximising Council owned fibre optic network. Information for business case to be researched for further network development to North Isles. Digital Strategy being progressed as part of Council's Business Transformation Programme. As at January 2017, BT report that 63% of premises across Shetland have access to Broadband speeds in excess of 24Mbps.	Economic Development
			Actual Start	01-Apr-2016	<div><div>30%</div></div>		
			Original Due Date	31-Mar-2017	Expected success		
			Due Date	31-Mar-2018	 Experiencing issues, risk of failure to meet target		
			Completed Date				

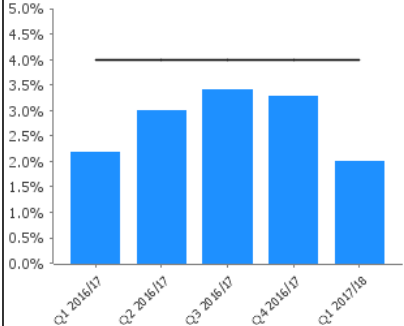
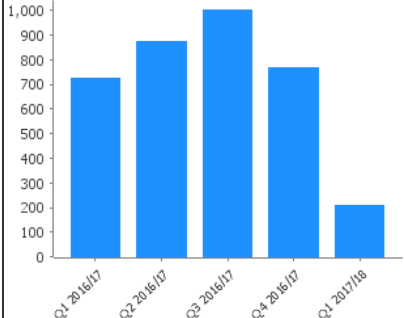
Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP135 Place Standard Consultation	Develop Place Standard Consultation working with Communities to feed into Development strategies.	Shared evidence base to inform the Local Housing Strategy, Local Development Plan and the Council's Medium Term Financial budget.	Planned Start	01-May-2016		Community Consultation carried out using the Place Standard tool. Good response received from all geographic areas with 939 responses and 4,840 individual comments. First level analysis was carried out and followed up with 7 Community Forum meetings in November/October to discuss results. The reports have now been finalised and Shetland Place Standard report and 7 locality reports are now publically available on line. The Shetland Place Standard evidence base is now being used to inform the Local Outcomes Improvement Plan, Local Housing Strategy, Local Development Plan and Transport Strategy, and Locality Profiles.	Development Services Directorate
			Actual Start	01-May-2016			
			Original Due Date	31-Oct-2016	Expected success		
			Due Date	28-Feb-2017			
			Completed Date	26-May-2017	Likely to meet or exceed target		

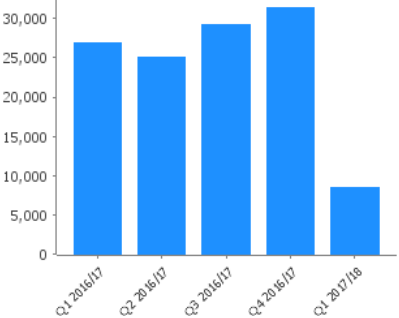
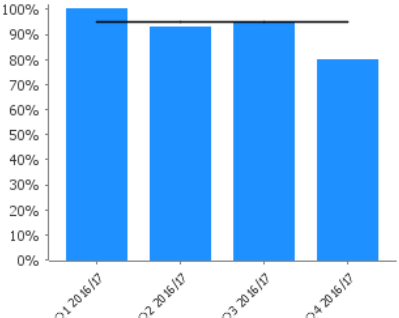
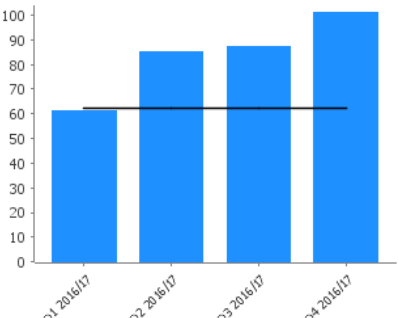
4) Community ownership Communities will be taking ownership of community assets and putting them to best use, as set out in the Community Empowerment (Scotland) Act.

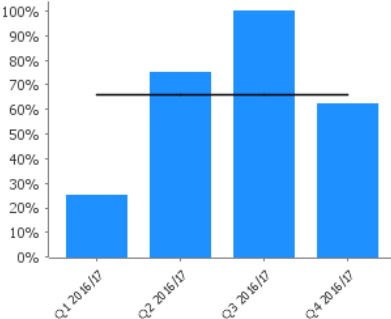
Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
SP549 Community Empowerment (Scotland) Act 2015	Project Manage the Community Empowerment (Scotland) Act 2015 implementation, develop policy and provide support	Community Strength: Communities will be taking ownership of community assets and putting them to best use, as set out in the Community Empowerment (Scotland) Act	Planned Start	17-Sep-2015		Progress statement: Asset transfer policy agreed by SIC February 2017. Procedural handbook currently being reviewed by relevant services for approval. Participation requests policy prepared, to be taken to Project Board in near future and committee/council following this. Approach for implementing Part 2 (Community Planning) agreed and Project Board appointed. Three projects proceeding between now and October 2017 – Governance, Localities and Community Participation.	Community Planning & Development
			Actual Start	17-Sep-2015	<div><div>40%</div></div>		
			Original Due Date	30-Sep-2017	Expected success		
			Due Date	31-Mar-2018	 Likely to meet or exceed target		
			Completed Date				

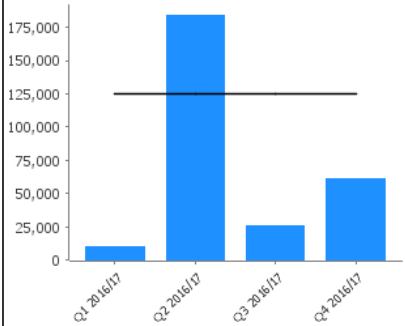
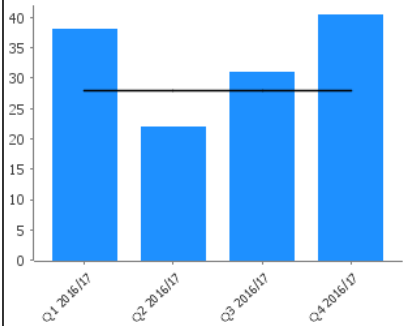
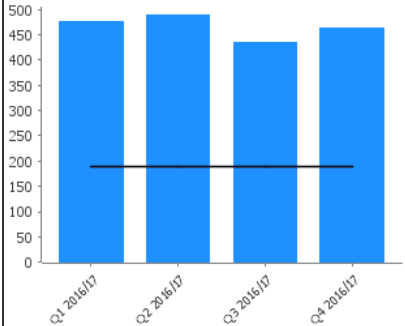
Appendix C Performance Indicators (Quarterly)- Development Directorate -> Development Committee

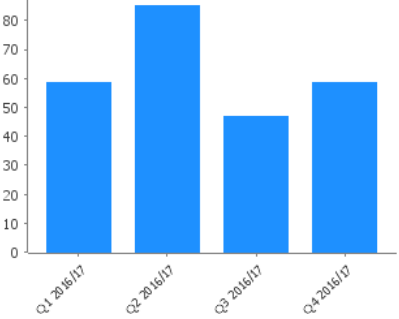
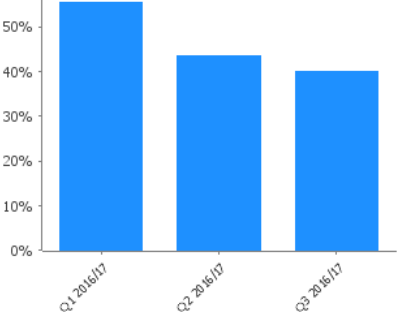
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	Previous Years		Current year (to date)	Quarters						
Code & Short Name	2015/16	2016/17	2017/18	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q4 2016/17	Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Value	Target		
OPI-4C-G Sick %age - Development Directorate	3.5%	3.0%	2.0%	2.2%	3.0%	3.4%	3.3%	4.0%		The average is being driven up by a number of long term sickness cases which are being progressed.
OPI-4E-G Overtime Hours - Development Directorate	3,886	3,366	207	726	872	1,001	767			Overtime continues to be managed on a pre-authorisation basis.

	Previous Years		Current year (to date)	Quarters						
Code & Short Name	2015/16	2016/17	2017/18	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q4 2016/17	Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Value	Target		
OPI-4G-G Employee Miles Claimed - Development Directorate	111,952	112,437	8,496	26,856	25,086	29,182	31,313			Managed within budget.
G01 FOISA responded to within 20 day limit - Development Services	94%	92%		100%	93%	95%	80%	95%		Of the 46 Development FOISAs closed with in Q4, 37 were closed within the timescale of 20 working days. FOISAs are monitored regularly and improvements have been made in this area of work.
GD-01 Number of Community Groups Accessing Community Guidance	243	334		61	85	87	101	62.5		The key areas of impact for quarter 4 include, individuals and groups influencing local decision making; developing local services in response to priority needs developing confident, skilled, and active community members. Quarterly target of 62.75 has been achieved. Over 2016/2017, 334 community development issues were responded to with advice, guidance and support.

	Previous Years		Current year (to date)	Quarters						
Code & Short Name	2015/16	2016/17	2017/18	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q4 2016/17	Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Value	Target		
GD-02 Success rate - external funding applied for by community groups (%)	54%	65.63%		25%	75%	100%	62.5%	66%	 <p>In Q4 a total of 8 funding bids were assisted by CP&D staff, 5 of which secured funding. This was a success rate of 62.5%, which is slightly below the annual departmental success rate target of 66%. However when taking into account the results achieved during Q1-3 the cumulative success rate for 2016/17 was 73.68%, which exceeded the annual target.</p> <p>During Q4 groups from projects from Shetland Islands Council, Aith, Cunningsburgh & Whalsay secured external funding of £60,858 from various National Lottery, EU and Scottish Government sources. When added to the funding successes from previous quarters, CP&D staff have assisted local projects to draw external funding of £280,486 into Shetland during 2016/17.</p> <p>For 2016/2017, the amount secured was £286,486 which demonstrates a reasonably positive return. Whilst the funding total is some way short of the department's annual target of £500,000 this was mainly due to the projects presenting at CP&D for help seeking smaller sums of funding. For clarification, even if all 19 funding bids had been successful (£386K) it would still have been below our target.</p> <p>However, on a more positive note the application success rate of 73.68% exceeded the annual target of 66%. It is worth noting that the 2016/17 success rate has been a marked improvement on the previous year's success rates which were recorded as 54.17% (2015/16) and 57.78% (2014/15) respectively. These results are all the more impressive when considering that external funding is becoming increasingly more competitive year on year. During 2016/17, 19 projects across Shetland secured funding from a range of lottery, EU & Scottish Government sources. Details on individual projects has been made available separately.</p>	

	Previous Years		Current year (to date)	Quarters						
Code & Short Name	2015/16	2016/17	2017/18	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q4 2016/17	Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Value	Target		
GD-03 External funding secured by Community Groups	812,502	280,486		10,377	183,669	25,582	60,858	125,000		Please refer to GD-02
GH-02 Average time to let not low demand properties (days)	117	28		38	22	31	40.39	28		The average time to re-let properties that are not considered low demand from January to March is higher than the 28 days target. The overall average time to let low demand properties in 2016/2017 figure was 30.33 days.
GH-05 Average length of time in temporary or emergency accommodation (All Types)	412	491		476	490	435	464	190		The average length of time in temporary accommodation for homeless cases closed remains high which demonstrates the pressure on housing stock and demand. The average length of time in temporary accommodation from April 2016 to March 2017 was 486 days. There will be continued regular monitoring in this area.

	Previous Years		Current year (to date)	Quarters						
Code & Short Name	2015/16	2016/17	2017/18	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q4 2016/17	Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Value	Target		
GP-01 Average days taken to obtain a building warrant	63.48	63.16		58.75	85.18	46.67	58.35			<p>During Q4, 52 warrants were granted. Average times comparable to previous reporting periods with a slight increase in times from Q3. This is due to 3 applications being approved around 200 days and 6 applications in the region of 150 days. In each case, a first report was issued before or around the target periods with delays a result of agent response times.</p> <p>During 2016/2017, a total of 219 building warrants were granted. The overall average days taken to grant a building warrant was 63.16 days.</p> <p>Future reporting will provide time taken by verifier (Planning Staff) and applicant separately.</p>
GP-02 % planning applications dealt with within 2 months	47%			55.4%	43.4%	40%				<p>Increased workloads have increased the time taken to deal with applications. Recruitment of Planning Staff is continuing to prove difficult and career grading and development of junior staff is becoming effective.</p> <p>The detail for Q4 will be available in the next PPMF cycle.</p>

Appendix C (cont) - Sickness Absences - All Directorates (for comparison)

NOTE: Sickness absences are very seasonal, therefore this quarter is compared to the same quarter last year (rather than compared to the previous quarter).

Generated on: 06 June 2017

Short Name	Previous Years					Last year	This year
	2012/13	2013/14	2014/15	2015/16	2016/17	Q4 2015/16	Q4 2016/17
	Value	Value	Value	Value	Value	Value	Value
Sickness Percentage - Whole Council	4.1%	3.6%	4.2%	3.7%	3.1%	4.0%	4.1%
Sick %age - Chief Executive's "Directorate"	4.5%	1.2%	2.4%	3.6%	1.2%	7.3%	2.0%
Sick %age - Children's Services Directorate	2.8%	2.8%	3.7%	2.9%	2.5%	3.4%	3.3%
Sick %age - Community Health & Social Care Directorate	6.4%	6.0%	6.0%	5.6%	5.2%	5.6%	7.4%
Sick %age - Corporate Services Directorate	3.1%	1.6%	2.4%	1.8%	1.9%	2.4%	2.4%
Sick %age - Development Directorate	3.7%	2.7%	4.2%	3.5%	3.0%	3.4%	3.3%
Sick %age - Infrastructure Directorate	3.9%	3.5%	4.1%	3.8%	2.4%	4.1%	2.7%

Appendix D - Complaints - Development Directorate

This shows all complaints that were open during the Quarter.

Frontline complaints should be closed within 5 working days

Investigations should be closed within 20 working days

Generated on: 06 June 2017

Failure to provide a service

ID	Stage Title	Received Date	Status	Closed Date	Service/Directorate	Days Elapsed	Complaint Upheld?
371	Investigation	31-Jan-2017	Closed	24-Feb-2017	Housing	18	Upheld
375	Investigation	14-Mar-2017	Closed	15-Mar-2017	Housing	1	Upheld

Standard of service received

ID	Stage Title	Received Date	Status	Closed Date	Service/Directorate	Days Elapsed	Complaint Upheld?
COM-15/16-237	Frontline	23-Apr-2015	Closed	23-Feb-2017	Planning	464	
COM-16/17-477	Investigation	23-Aug-2016	Closed	14-Feb-2017	Planning	118	Upheld
368	Investigation	05-Jan-2017	Closed	27-Jan-2017	Housing	16	Upheld
373	Investigation	28-Feb-2017	Closed	15-Mar-2017	Housing	11	Upheld

Dissatisfaction with Council policy

ID	Stage Title	Received Date	Status	Closed Date	Service/Directorate	Days Elapsed	Complaint Upheld?
COM-15/16-295	Investigation	08-Jul-2015	Closed	17-Feb-2017	Planning	406	Not Upheld
COM-16/17-556	Frontline	20-Dec-2016	Closed	17-Jan-2017	Planning	13	Not Upheld
369	Frontline	29-Jan-2017	Closed	30-Jan-2017	Housing	0	Not Upheld
370	Frontline	30-Jan-2017	Closed	30-Jan-2017	Housing	0	Not Upheld
372	Investigation	13-Feb-2017	Closed	15-Feb-2017	Housing	2	Not Upheld
374	Frontline	01-Mar-2017	Closed	06-Mar-2017	Housing	3	

Disagreement with decision made

ID	Stage Title	Received Date	Status	Closed Date	Service/Directorate	Days Elapsed	Complaint Upheld?
COM-15/16-326	Frontline	23-Jul-2015	Closed	17-Feb-2017	Planning	395	Not Upheld
COM-15/16-420	Frontline	19-Feb-2016	Closed	23-Feb-2017	Planning	256	Not Upheld

Failure to follow administrative process

ID	Stage Title	Received Date	Status	Closed Date	Service/Directorate	Days Elapsed	Complaint Upheld?
COM-16/17-450	Investigation	06-Jul-2016	Closed	21-Mar-2017	Planning	177	Partially Upheld
COM-16/17-566	Frontline	17-Jan-2017	Closed	17-Jan-2017	Planning	0	Upheld

Risk Assessment - Development Services

Risk & Details	Likelihood	Current Impact	Risk Profile	Current and Planned Control Measures	Probability	Target Impact	Risk Profile	Responsible Officer
Category	Directorate							
Corporate Plan	C1. Economy and Housing - Promote Enterprise							
Service reviews completed, Planning suffers from acute national shortage of qualified staff , general climate (v low unemployment) continues to impact to some extent. Key posts in some areas are difficult to recruit to, and exacerbated by national and local competition and limited local housing options. Trigger : Resignation, retirement, Consequences : Impact on service delivery, workload on staff and consequent impact. Risk type : Key staff - loss of Reference - C0017	Almost Certain	Significant	High	• Corporate wide Staff Survey (Viewpoint) - progressing Action Plan to address staff views raised in Corporate wide staff survey (Viewpoint); *A corporate workforce development plan is progressing - HR workforce strategy has been approved. *Management to ensure that exit interviews are always completed, and to track exit interview statistics; *Ten year plan to attract people to live, work and study in Shetland is being developed by the Development Partnership; *Management to look to extending the 'grow your own'/ trainee posts; *Careful monitoring of the impact of policy interventions such as market forces; *Consideration to be given to wider use of adjusted posts to 'fill gaps' on a temporary basis, and for temporary '2-way probation' or 'secondments' so that staff can try out an advertised post before committing.	Possible	Significant	Medium	Neil Grant Development Services
Development Service operates within a complex legislative environment and is expected to be an exemplar. Current controls include, e.g. ICT security policy, ICT automatic encryption of all laptops and USBs are auto-encrypted before any data can be downloaded. Trigger : Lack of training or understanding could lead to a breach of, for example, HSE/ Data protection/ human Rights/ employment practice, etc. Consequences : Investigation, censure/ prohibition notice/criminal prosecution/ fine, impact on workload, impact on staff, stress, bad publicity Risk type : Breach of Legislation - Data Protection, Human Rights, Employment Practice, Health and Safety etc Reference - C0018	Likely	Significant	High	• Ensure projects are a priority activity in achieving the Outcomes identified in the new Corporate plan 2016-20,and ensure proper process for identifying and allocating project resource; Train staff and adhere to standing orders, on-going staff training on employment practices, H & S, ensure risk assessments are current, communicated and complied with; All staff to make themselves aware of the ICT security policy - http://intranet2/Policy/Shared%20Documents/ICT%20SecurityPolicy%20v2_10.pdf (Exec summary on page 5).	Unlikely	Minor	Low	Neil Grant Development Services
Corporate Plan	E1. Connection and Access - Community transport solutions							

C0027 - Central Govt Funding Issues - Central Govt Funding Issues - Provision of Air and Ferry Services, Revenue and Capital Funding - subject to Inter-island Transport review, and work ongoing with Scottish Government and Transport Scotland. Trigger : Scottish Government decision not to support Revenue and Capital cost of service. Delay in Scottish Government's decision beyond next year. Islands deal I, brexit also can affect this risk. Consequences : Council cannot afford current service levels or replacement of aging infrastructure, financial risk sits with Infrastructure Risk type : Central Govt Funding Issues Reference - C0027	Unlikely	Minor	Low	• Project board, PRINCE2. Agreed process with Scottish Government and Transport Scotland, for level of provision and fair funding of services. Islands deal can affect funding.	Possible	Insignificant	Low	Neil Grant Development Services
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Corporate Plan

F1. Our "20 by '20" - Leadership & Management

Council commitment to partnership working. This is soon to become a statutory requirement. Trigger : There is a risk that the Council as lead for Shetland's Community Planning Partnership fails to engage effectively with all partners to develop a coherent Community Plan Consequences : Censure/ action against the council for failing to comply with legislation, Failure to achieve the best outcomes for the community. Risk type : Partnership working failure Reference - C0030	Possible	Major	High	• Community Planning is supported by the Community Planning and Development Team in the Development Department. Seminars and wider engagement activities were delivered, including collaboration regarding locality working which informs strategic planning for Health & Social Care Services	Unlikely	Major	Medium	Neil Grant Development Services
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Corporate Plan

F5. Our "20 by '20" - Standards of Governance

<p>Development Directorate is managing a number of significant projects of strategic importance, including Colleges Review; Internal and External Ferries; Outer Isle's Transport; Economic Development Service, Commercial Lending; Participatory Budgeting; Strengthening Community Involvement; High Speed Broadband; Local Housing Strategy; Local Development Plan; Transport Strategy; Economic Development Strategy; Energy Strategy; LOIP (Local Outcome Improvement Plan) 2016-2020</p> <p>Trigger : Focus or priority could be wrong</p> <p>Consequences : Wasted resources, negative impact on wider community, Financial cost, bad publicity</p> <p>Risk type : Strategic priorities wrong</p> <p>Reference - C0019</p>	Possible	Major	High	<p>• Ensure projects are a priority activity in achieving the Outcomes identified in the new Corporate Plan</p> <p>Ensure projects are a priority activity in achieving the Outcomes identified in the new Corporate plan 2016-20, and ensure proper process for identifying and allocating project resource.</p>	Unlikely	Significant	Medium	Neil Grant Development Services
<p>Development Service delivers a service with reducing resources and constraints including the MTFP. Service reviews moving towards completion.</p> <p>Trigger : Reduced and reducing budget, fewer staff - requirement to accommodate and work within 20% / (£20 million reduction across the organisation) in resources over 4 years</p> <p>Consequences : Impact on service, workload has to be managed by fewer staff, stress, impact on service users & communities</p> <p>Risk type : Economic / Financial - Other</p> <p>Reference - C0021</p>	Likely	Significant	High	<p>• Restructure implemented, strategic planning continuing, awareness of issues</p>	Possible	Significant	Medium	Neil Grant Development Services
<p>Development Service / the Council works in a number of areas and necessarily publishes information on its activities</p> <p>Trigger : Failure to share information, poor management of communications/ poor communication with service users/ members of the public/ media, or mis-perception by media.</p> <p>Consequences : Bad publicity, communities miss opportunities, finite resources spent on rectifying misunderstandings, staff morale impact, service users/ partners lose trust in services.</p> <p>Risk type : Communications poor</p> <p>Reference - C0022</p>	Unlikely	Major	Medium	<p>• Link to risk around corporate priorities</p> <p>• Adhere to corporate communications policy, Management team are aware of the issues and risks that fall to Dev MT and CMT.</p>	Rare	Significant	Low	Neil Grant Development Services

One or more communities fail to be sustainable Trigger : Demographic and socio-economic problems on remote communities Consequences : Depopulation of remote areas, sudden impact on development services Risk type : Economic climate Reference - C0026	Possible	Significant	Medium	• Impact of connectivity from broadband and transport links, working with communities to develop sustainable plans Progressing 'Islands with small populations' project	Unlikely	Significant	Medium	Neil Grant Development Services
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Meeting(s):	Development Committee	12 June 2017
Report Title:	Management Accounts for Development Committee: 2016/17 – Draft Outturn at Quarter 4	
Reference Number:	F-46-F	
Author / Job Title:	Jonathan Belford - Executive Manager – Finance Services	

1.0 Decisions / Action required:

- 1.1 That the Development Committee RESOLVES to:
- NOTE the Management Accounts showing the draft outturn position at Quarter 4; and
 - NOTE the proposed budget carry-forwards which will be included in the overall Draft Outturn report to be presented for approval at Policy & Resources Committee on 19 June 2017.

2.0 High Level Summary:

- 2.1 The purpose of this report is to enable the Development Committee to note the financial performance of services within its remit for the 2016/17 financial year. This report shows the financial consequences of the services performance detailed in the Development Directorate Performance Report, and will be subject to final accounting and audit adjustments as part of the year end accounts process.
- 2.2 This report presents the draft outturn position for 2016/17 financial year as at the end of the fourth quarter for revenue, capital and the Housing Revenue Account (HRA). The position has been determined by Finance Services after consultation with relevant budget responsible officers.
- 2.3 The draft revenue outturn position for services in this Committee area is an underspend of £1.1M (13%), which means that services within this Committee have collectively spent less than their Council approved budget. The draft outturn includes £41k identified as recurring savings. See Appendix 1 for further details.
- 2.4 In line with the Council's budget carry forward scheme, services have requested revenue budget carry-forwards of £196k.
- 2.5 The draft capital outturn position for services in this Committee area is an underspend of £131k (82%), with a requirement for slippage of £131k to 2017/18, resulting in an overall position for capital of breaking even. See Appendix 2 for further details.
- 2.6 The contribution to the Housing Repairs and Renewals Fund is £1,163k more than budgeted. The draft outturn includes £3k identified as recurring savings. See Appendix 3 for further details.

3.0	Corporate Priorities and Joint Working:
3.1	<p>There is a specific objective in the Corporate Plan to ensure that the Council is “continuing to keep a balanced and sustainable budget, and are living within our means” and the Council continues to pursue a range of measures which will enable effective and successful management of its finances over the medium to long term. This involves correct alignment of the Council's resources with its priorities and expected outcomes, and maintaining a strong and resilient balance sheet.</p>
4.0	Key Issues:
4.1	<p>On 10 February 2016 (SIC Min Ref: 2/16) the Council approved the 2016/17 revenue and capital budgets for the Council (including the General Fund, Harbour Account, Housing Revenue Account and Spend to Save) requiring a draw from reserves of £8.106m. It is vital to the economic wellbeing of the Council that the financial resources are managed effectively and expenditure and income is delivered in line with the budget, as any overspends will result in a further draw on reserves and would be evidence that the Council is living beyond its means.</p>
4.2	<p>This report forms part of the financial governance and stewardship framework which ensures that the financial position of the Council is acknowledged, understood and quantified on a regular basis. It provides assurance to the Corporate Management Team and the Committee that resources are being managed effectively and allows corrective action to be taken where necessary.</p>
4.3	<p>Since the approval of the 2016/17 budget, revisions to the budget have been incorporated for the Council's budget carry-forward scheme. Therefore this report refers to the revised budget that is now in place for each of the services.</p>
4.4	<p>Provision was made in the Council's 2016/17 Budget for cost pressures and contingencies. This budget covers both Council-wide and service specific issues. It is held centrally by the Executive Manager - Finance.</p>
4.5	<p>Cost pressures are recurring in nature and increase the base cost of the service being delivered, e.g. pay awards, whereas contingency items are deemed non-recurring and likely to vary year on year, e.g. equipment failure costs.</p>
4.6	<p>This approach assists the Council to mitigate any spending risks. However, it is expected that services will endeavour, in the first instance, to meet any additional costs from within existing resources.</p>
4.7	<p>No allocation has been made to services within this Committee area, as the Development Directorate's overall draft outturn position is sufficient to cover these costs within existing underspends.</p>
5.0	Exempt and/or confidential information:
	None.
6.0	Implications : Identify any issues or aspects of the report that have implications under the following headings

6.1 Service Users, Patients and Communities:	Any impacts on service users and communities in relation to the actions and service provision in this report will be included in the Director of Development Performance Management report also presented at this meeting.
6.2 Human Resources and Organisational Development:	Any implications in relation to the actions and service provision in this report will be included in the Director of Development Performance Management report also presented at this meeting.
6.3 Equality, Diversity and Human Rights:	Any implications in relation to the actions and service provision in this report will be included in the Director of Development Performance Management report also presented at this meeting.
6.4 Legal:	The Council's Financial Regulations state that the Executive Manager - Finance has a responsibility to ensure that detailed monitoring by Directors and Executive Managers is carried out and that the Council will determine the reporting content, timescale, frequency and receiving committee(s) required for monitoring statements and the Executive Manager - Finance will be responsible for ensuring compliance with this.
6.5 Finance:	<p>6.5.1 The 2016/17 Council budget does not require a draw on reserves in excess of the returns that the fund managers can make on average in a year, and therefore demonstrates that the Council is living within its means. To achieve this, a one-off underspend from the 2015/16 budget has been used to balance the General Fund.</p> <p>6.5.2 For every £1m of reserves spent in excess of a sustainable level will mean that the Council will have to make additional savings of £73k each year in the future as a result of not being able to invest that £1m with fund managers to make a return.</p> <p>6.5.3 It is therefore vital that the Council delivers its 2016/17 budget and this report demonstrates that the services under the remit of the Development Committee have to achieve this from the Development Directorate's overall budgets and the Housing Revenue Account.</p> <p>6.5.4 In addition, the Housing Revenue Account is projecting an additional contribution to the Housing Repairs and Renewal Fund of £1,163k.</p>
6.6 Assets and Property:	Any implications in relation to the actions and service provision in this report will be included in the Director of Development Performance Management report also presented at this meeting.
6.7 ICT and new technologies:	Any implications in relation to the actions and service provision in this report will be included in the Director of Development Performance Management report also presented at this meeting.
6.8	Any implications in relation to the actions and service provision

Environmental:	in this report will be included in the Director of Development Performance Management report also presented at this meeting.	
6.9 Risk Management:	<p>6.9.1 There are numerous risks involved in the delivery of services and the awareness of these risks is critical to successful financial management.</p> <p>6.9.2 From a financial perspective, risks are an integral part of planning for the future, as assumptions are required to be made. These assumptions can be affected by many internal and external factors, such as supply and demand, which may have a detrimental financial impact.</p> <p>6.9.3 There are no significant risks identified for this committee.</p> <p>6.9.4 This report is part of the framework that provides assurance, or recognition of any deviation from the budget that may place the Council in a financially challenging position and requires remedial action.</p> <p>6.9.5 The Council makes provision within its budget for cost pressures that may arise. This approach provides additional confidence for the Council to be able to mitigate any adverse financial circumstances.</p> <p>6.9.6 A strong balance sheet and the availability of usable reserves ensure that the Council is prepared for significant unforeseen events.</p> <p>6.9.7 Any draw on reserves beyond the Council's sustainable level would have an adverse impact on the level of returns from the Council's long-term investments. This situation would require to be addressed quickly to ensure no long term erosion of the investments.</p> <p>6.9.8 The figures presented in this report are subject to final accounting and audit adjustments as part of the year end accounts process and as such there is a risk that the outturn position will be amended following this process.</p>	
6.10 Policy and Delegated Authority:	Section 2.1.2(3) of the Council's Scheme of Administration and Delegations states that the Committee may exercise and perform all powers and duties of the Council in relation to any function, matter, service or undertaking delegated to it by the Council. The Council approved revenue, capital and HRA budgets for the 2016/17 financial year. This report provides information to enable the Committee to ensure that the services within its remit are operating within the approved budgets.	
6.11 Previously	Not Applicable.	

considered by:		
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Contact Details:

Janice Thomason, Management Accountant, janice.thomason@shetland.gov.uk,

Appendices:

Appendix 1 – Development Committee Draft Revenue Outturn Position for 2016/17

Appendix 2 – Development Committee Draft Capital Outturn Position for 2016/17

Appendix 3 – Housing Revenue Account Draft Revenue Outturn Position for 2016/17

Background Documents:

SIC Budget Book 2016-17, SIC 10 February 2016

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=18870>

END

Development Committee

1. Draft Revenue Outturn Position 2016/17

Budget v Projected Outturn Variance at Quarter 3 (Adv)/Pos £000	Service	2016/17 Revised Annual Budget £000	Draft Outturn at Quarter 4 £000	Budget v Projected Outturn Variance at Quarter 4 (Adv)/ Pos £000
(13)	Director of Development	3,132	2,818	314
16	Community Planning & Development	912	873	39
481	Economic Development	1,788	1,283	505
64	Housing	1,608	1,459	149
48	Planning	1,160	1,064	96
596	Total Controllable Costs	8,601	7,497	1,102
	Less proposed budget Carry Forwards to 2017/18	196		
	Revised Total Controllable Costs	8,404	7,497	907

The projected outturn figures as at Quarter 3 are included above for reference and show a favourable change of £505k. The main variances from Quarter 3 to Quarter 4 are:

- Director of Development – A favourable change of £327k as a result of stability funding held for the benefit of tertiary sector not being spent in the financial year as well as adjustments to NAFC funding in line with the FE Credit Agreement.
- Planning – a favourable change of £48k in software costs due to fewer professional-level licence holders within the service generating a saving of £45k; and
- Housing – a favourable change of £85k due to Homeless Persons repair and maintenance costs being less than projected through lack of available tradesmen to undertake work, combined with an error in the income projection for Homeless Person furniture charge income at Q3.

Explanations for the main draft outturn variances by service at Quarter 4 are set out below:

1.1 Directorate – draft underspend (£314k) (10%)

The draft outturn position is due to the following variances:

- An underspend on stability funding relating to progressing the tertiary review - £134k; and
- Adjustments to Core Grant for NAFC, as a result of the FE Credit Agreement with Shetland College (FE Credit Funding is provided by Shetland College – so NAFC are no worse off as a result) £319k; offset by

- Additional funding provided to Shetland College, in relation to the FE Credit Agreement, to ensure that it is not adversely impacted (£126k).
- Of this underspend, £172k has been submitted to be carried forward for intended use in 2017/18 Tertiary Education Stability Funding.

No recurring savings have been identified.

1.2 Community Planning & Development - draft outturn underspend £39k (4%)

The draft outturn position is due to the following variances:

- Funding unspent in 2016/17, for the Community Justice scheme, covering a period of 3 years - £35k. This unspent amount has been submitted to be carried forward for intended use in 2017/18 financial year.

No recurring savings have been identified.

1.3 Economic Development - draft outturn underspend £505k (28%)

The draft outturn position is due to the following variances:

- a low uptake in Economic Development Grants due to current market uncertainties, £355k;
- a realignment of effort within Shetland Telecom after the departure of some barges etc, has led to a reduction in net costs, £34k;
- a number of secondments and maternities, contributing to savings in salary costs, £26k; and
- Instances of one-off income generated from rendering services externally and conclusion of old projects – £33k;

No recurring savings have been identified.

1.4 Housing - draft outturn underspend 149k (9%)

The draft outturn position is due to the following variances:

- two Housing Support worker posts which were part of the Housing Support Service restructure agreed in January 2015 that have remained vacant throughout the year, with a further 15 hr post also now vacant. Housing support worker posts were reduced by 1.59 FTEs in the 2017/18 budget and will be kept under review, £105k;
- a vacant Estate Managers post and Quality and Standards post which have not been recruited to this year. These posts are to be reviewed in 2017/18, £37k;
- an underspend on Homeless Persons repair and maintenance costs due to difficulty in recruiting to the Repair and Maintenance Service during the year, £31k, offset by;
- an underachievement of income from Homeless Persons accommodation contributions and council tax, (£40k).

Recurring savings of £41k have been identified in relation to a reduction in Housing Support Worker posts in 2017/18.

1.5 Planning - draft outturn underspend £96k (8%)

The draft outturn position is due to the following variances:

- continuing difficulties in recruiting to professional posts across the service, £170k; and
- revised amount of software licences held within the service, as a result of fewer professional level staff - £45k; offset by
- Shortfall in income for Building Warrants, Planning Applications and Marine Licence Fees (£112k) as a result of fewer, but larger projects (which are subject to a statutory capped charge) as well as lower demand for licences in the Marine sector

No recurring savings have been identified.

Development Committee

1. Draft Capital Outturn Position 2016/17

Budget v Proj. Outturn Variance Quarter 3 (Adv)/ Pos £000	Service	2016/17 Revised Annual Budget £000	Draft Outturn at Quarter 4 £000	Budget v Draft Outturn Variance at Quarter 4 (Adv)/ Pos £000	Slippage required into 2017/18 £000	Overall Draft Variance at Quarter 4 (Adv)/ Pos £000
0	Housing	160	29	131	(131)	0
0	Total Controllable Costs	160	0	131	(131)	0

The draft outturn variance figure at quarter 3 is included above for reference.

An explanation of the main variances by service is set out below:

1.1 Housing – draft outturn underspend £131k (82%)

The draft variance relates to a delay in the 24/25 Leaside Conversion project starting due to tenders coming in significantly higher than budget. Costs were renegotiated and the contract has been awarded with a completion date forecast for June 2017. Slippage of £131k is required to 2017/18.

Housing Revenue Account

1.0 - Draft Revenue Outturn Position 2016/17

Budget v Proj. Outturn Variance at Quarter 3 (Adv)/ Pos £000	Description	2016/17 Revised Annual Budget £000	Draft Outturn Quarter 4 £000	Budget v Draft Outturn Variance at Quarter 4 (Adv)/ Pos £000
	Expenditure:			
78	Supervision & Management	725	747	(22)
(58)	Repair & Maintenance	1,821	2,055	(234)
49	Void Rents & Charges	168	120	48
(3)	Garages	25	27	(2)
1,103	Capital Funded from Current Revenue	1,682	46	1,637
0	Capital Charges - Dwellings	1,621	1,710	(89)
1,169	Total: Expenditure	6,042	4,704	1,338
	Income:			
0	Interest on Revenue Balances	(2)	(1)	(1)
(151)	Rents - Dwellings	(6,763)	(6,552)	(212)
25	Rents - Other ie garages/sites etc	(181)	(218)	37
(1,042)	Contribution to/(from) Housing R & R Fund	904	2,067	(1,163)
(1,169)	Total: Income	(6,042)	(4,704)	(1,338)
0	Overall Total	0	0	0

The projected outturn at quarter 3 has been included for reference. The main reason for changes from the quarter 3 projected outturn variance to the quarter 4 are:

- A decrease in internal income generated due to difficulties in recruiting to the Repair and Maintenance service and a decrease in CFCR funding required for the Capital Programme, due to additional capital receipts income.

Explanations for the main variances in the HRA at quarter 4 are set out below.

1.1 Supervision & Management – draft outturn overspend (£22k) (3%)

- The overspend is mainly due to an increase in property and fixed plant insurance as a result of a change on how these costs are distributed to services, (£51k); and
- Internal Service Allocation costs for the year due to under budgeting, (£64k); offset by
- Overprovision of contingency budgeted in respect of employee costs, £31k and a vacant post not recruited to in this year which will be reviewed in 2017/18, £38k. This is a one-off saving £69k.

1.2 Repairs & Maintenance- draft outturn overspend (£234k) (13%)

- The overspend relates primarily to difficulty in recruiting to trades posts within the Housing Repairs Service through the year. This has resulted in an underspend in employee costs of £145k;
- Related underspending on operating costs, including purchase of materials and stores and fuel costs, £49k; offset by
- The lack of available staffing has lead to underachievement of income in the year of, (£383k) and increased use of external contractors, (£57k). The service has had more success with recruitment to these posts recently and there is a plan to re-design the service in 2017/18. There is an underspend on Planned Maintenance due to savings identified when on site, £90k. There has been an increase in provision for bad debts of rental income, (£48k) and we have underbudgeted in respect of Internal Service Allocation (£49k).

1.3 Void Rents & Charges – draft outturn underspend £48k (29%)

- The projected underspend relates to a low level of void properties in the year. This is a one off saving.

1.4 Garages – draft outturn overspend (£2k) (8%)

- There are no significant variances in this service area

1.5 Capital Funded from Current Revenue – draft outturn underspend £1.637m (97%)

- The underspend is due to less Capital expenditure being required to be funded from current revenue than budgeted, as it has been possible to utilise Capital Receipts income instead. Council House sales for the year have been higher than expected due to Right to Buy ending on 1 August 2016. This is a one off saving.

1.6 Capital Charges – Dwelling – draft outturn overspend (£89k) (5%)

- The overspend is in relation to Debt Interest on HRA for which the rate of interest was higher than anticipated for the year.

1.7 Rents – Dwellings – draft outturn overspend (£212k) (3%)

- The overspend relates to an underachievement of General Needs Rent as a result of the reduction of stock number through Right to Buy House sales.

1.8 Rents – Other ie garages/sites etc. – draft outturn underspend £37k (20%)

- The underspend is due to an over-achievement of income from Garage Rental, due to charges having increased at a higher rate than inflationary increase in budget, £20k. This is a one off saving. There has been an increase in income from Grazing Lets following a review of those leases, £3k. This is a recurring saving.

2.0 - Draft Capital Outturn Position 2016/17

Budget v Proj. Outturn Variance Quarter 3 (Adv)/ Pos £000	Service	2016/17 Revised Annual Budget £000	Draft Outturn at Quarter 4 £000	Budget v Draft Outturn Variance at Quarter 4 (Adv)/ Pos £000
0	Heating Replacement Program	820	818	2
0	Housing Quality Standard	1,653	1,701	(48)
0	Pitt Lane Demolition	100	0	100
0	Total Controllable Costs	2,573	2,519	53

The projected outturn at quarter 3 has been included for reference. An explanation for the significant variances by service is set out below.

2.1 Heating Replacement Program - draft outturn underspend £2k (0%)

- There are no significant variances in this service area

2.2 Housing Quality Standard – draft outturn overspend (£48k) (3%)

- The overspend is due to unforeseen additional works on capital projects.

2.3 Pitt Lane Demolition – draft outturn underspend £100k (100%)

This underspend is due to legal title and property issues which have delayed the project. The demolition will proceed once the title issues have been resolved and this is not anticipated in 2017/18. Future provision will be made through the review of the HRA Business Plan.



Meeting(s):	Development Committee	12 June 2017
Report Title:	Allocation Policy Annual Performance Review	
Reference Number:	DV-35-17-F	
Author / Job Title:	Anita Jamieson, Executive Manager – Housing	

1.0 Decisions /Action Required:

- 1.1 The Development Committee RESOLVE to approve the allocation performance reporting and targets for 2017/18 as detailed in 4.09 – 4.14 below, and approve an amendment to the allocation policy, as detailed in 4.19.

2.0 High Level Summary:

- 2.1 This report details annual performance review information on the housing allocation quota targets contained in the Shetland Islands Council's Allocation Policy for the year 2016/17 and recommendations for the year 2017/18. There is also an attached appendix, detailing a summary of homelessness in Shetland.

3.0 Corporate Priorities and Joint Working:

- 3.1 This report is delivering in line with the Single Outcome Agreement Local Indicator – 'Improve access to suitable housing options for those in housing need', and on the Corporate Plan statement section 'Helping build a healthy economy and strong communities'.

4.0 Key Issues:

- 4.1 During the period 1 April 2016 to 31 March 2017, **586** new applications were received and registered on the Housing Register, which is a very small increase of 24 applications from the previous year.

Application Type	March 17 No	March 17 %	March 16 No	March 16 %
Waiting List	412	62%	364	47%
Transfer	112	17%	169	22%
Homeless	132	20%	133	21%
Sheltered (now shown as W, T or H)	No longer recorded this way		65	8%
Special Cases	5	1%	8	1%
Total	661	100%	739	100%

- 4.2 The total number of applications on the Housing Register at March 2017 was **661**, a decrease of 78 since March 2016. There is a 6 monthly review of the housing register to ensure data is up to date. Where review reminders are not responded to, applications are cancelled.
- 4.3 Sheltered applications are now categorised within an applicant's status of Waiting List, Transfer or Homeless. Special case applicants are generally 'Looked After Children', whom the local authority has a statutory duty, as a corporate parent, to re-house.
- 4.4 Housing areas are grouped into localities, as follows:

Locality	Community Council
Central	Scalloway; Burra & Trondra; Tingwall, Whiteness & Weisdale
Lerwick & Bressay	Lerwick; Bressay
North Mainland	Delting; Nesting & Lunnasting; Northmaven
South Mainland	Dunrossness; Gulberwick, Quarff & Cunningsburgh; Sandwick; Fair Isle
West Mainland	Sandness & Walls; Sandsting & Aithsting
North Isles	Yell; Fetlar; Unst; Whalsay; Skerries

- 4.5 Table1 summarises the number of lets within each locality, whilst providing a comparison to data from last year. There has been an increase in the total number of lets in 2016/17, in part due to more properties being allocated to transfer applicants.
- 4.6 It is particularly encouraging to see an increase in the number of re-lets within Lerwick & Bressay, as this is where there is greatest demand, especially amongst homeless applicants, who the local authority has a statutory duty to offer permanent accommodation to.

Total Number of Council Lets by Locality	Council General Needs Lets		Council Supported Housing Lets (inc Sheltered, Very Sheltered and Supported Living & Outreach)		Total Lets	
Locality	2016/2017	2015/2016	2016/2017	2015/2016	2016/2017	2015/2016
Central Area	7	4	5	3	12	7
Lerwick & Bressay	50	24	20	14	70	38
North Area	33	30	2	2	35	32
South Area	14	5	2	6	16	11
West Area	8	4	1	2	9	6
North Isles (inc W&S)	20	28	2	6	22	34
Total	133	95	31	33	164	128

Table 1

- 4.7 Properties are allocated to either Waiting list, Transfer or Homeless applicants. It is important to distinguish between these three groups to ensure the Service makes the best use of the housing stock, whilst fulfilling its legislative duty.

- 4.8 The Service has a statutory duty to offer permanent accommodation to applicants accepted as homeless in line with homeless legislation. There is also a duty to prevent homelessness, and this is achieved by allocating to applicants on the waiting list. Current tenants may also have an identified housing need, and we therefore allocate a certain percentage of properties to our tenants, which in turn can free up additional stock.
- 4.9 Table 2 below details the lets of General Needs properties in 2016/17 against set targets. Please note that the quotas exclude lets made as sheltered, very sheltered, and all lets made in Unst, Whalsay, Yell, Fetlar, Skerries & Fair Isle, as previously agreed.

Area	Quota Group	Apr-Mar 2016/17
Lerwick	Homeless (60% Target)	46%
	Transfer (20% Target)	28%
	Waiting List (20% Target)	26%
Landward	Homeless (20% Target)	16%
	Transfer (20% Target)	19%
	Waiting List (60% Target)	65%

Table 2

- 4.10 The following tables provide insight into the relationship between levels of stock, the number of lets, and the overall demand for that particular area. As indicated in table three below, the over-riding demand is for single person accommodation in Lerwick. The next area with the highest level of demand, in terms of active applications, is for one-bedroom properties in the Central Locality.

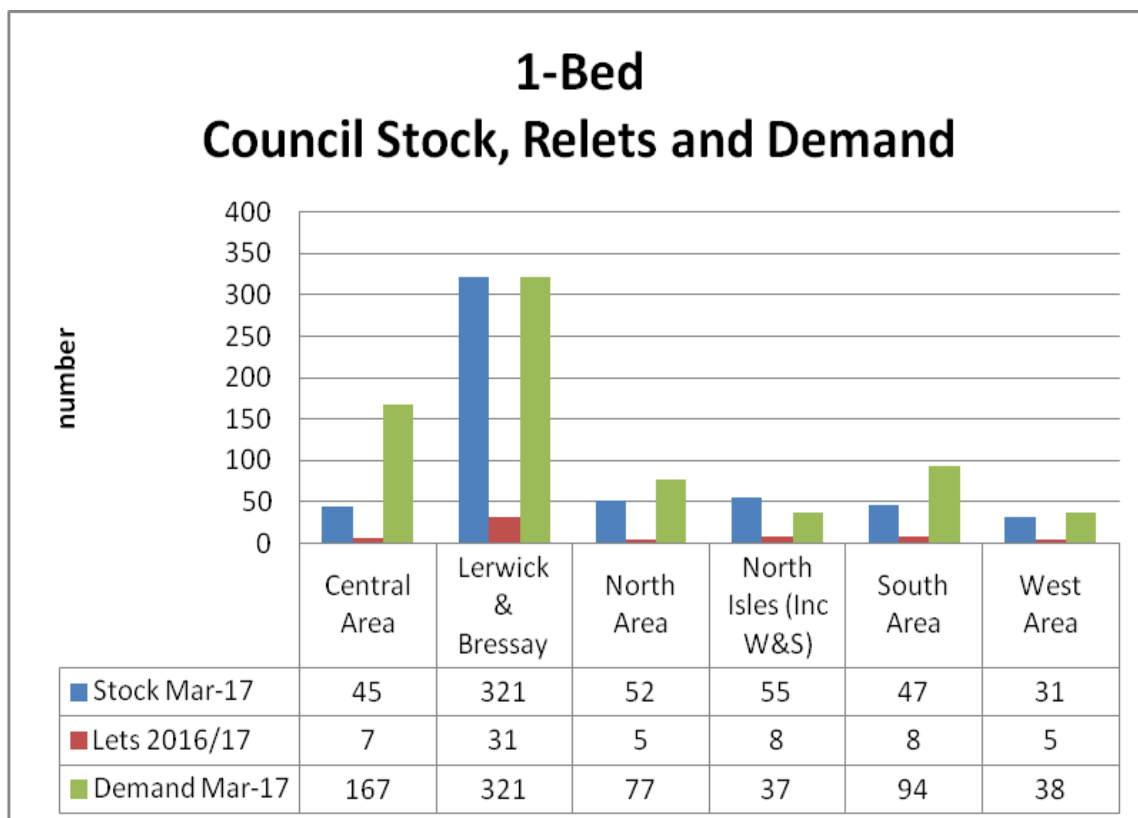


Table 3

2-Bed Council Stock, Relets and Demand

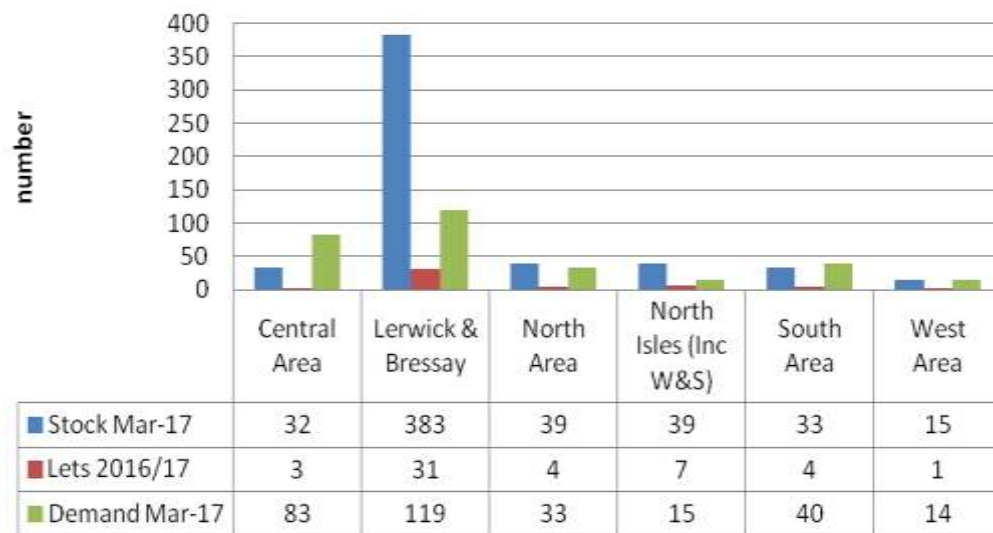


Table 4

3-Bed Council Stock, Relets and Demand

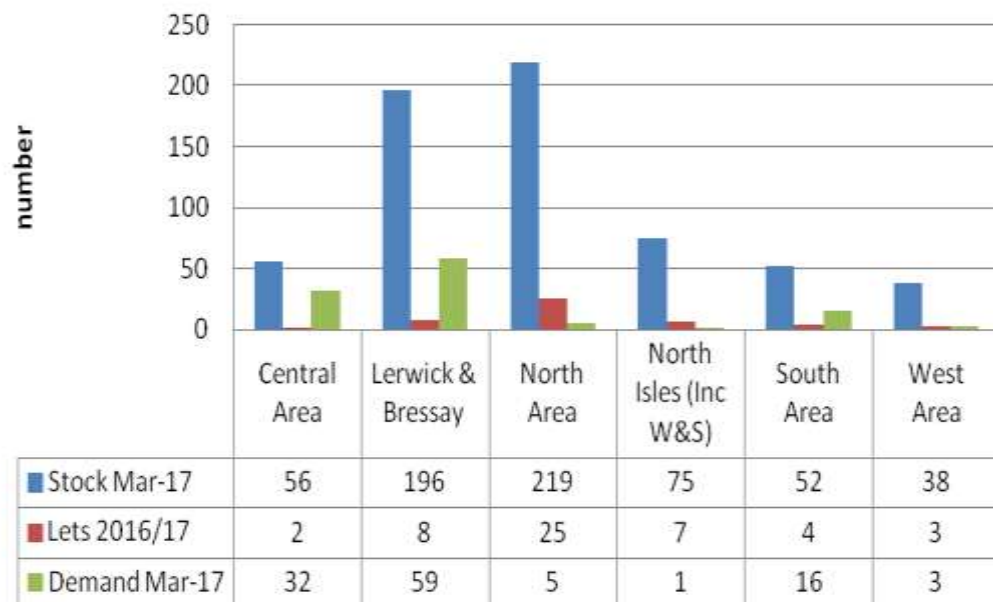


Table 5

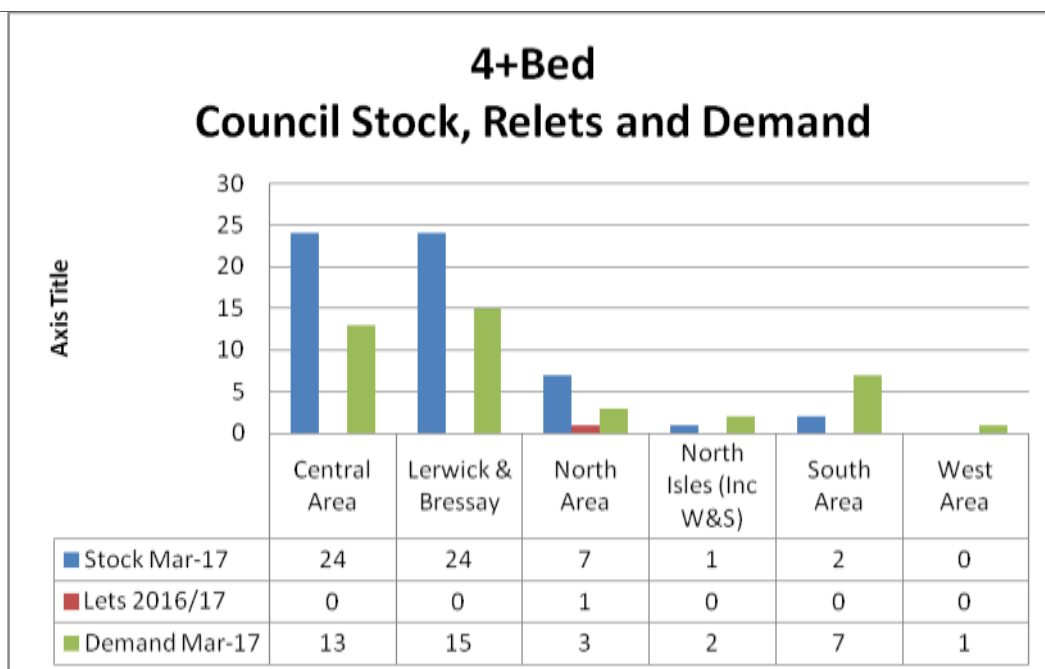


Table 6

- 4.11 Within 2016/17, there were 41 successful nominations to Hjaltland Housing Association. Of these, 26 were to homeless applicants and 15 were to general needs applicants. Whilst there was a decrease in the total number of new tenancies with Hjaltland Housing Association in the reporting year, there was an increase in the percentage of lets to homeless applicants, and an increase in the number of one bedroom properties re-let.
- 4.12 The Housing (Scotland) Act 2014 introduced the abolition of the Right to Buy for council tenants. The last date by which a current tenant could apply to purchase their property was 31 July 2016. Whilst there are still applications pending, the number of completed sales is as follows;

	2016/17	2015/16	2014/15	2013/14
Completed Right to Buy Sales	29	21	23	16

- 4.13 The following statistical information has been gathered to give an overview on performance during the 2016/17 year:

Ref	Allocation Performance Information	16/17	15/16
4.13.1	Number of live housing applications at 31 March	661	739
4.13.2	Number of new applications received in the year	586	562
4.13.3	Percentage of lettable housing stock that became available in the year	9.78%	7.06%
4.13.4	Number of allocations to homeless applicants	35	26
4.13.5	Number of allocations to waiting list applicants	93	56
4.13.6	Number of allocations to transfer applicants	36	16
4.13.7	Number of allocations to sheltered applicants	Combined with Waiting List	30

4.13.8	Percentage of new tenancies sustained for more than a year	82%	84%
4.13.9	Average length of time taken to relet properties (days)	34.8	64.2
4.13.10	Number of successful mutual exchanges	22	15
4.13.11	Number of homeless presentations	114	122
4.13.12	Number of temporary tenancies created	170 (inc 30 B&B)	176 (inc 46 B&B)

4.14 The proposal is that quota targets remain unchanged for the 2017/18 reporting year.

Quota Proposals 2016/17	Homeless	Waiting List	Transfer
Lerwick	60%	20%	20%
Landward	20%	60%	20%
Isles (inc Unst, Yell, Fetlar, Whalsay, Skerries & Fair Isle)	No quota	No quota	No quota
Supported Lets (inc Sheltered, Very Sheltered and Supported Living & Outreach)	No quota	No quota	No quota

Table 7

4.15 In addition to the quota proposals, the following amendments to the Allocation Policy are proposed;

Designated Schoolhouses

4.16 The Council has a number of properties, throughout Shetland, that were traditionally used as accommodation for teaching staff. The only property that now has protection in this respect is the Fair Isle Schoolhouse.

4.17 The remaining schoolhouses throughout Shetland are available to let to mainstream housing applicants.

4.18 The following three properties are further exceptions in that they are sited within the curtilage of an active school;

- Happyhansel Schoolhouse, Walls
- North Roe School House, North Roe
- Fair Isle School House, Fair Isle

4.19 This report proposes an amendment to the Allocation Policy to ensure all prospective tenants of the schoolhouses listed above are in receipt of a full disclosure check. In addition to this, future tenants will be subject to a 'no pets policy' whilst in occupation of the property.

5.0 Exempt and/or Confidential Information:

5.1 None.

6.0 Implications		
6.1 Service Users, Patients and Communities:	None.	
6.2 Human Resources and Organisational Development:	None.	
6.3 Equality, Diversity and Human Rights:	The Council's Housing Allocation Policy meets the requirements of equalities and human rights legislation.	
6.4 Legal:	None.	
6.5 Finance:	None.	
6.6 Assets and Property:	None.	
6.7 ICT and New Technologies:	None.	
6.8 Environmental:	None.	
6.9 Risk Management:	In terms of risk, there is no direct financial risk associated with this report. However, there are political, economic, social, education and health risks associated with high levels of unmet housing need. The consequences of this unmet housing need will have financial implications for those Council services supporting housing, social, education and health.	
6.10 Policy and Delegated Authority:	Under section 2.3.1 of the Scheme of Administration and Delegations the Development Committee has the remit for matters relating to housing, and has responsibility for monitoring and reviewing the achievement of key outcomes in the Service Plan, as part of its Planning and Performance Management Framework.	
6.11 Previously considered by:	n/a	

Contact Details:

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01595 744 360

1 June 2017

Appendices:

Appendix 1 - Homelessness Briefing Paper

Background Documents:

[Allocation Policy](#)

[Scottish Social Housing Charter](#)

Allocation Policy Annual Performance Review - June 2017

DV-35-17 Appendix 1 – Homelessness Briefing Paper

This paper provides some relevant facts in relation to the legal duties placed on the Local Authority to assist homeless households within the area.

The Housing service has a duty to provide a homeless service, in line with the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003.

Officers will assess an individual's situation in line with the legislation, and determine the Council's level of duty to provide assistance. This duty may range from providing advice and assistance only with a view to retaining their current accommodation, or it may be a duty to provide temporary accommodation until a permanent housing solution can be identified.

Applicants who are offered the security of a permanent tenancy must meet the following criteria;

- Homeless; no right or implied right to occupy a property, or where a right does exist, it would be unreasonable for future occupation. An example of this would be a tenant fleeing domestic abuse.
- Unintentionally homeless; An applicant must not have done, nor failed to do something, that resulted in homelessness. For example, non-payment of rent leading to an eviction would deem someone intentionally homeless. In this instance, the Council would have a reduced duty of care to the applicant.
- Local Connection; An applicant must have a local connection to Shetland, through residency, family or employment. Where there is no local connection to Shetland, an applicant would be referred back to their own local authority for assistance.

Number of Homeless Applications

The number of homeless applications over the past 4 years is shown in Figure 1. The reduction in presentations can be attributed to early intervention work, supporting applicants to identify solutions, and allocating applicants permanent accommodation with both the Council & Hjaltland Housing Association.

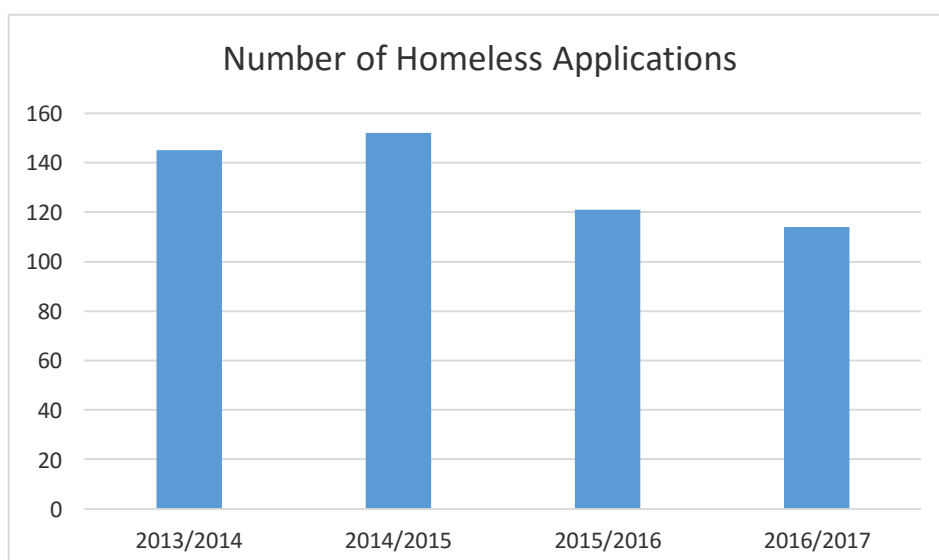


Figure 1

Housing Options Interviews

We can offer in-depth housing options interviews to anyone with a housing problem. If someone is known to us as either a tenant or an applicant, they will have a named Housing Officer, who will remain their point of contact.

If they have not sought advice previously, we have a duty housing officer on hand to assist.

We will assess their individual situation, and provide an options appraisal for them to consider. The decision making lies with the applicant, based on the advice and information we can provide to them.

It is through this practice that we have experienced a decline in homeless presentation figures, as we work hard to help resolve applicant's issues.

There are, however, instances where homelessness can't be averted, and we then assess an applicant's situation in line with the relevant legislation.

Housing Support

Homelessness does not sit in isolation, and applicants may often have a variety of additional support requirements, such as mental ill health or drug & alcohol dependencies. The Housing Service satisfies a statutory legislative function, by providing support to these vulnerable groups where required, helping build the skills needed to manage and maintain a home.

In addition to this, there are close working relationships with Community Mental Health Team, Substances Misuse Recovery Team, Criminal Justice, CAB and a variety of third sector organisations.

Profile of Homeless Applicants

The profile of homeless applicants in Shetland remains largely unchanged, with applications coming predominantly from single people, who have experienced a breakdown in their relationship, with no alternative accommodation.

Youth homelessness has reduced significantly, which is very encouraging. Only four 16/17 year olds required assistance this year, in comparison to 30 in 2010. This is down to greater emphasis on prevention, and working in close partnership with Family Mediation Shetland.

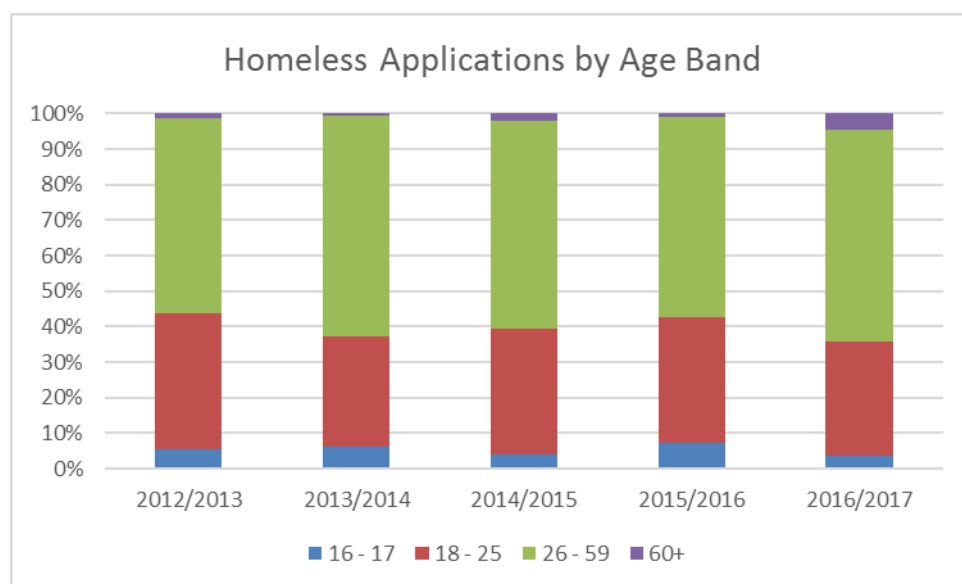


Figure 2

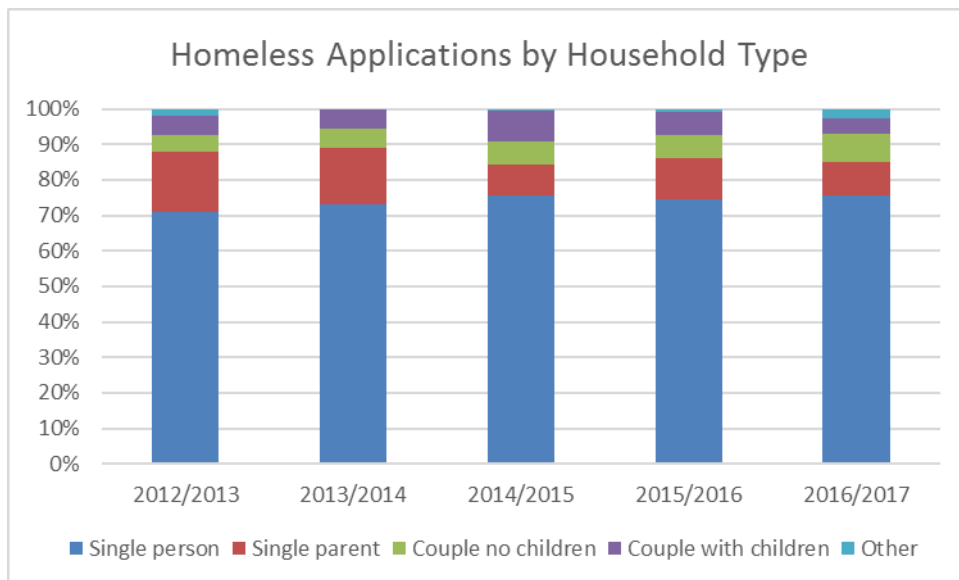


Figure 3

The main technical reason for homeless applications is as follows:

- Dispute within household / relationship breakdown: non-violent (31%)
- Asked to leave (15%)
- Termination of tenancy / mortgage due to rent arrears / default on payments (11%)

The other reason for homeless applications include; fleeing domestic violence, loss of a tied tenancy, emergency (fire, flood, storm), forced sale and division of matrimonial home.

What does Temporary Accommodation look like?

The council has approximately 140 units of temporary accommodation, dispersed throughout Shetland. We use mainstream social housing for this purpose, which helps to eliminate potential stigma, and gives an applicant some choice over where they wish to be housed temporarily. In line with demand, most of our stock for temporary accommodation is in Lerwick.

We have self-contained accommodation, ranging from a bed-sit, up to four bedroom properties. To assist us in making best use of our stock, we also have shared accommodation, where applicants will have sole access to a bedroom, but share other amenities. We conduct an assessment prior to any tenancy, to ensure the applicant is suitable for this type of accommodation.

There are times when there is no availability within our stock, and we are required to use Bed & Breakfast accommodation. This is very much a last resort, and we endeavour to minimise the length of time in B&B.

All our temporary properties are furnished with essential starter items, such as white goods, beds, bedding, curtains, flooring etc.

A link to our Temporary Accommodation Policy can be found at:

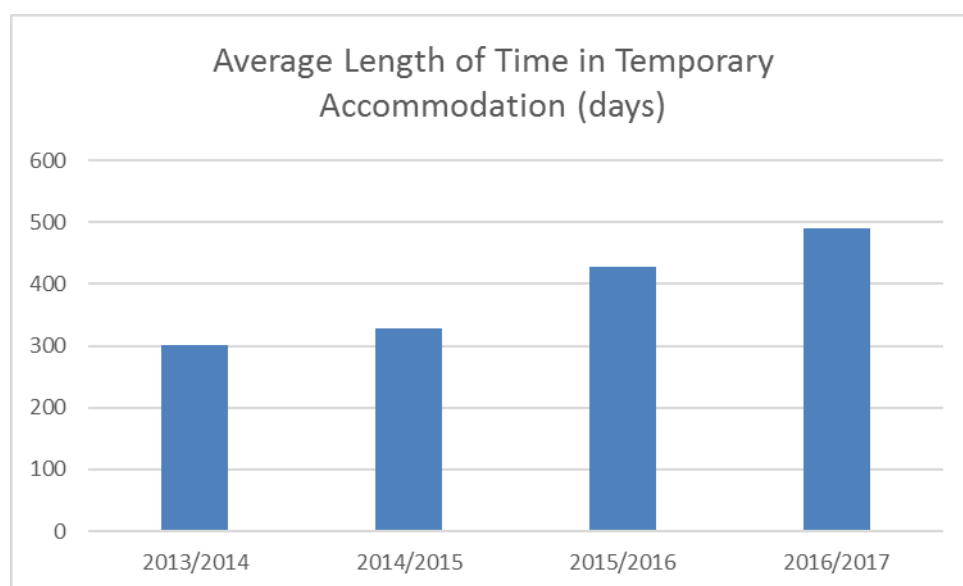
<http://www.shetland.gov.uk/housing/documents/OP6TemporaryAccommodation.pdf>.

Length of Time in Temporary Accommodation

Our objective is to minimise the length of time an applicant may reside in temporary accommodation, and we do this by exploring all housing options with them. This will include exploring other areas of Shetland, where there is less demand.

However, the average length of time an applicant spends in temporary accommodation is increasing. This is directly linked to the issue of supply. At present, a single person applicant, looking for a property in Lerwick only, may reside in a temporary tenancy for over three years.

Where someone requests to live in an area of lower demand, or requires a larger property, the length of time in temporary accommodation is diminished.



Reporting

The service collates an array of datasets for each and every application. This is then reported to the Scottish Government on a quarterly basis for verification, and then reported back to us to assist in monitoring trends, performance and for service planning.



Meeting(s):	Development Committee	12 June 2017
Report Title:	EU Engagement and Brexit Sounding Board	
Reference Number:	DV-36-17-F	
Author / Job Title:	Executive Manager – Economic Development	

1.0 Decisions/Action Required:

1.1 That the Development Committee RESOLVE to:

- 1.1.1 approve the Terms of Reference for the EU Engagement and Brexit Sounding Board, as detailed in Appendix 1 to this report; and
- 1.1.2 appoint three Members from Development Committee to the Sounding Board, in addition to the Chair and Vice Chair.

2.0 High Level Summary:

- 2.1 Understanding what Shetland's future engagement with the EU needs to be, making sure that Shetland's interests are taken into account during the Brexit negotiations, and then lobbying for suitable post Brexit Regional support measures are all major policy considerations for the term of the 2017-22 Council. To help achieve these policy objectives it is imperative that there is a Council forum that specifically promotes discussion on these issues so that the best local and external information is gathered, and work can be done to make our external engagement as effective as possible.

3.0 Corporate Priorities and Joint Working:

- 3.1 Delivery on Corporate Priorities – Developing Shetland's understanding of the Brexit process and promoting our case for future access to external markets and external support links strongly with the Economy and Housing objectives in the Council Plan. The following pledges are of greatest relevance.
- We have an economy that promotes enterprise and is based on making full use of local resources, skills and a desire to investigate new commercial ideas.
 - We will have a culture of helping new businesses to start up and businesses to grow, as well as having a thriving social enterprise sector of businesses that give something back to the community.
- 3.2 Engaging with local industry is central to the working of the Sounding Board. The terms of reference provide scope to explore both specific and wide ranging issues with local industry.

4.0 Key Issues:	
4.1	Understanding what Shetland's future engagement with the EU needs to be in relation to markets for local products and services and shared support mechanisms.
4.2	Making sure that the economic situation of Shetland is fully understood by UK and Scottish Government politicians engaged in the Brexit negotiations. There may be scope for linking with other islands in the Our Islands Our Future campaign.
4.3	Influencing UK and Scottish Governments as a new Regional Development Policy is prepared for the UK and Scotland to help replace the loss of the EU structural funds and other support measures.
4.4	Specifically ensuring that appropriate UK Agriculture support measures are introduced in the post Brexit era.
4.5	Specifically ensuring that the UK Government maintains its pledge to take full control of all fisheries in UK waters following Brexit and then enables the full development of the UK fishing industry through regional management of the stocks.
5.0 Exempt and/or Confidential Information:	
5.1	None.
6.0 Implications:	
6.1 Service Users, Patients and Communities:	Raise confidence in local businesses and the wider community that the Council will be actively pursuing positive outcomes for Shetland in the Brexit process.
6.2 Human Resources and Organisational Development:	None.
6.3 Equality, Diversity and Human Rights:	None.
6.4 Legal:	No legal issues immediately relating to the content of this Report. However, there will be legal implications for the Council which arise as a result of the legislative changes associated with Brexit.
6.5 Finance:	None. The cost of administration for the Sounding Board will be borne by the Economic Development Service from existing budgets.

6.6 Assets and Property:	None.	
6.7 ICT and New Technologies:	None.	
6.8 Environmental:	None.	
6.9 Risk Management:	Any risks associated with the work of the Sounding Board will be managed using the Council's JCAD System. While it is not clear how effective the Council could be in making a case for Shetland's aspirations in the Brexit process, there is a higher risk that doing nothing will have a greater adverse impact on businesses in Shetland. A plan of engagement is required to consider how the Council should progress this work.	
6.10 Policy and Delegated Authority:	<p>Policy and Delegated Authority – This report has been prepared with regard to the aim of the Council's Economic Development Policy Statement 2013-17:</p> <p>"To improve the economic well-being of Shetland by promoting an environment in which newer industries develop alongside thriving traditional industries."</p> <p>The Economic Development Policy Statement 2013-17 was approved by the Development Committee on 14 August 2013 [Min Ref: 37/13] and by the Council on 28 August 2013 [Min Ref: 65/13].</p> <p>The Development Committee has delegated authority to implement decisions within its remit, in accordance with Section 2.3.1 of the Council's Scheme of Administration and Delegations.</p> <p>As the subject of this report is covered by existing policy the Development Committee has delegated authority to make a decision.</p>	
6.11 Previously Considered by:	None.	

Contact Details:

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Report written on 9 June 2017

Appendices:

Appendix 1 – EU Engagement and Brexit Sounding Board Terms of Reference

EU Engagement and Brexit Sounding Board

Terms of Reference

Remit

The purpose of the Sounding Board is to advise and assist the Executive Manager – Economic Development on:

- The nature and scope of the Council's future engagement with the EU during and following the Brexit process.
- Understanding the full implications of Brexit on the Shetland economy and on Economic Development service provision.
- Identifying effective methods of representing Shetland's economic interests to the Scottish and UK Governments and the EU during the Brexit process.
- Seeking to secure island specific support measures as the UK debates post Brexit Regional Development Policy.
- Ensuring that Shetland benefits fully from any EU schemes that the UK and/or Scotland participates in post Brexit.

Membership

Councillors – Chair and Vice-Chair of Development Committee and three members of Development Committee.

Officials – Executive Manager – Economic Development, European Project Manager, Economic Development Service Project Manager.

Community Representatives – Representatives from local industry (Agriculture, Fisheries etc) will be invited to attend specific meetings to provide information on the implications of Brexit and EU engagement on their respective industries.

Authority and Purpose

The Group's purpose is to advise without any executive powers. Any proposals arising from the work of the Group must be referred by report from the Executive Manager – Economic Development to the Development Committee for decision.

Administration

The Group will be administered by the Economic Development Service.

General

Meetings of the Group will be organised to suit business requirements, without any particular timetable or frequency of meetings.

The Group will endure until the conclusion of the Brexit process.



Meeting(s):	Development Committee	12 June 2017
Report Title:	Proposed Living Lerwick Business Improvement District (BID) Ballot	
Reference Number:	DV- 38-17-F	
Author / Job Title:	Director of Development Services	

1.0 Decisions / Action required:

1.1 That the Development Committee RESOLVES to:

- decide not to exercise the Council's right to veto the BID proposals;
- decide how the Council, as property owner within the Business Improvement District (BID), wish to vote in the forthcoming ballot for a proposed second term of a BID for Lerwick town centre; and
- grant delegated authority to the Director of Development Services (or his nominee) to cast the Council's vote.

2.0 High Level Summary:

- 2.1 Living Lerwick Ltd. was formed in 2012, as a Business Improvement District (BID), under national legislation to drive the regeneration of Lerwick Old Town centre. Living Lerwick has been generally successful in delivering its objectives in its first term, and the Directors of Living Lerwick now wish to ballot town centre businesses for a second 4-year BID term.

3.0 Corporate Priorities and Joint Working:

- 3.1 This report is delivering in line with the Local Outcome Improvement Plan (LOIP) priority of attracting people to Shetland to Live, Work, Study, Invest and Visit. Also the Council's Corporate Plan Outcomes: 'We will have an economy that promotes enterprise and is based on making full use of local resources, skills and desire to investigate new ideas.' And 'We have a culture of helping businesses to start up and to grow, as well as having a thriving social enterprise sector...'

4.0 Key Issues:

- 4.1 A Business Improvement District (BID) project is essentially a collaborative process between a local authority and businesses to carry out projects, in addition to those delivered by the statutory authorities, for the benefit of the Business Improvement District or those who live, work or carry on any activity in the district. The requirements of a local authority to engage in a BID project are set out in the Planning etc. (Scotland) Act 2006.

- 4.2 The Council has a power of veto over a BID proposal, which is limited to circumstances where BID arrangements are likely to conflict to a significant extent with an existing policy of the Council or place an unfair financial burden on ratepayers or a section of them. If considering exercising this right of veto, the Council has to have regard to a range of issues set out in Regulations. Extracts of the relevant legislation which Members must apply in deciding whether to exercise their veto are attached as Appendix 2 to this report.
- 4.3 Any person who would have been entitled to vote on the BID proposal has a right of appeal against a local authority veto. The appeal would be made to the Scottish Ministers who can overturn the local authority's veto.
- 4.4 The Council have to advise the Scottish Ministers whether they intend to exercise their right of veto by 15 June 2017.
- 4.5 I have not identified any basis for the Council to exercise its right of veto in regard to the current BID proposal. The projects proposed by the BID group support the LOIP as detailed in section 3.1. There is no obvious inequity in the financial arrangements proposed.
- 4.6 If, as proposed in this report, the Council does not exercise its right of veto the next steps are as follows:
- The Council will manage the ballot process
 - BID ballot papers will be sent out to eligible voters within the BID area on 13 July 2017
 - Final date for all ballot papers to be returned will be 24 August 2017
- 4.7 The Council has a statutory obligation to manage the levy collection either itself or through a third party.
- 4.8 During its first term, Living Lerwick were advised that grants totalling £100,000, over the past 5 years, had been provided by the Council's Economic Development Service towards the core costs of delivering the Living Lerwick BID. At present, all applications to the Council for project funding are considered on their merit but, in the current financial climate, it is unlikely that a similar level of funding could be guaranteed for a further 5 years. Living Lerwick have not included core funding in their business plan.
- 4.9 The key objectives for the BID are set out in the Living Lerwick 2017-2021 draft business plan, attached as appendix 1.
- 4.10 There are 143 non-domestic properties in the BID area, which are eligible to vote, and the bid levy is between £200 and £850 per annum based on rateable value.
- 4.11 The Council has 6 properties within the BID area including the Town Hall, and the total annual BID levy payable by the Council would be £3,600 per annum.
- 4.12 The first term of the BID was successful in achieving a number of benefits and, increased footfall for the Lerwick Town Centre.
- 4.13 However, there are also ongoing issues of non-payment of levy that are being actively pursued and, overall, the relative cost of supporting the BID structure and

process relative to the outcomes generated from it has been high both for the Council and arguably for the contributing businesses.

5.0 Exempt and/or confidential information:

5.1 None.

6.0 Implications :

6.1 Service Users, Patients and Communities:	The proposals in this report will impact on people who use the shops and facilities in Lerwick town centre.
6.2 Human Resources and Organisational Development:	None.
6.3 Equality, Diversity and Human Rights:	None.
6.4 Legal:	If the Council exercises its veto and there is an appeal to the Scottish Ministers, there will be legal resources implications in defending the Council's position. If the BID proposal proceeds, there are legal and administrative services resources implications in conducting the ballot, either directly or through a third party. Once in operation there are legal resources implications with respect to entering a contractual agreement with Living Lerwick Limited and in the recovery of the BID levy.
6.5 Finance:	Direct cost to the Council in BID levy payment is estimated to be £3,600 and will be met from within approved budgets. During the first term of the BID, the Council undertook levy collection and administration of the BID revenue account free of charge. Meeting the statutory obligation to manage levy collection will have to be considered carefully if a second term is voted for, engaging a third party currently being the preferred option.
6.6 Assets and Property:	None
6.7 ICT and new technologies:	None
6.8 Environmental:	None
6.9	The BID proposals should help to support a vibrant and

Risk Management:	<p>sustainable Town Centre in Lerwick. However, there are likely to be non-domestic properties in the BID area whose owners do not support the BID and may be reluctant to pay the levy. Failure to recover sufficient funds from the BID levy presents a risk to the delivery of the projects set out in the BID proposal. The BID levy collection process is supported by appropriate legislation.</p>	
6.10 Policy and Delegated Authority:	<p>Policy and Delegated Authority –</p> <p>The Development Committee has delegated authority to implement decisions within its remit, in accordance with Section 2.3.1 of the Council's Scheme of Administration and Delegations.</p> <p>As the subject of this report is covered by existing policy, the Development Committee has delegated authority to make a decision.</p>	
6.11 Previously considered by:	None	

Contact Details:

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Report written on 7 June 2017

Appendices:

Appendix 1 – Draft Living Lerwick BID Business Plan
Appendix 2 – Relevant Legislation



The first BID term has been a huge learning curve for all involved in Living Lerwick. A very small number of people started with big ideas. This coincided with major cut backs and huge changes within the Council. We have learned a lot about how the government, council, external funding and BIDs legislation work including which departments and people to approach for help and support.

The Community Empowerment Act has very recently come into force, which means we can become a “statutory consultee” enabling us to be a much more influential group with issues affecting us and our needs.

With the changes coming from the shrinking budgets, traffic calming, the school moving and changing policies we are all looking at challenging times for all our varied businesses. NOW is the time we must be working together, not only to keep what we have but to strive to improve it. Working together gives us the best chance at improving and enlivening our historic town centre.

The Board of Directors is determined to build on what we have brought to the area so far. The events, promotions, decorations, business support and representation will continue and be strengthened further by the experience gained to date. BID status will also allow us to benefit from the increased ‘localism’ of Government policy. Only recognised organisations will be able to receive funds arising from such policies and other external funds which can be invested for the benefit of all local businesses.

We have provided more information about Living Lerwick on the Living Lerwick website at www.livinglerwick.co.uk but should you have any queries please contact any of the directors. The ballot papers will be sent out on 13th July 2017. You will then have 6 weeks to cast your vote before the ballot closes on the 24th August 2017. Following a successful ballot, a meeting will be held to elect a new Board of Directors and the new Living Lerwick BID will start activities from 1st September 2017.

I would encourage you to vote YES so that we can build on what has been done so far and keep the vital status of Business Improvement District for Lerwick town centre.

VOTE YES

Gary Bain
LHD Ltd
Living Lerwick BID Chair



EXECUTIVE SUMMARY

BIDs (Business Improvement Districts) are driving Town Centre regeneration and recovery nationwide. Most Scottish towns will become a BID over the next few years and reap the benefits of being a member of an organisation whose sole purpose is to make local businesses more profitable.

Living Lerwick Ltd has organised events including the Winter Festival Christmas light switch-on parades, Shopping Weeks, Fair Isle Festivals, Easter Holiday Hunt, Tattie Jarl competition, best tattie soup competition, best Christmas window displays and all the spot the ... competitions.

We have brought back a large Christmas tree to the Market Cross, provided all the Christmas lights, new seating, floral displays and bunting. Along with promoting the town centre and its businesses, Living Lerwick has created a heritage trail around the area, which encourages people to find out more about the history of the town centre and stay longer.

Behind the scenes, Living Lerwick has ensured where possible that members opinions are heard by those with responsibility for areas which affect businesses. Over £160,000 of additional external funds have been attracted. All of this money has been spent on improving Lerwick town centre as a place to trade from.

Lerwick town centre needs this effort to continue, to build on what we have achieved so far and to give ourselves the best possible protection from the tough times ahead. For a few pounds a week, loose change on a daily basis, the benefits and improvements will continue to grow.

**IF WE DO NOTHING,
NOTHING WILL
BE DONE FOR US.**



Lerwick town centre a better place to do business.

OBJECTIVES OF LIVING LERWICK

The BID Business Proposal has five key objectives (based on consultation):

- 1 More Footfall:** To increase the footfall in the town centre through large and small events.
- 2 More Marketing:** To increase promotion of Lerwick town centre and particularly its businesses.
- 3 More Informed Decision Making on Access:** To lobby local and national government for a workable solution to parking control so that our customers can access our premises easily.
- 4 More Attractive:** To provide more seating, an annual flower scheme and Christmas lights and work with others towards physical improvements, making Lerwick town centre a nicer place to be.
- 5 More Business Support:** To provide more business information, networking opportunities, training opportunities, advocacy on issues facing businesses and encourage inter-business working.



WHAT IS A BUSINESS IMPROVEMENT DISTRICT (BID)?

A Business Improvement District (BID) is a geographically defined area, where businesses come together and agree to invest collectively in projects and services that the businesses believe will improve their trading environment. BID projects are new and additional projects and services; they do not replace services that are already provided by Shetland Islands Council and other statutory bodies.

BIDs are developed, managed and paid for by the non-domestic sector by means of a compulsory levy, which the eligible persons in the proposed BID area must vote in favour of before the BID can be established. Each eligible person liable to pay the BID levy will be able to vote on whether the BID goes ahead.

BIDs were first started in Bloor West Village, Toronto, Canada in 1970, by the Town's business community. The Town's businesses were increasingly under pressure from the new shopping centres that were being developed on the outskirts of the Town, diverting shoppers away from the traditional Town centre out to the new shopping malls. As a result, some businesses were forced to cease trading and the Town started to look tired and neglected.

To stop the haemorrhage of deserting shoppers, local businesses fought back to revitalise the Town. They successfully lobbied for legislation for all the businesses in the proposed BID area to pay a levy. The levy money was used to improve the physical appearance of the Town, and then promote the Town centre as a vibrant, attractive and safe place to work shop and live. The strategy paid off, as shoppers started to return to the Town centre in large numbers.

The success of the Bloor West Village BID paved the way for future BIDs, not only in Toronto; but spreading throughout Canada, and the USA. Today there are over 1,700 successful BIDs worldwide.

An additional measure of BIDs success is in the renewal process. In Scotland, all of the BIDs that have been to renewal ballot (12) have been successful demonstrating that the businesses value the projects and services delivered by the BIDs. BIDs can support regeneration, grow local economies, create local employment and create a cleaner, safer trading environment. A key element to their success is that the local businesses take ownership and responsibility for their trading environment, identifying the projects necessary to resolve common problems and issues, and overseeing their implementation, whilst also contributing to the future direction of the town and its future development.

BID legislation was passed in Scotland in 2006 with the Scottish Government funding 6 pilot projects in March 2006. The Scottish Government fully supports the development of BIDs in Scotland.

As at September 2016 there are 36 fully operational BIDs in Scotland, including our BID, with a further 24 in development.

BIDs are THE way to encourage re-generation of Scotland's towns and to create beneficial partnerships between the public, private and third sectors.



The concept is growing rapidly and BID's are expected to double in number over the next few years. Towns which do not have BID status will miss out by going against the direction of Government policy to empower 'local' organisations to take control of decisions which most affect them.

In addition, the Scottish Government's Town Centre Action Plan and Community Empowerment Bill are opening new opportunities for local groups, such as BID's, to be involved in the future direction and development of their town centres and to help deliver projects identified in the Scottish Government's Town Centre Action Plan which will benefit local businesses.



WHAT WE FOUND IN 2011

Before developing the business plan for the first term of the Living Lerwick BID, we surveyed businesses to find out what they would like a BID to do for the area. Business priorities were:

- 1** To make the town centre more vibrant, friendly, and welcoming = Small Town, Big Heart
- 2** To make it easier for customers to come to the town centre = Park and Ride
- 3** To improve the look and feel and create a more attractive business environment = Improve What We Have
- 4** To act for the common good of the businesses = Give a Little – Gain A Lot
- 5** To help to identify and resolve safety issues = Let's Keep it Safe

WHAT LIVING LERWICK DID FROM 2012-2017

Events which have brought community connectedness, increased vibrancy, increased footfall and a friendly welcoming atmosphere to the town centre include: Winter Festival Christmas light switch-on parades, Fair Isle Festivals, Shopping Weeks, Spot the ... Competitions, Easter Holiday Hunt, Tattie Jarl competition, Best tattie soup competition, themed window displays and Best Christmas Window display competitions. The Let's Go Lerwick and Mini Viking walking trails we did in partnership with SIC Sports and Leisure also encouraged people to get out and be active around town.

Promotion of the town centre and its businesses has supported the achievement of increased community connectedness, increased vibrancy, increased footfall and a friendly welcoming atmosphere to the town centre. This has been done through radio interviews, advertising in the local media and the Living Lerwick website with its member's directory. Social media has also been used with the sharing of member Facebook posts giving members increased visibility and interaction with the public.

The area is also being promoted through the 'Discover Living Lerwick' smartphone app, which is a heritage trail leading visitors and locals throughout the area, whilst informing them of the history and culture of Lerwick town centre. A website for schools with more information has also been created. As well as encouraging the older generations to recount their memories and feel an important part of the community, this project has put it in accessible formats for the young people of Shetland to learn about our history and culture.



WorldHost customer care training was provided free to all members who took up the offer and Lerwick town centre is now the most northerly WorldHost Destination. This was designed to improve the friendly and welcoming aspect for customers.

PARK AND BIDE

We want to make it easier for people to come to the town centre but during the first term of the BID, due to centralised decisions made on parking by Police Scotland and the Scottish Government, parking has become much more of an issue. Living Lerwick has been consulted by the SIC Roads department and has put forward member's opinions on the situation. We are now in communication with the Federation of Small Businesses and Scottish Government ministers to address the issue. A Scottish Government consultation was circulated to members and the Islands Bill will seek to 'island-proof' any legislation passed by the Scottish Parliament.

IMPROVE WHAT WE HAVE

To improve the look and feel and create a more attractive business environment, Living Lerwick has provided LED Christmas lights every year, large Christmas trees at the cross, small Christmas trees, annual gutter cleaning, planters, seating, more than 600 floral displays and bunting throughout the town.



GIVE A LITTLE - GAIN A LOT

Living Lerwick has acted for the common good of businesses by providing a cost reduction scheme (telecoms, energy, water, merchant services), representing members with the authorities, providing WorldHost customer service training and circulating information on other available training. More than 2,500 hours have been donated by directors and members of the community to support Living Lerwick. An extra £0.43 in cash has been drawn in for every £1.00 levy invested by members.

LET'S KEEP IT SAFE

Living Lerwick has built up a good relationship with local police and helps to identify and resolve safety issues by listening to its members and taking their concerns to the police.



ADDITIONAL FUNDING

Living Lerwick Ltd has secured £161,568 of additional cash funding. In-kind contributions from Shetland Islands Council amount to over £50,000 and directors and members of the community have volunteered over 2,500 hours

Throughout the course of its life to date, Living Lerwick Ltd has searched for external funding to add to the revenue collected through the BID levy. By targeting external sources of funding, we have been able to achieve more. Funding has been used to finance many of the projects previously mentioned. The amount raised through external funding demonstrates the support available for towns motivated to work together to solve common problems. As the government focus continues to shift more towards constituted local groups having more control of their own environment, the number of funds a BID can apply to is expected to increase.

SIC Core funding grant	£99,890
Lerwick Community Council	£11,230
Celebrate – Lottery	£8,575
Awards 4 All – Lottery	£9,873
Sharing Heritage – Lottery	£10,000
World Host	£4,000
Community Development Fund	£9,000
European Mobility Week	£9,000
	£161,568



ENSURING THE BID ADDS VALUE FOR THE FUTURE

To ensure the projects and services delivered by Living Lerwick Ltd are above and beyond those already provided by Shetland Islands Council and Police Scotland, there will be a Service Level Agreement between Living Lerwick Ltd and Shetland Islands Council and Police Scotland.

A baseline of services has been established which identifies what Shetland Islands Council and Police Scotland deliver. This is to clarify the responsibilities of Shetland Islands Council and Police Scotland. This ensures the projects and services delivered by Living Lerwick Ltd are in addition to what is already provided. It provides an assurance to BID businesses that the current statutory level of service to the Living Lerwick area will not be reduced after a successful ballot.

Shetland Islands Council provides the following statutory services within the BID area:-

- Community Safety – Anti-social behaviour and noise nuisance complaints, Environmental protection/public health, Food safety & Health & safety, Trading standards, Licensing
- Cleaning – Street Cleaning, Refuse Collection
- Traffic – Traffic Management, Pedestrian orders, Traffic Lights, Traffic signage, Street occupation
- Planning – Planning applications and major developments, access issues (heritage), Building warrants
- Policy & Strategies – Policy and strategy development, conservation including listed building consent

Shetland Islands Council provides the following complementary services within the BID area:-

- Cleaning – Recycling, ground maintenance, public convenience
- Infrastructure – Street furniture, lighting, drainage, structures, road pavement/lane maintenance, winter maintenance, amenity signage, neighbourhood support workers, public health promotions
- Transport – Bus service provision, taxi rank on pier, Lerwick to Bressay ferry, dial-a-ride service to Tingwall airport
- Safety – CCTV provision, Shetland Community Safety and Resilience Board

The services provided by Police Scotland are:

- 24/7 Policing response
- Dedicated policing during Peak Times
- Enhanced policing levels during special events (subject to the intended purpose of the event)
- Operation and control of the Town centre CCTV system
- Liaison with partner agencies and other groups
- Crime Prevention - advice

The service provided by Lerwick Port Authority are:

- Management, maintenance and regulation of the Port, providing services to commercial and pleasure vessels such as berthing and pilotage
- Berthing for visiting yachts and cruise ship tenders
- “Meet & Greet” welcome ashore pavilion on Victoria Pier as part of the “Meet & Greet” services provided to visiting cruise ships
- Pay & display car parking at Victoria Pier
- Amenity improvements in the area
- Hosting events such as annual yacht races, local and other sailing events
- Waterside seating including the seats at the south Esplanade walkway.

CONSULTATION WITH BUSINESSES

To find out what the businesses in the area thought of the projects Living Lerwick provide and what they would want a future BID term to do, Living Lerwick asked them all.

In January 2017, Living Lerwick directors tested the renewal questionnaire with a few businesses. Based on feedback received, amendments were made and the questionnaire was emailed or posted (where there was no email address on record) to all businesses within the area with information on what Living Lerwick had provided up to that point.

Businesses were then allocated to specific directors, who contacted their allocated businesses by phone, letter, email and where possible by visit. This resulted in an increased response rate and a deeper insight into what specific businesses need.

This was followed up with a final email or postal request for response to all businesses who had not yet responded.

The conclusions from this consultation exercise form the basis of the Business Proposal and Business Plan. The top three priorities for businesses in the area are in order of importance: parking, events and increased promotion. Parking is a key advocacy focus for the future and the events and promotion work currently undertaken will be built upon and increased.



WHY LERWICK TOWN CENTRE STILL NEEDS A BID

Lerwick Town Centre is in a better position than most town centres throughout the UK due to its very high percentage of independent traders and its island location. However, like traditional High Streets and Town Centres throughout the UK, it has been in slow decline for the past 30 years. The Toll Clock Shopping Centre arrived, the two supermarkets (which now sell everything) have moved to the outskirts of town and nearly every local resident has access to a car.

This is compounded by people working more than ever, which has dramatically changed consumer shopping habits and encouraged locals towards the convenience of a one-stop-shop at the supermarket and buying things online.

The relatively buoyant economy in Shetland recently has also meant an increase in the number of consumers who go on big shopping trips to city centres as a mini holiday. The city experience and multiple retail chains providing choice, price points, efficiencies of scale and sophistication that small independents can't, is a big draw for some.

Further threats to the Town Centre which have recently arisen are the Anderson High School move to the outskirts of town, the new 20 mph zone with traffic calming measures covering every access to the town centre, the lack of parking enforcement and the decrease in investment in the physical fabric of the town centre from the local authority.



Living Lerwick exists to promote use of the town centre businesses by locals and visitors alike. Consumers need to see that the town centre and its businesses are an integral part of our community and that their actions are key to supporting that community. For this reason, many of the projects Living Lerwick have worked on aim to connect our community to the town centre businesses.

The first five years of Living Lerwick have gone some way to increasing the feeling of community in the town centre but a town centre cannot be regenerated in five years. There is still much more to be done in showing the community that where they shop, get their hair done, buy houses, eat out, socialise and generally spend their money will impact on jobs, the economy, leisure and ultimately what is available in Shetland.

To achieve that, Living Lerwick must attract more footfall, do more marketing, make Lerwick town centre more attractive, provide more business support and do everything it can to ensure those in control are more informed when making decisions on access to the area. These are Living Lerwick's objectives. Living Lerwick Ltd is the only organisation whose sole purpose is to improve things for Lerwick Town Centre businesses.

WHAT NEW BID STATUS WILL DO FOR LERWICK TOWN CENTRE IN YEAR 1

In year one, Living Lerwick will provide projects to achieve more footfall, more marketing of businesses in the area, more informed decision making on access, a more attractive town centre and more business support.

A NO VOTE MEANS ...

- No Shopping Week, Winter Festival and surrounding events and competitions, drawing people to the area
- No Christmas lights
- No Large Christmas tree at the cross
- No Small Christmas trees
- No Gutter cleaning
- No Summer flower scheme (flowers, bunting and street furniture including additional seating)
- No Representation
- No Promotion of available parking and access
- No external funding
- No volunteer hours
- No WorldHost training or destination status for Lerwick town centre
- No Information on training available circulated to membership
- No Promotion of businesses
- No Heritage trail with mobile phone app designed to attract tourists to the area



OBJECTIVE ONE – MORE FOOTFALL

Projects	Actions	Timescale	Measurement	Benefits
Full day Winter Festival Switch-on Parade	Organise Switch-on Parade and encourage businesses to provide added attraction on Parade Day	2017 – 2021	Number of people attending, business surveys	Increased footfall, improved public perception of businesses, promotion of business offerings, increased sales
Santa's Grotto	Partner with RNLI to produce a Santa's Grotto	2017 – 2021	Number of bairns attending	Increased footfall, improved public perception of businesses
Shopping Week	Organise Shopping Week and encourage businesses to provide tours, demonstrations, offers and other added attractions	2017 – 2021	Number of attractions available to customers, business surveys	Increased footfall, improved public perception of businesses, promotion of business offerings, increased sales
Holiday competitions: Christmas, Easter, Summer, October	Create regular competitions for bairns drawing attention to businesses	2017 – 2021	Number of entries, business surveys	Increased footfall, improved public perception of businesses
Special Day packaged promotions: Valentines, Mother's Day, Father's Day	Encourage businesses to work together to provide packaged deals at specific	2017 – 2021	Number of packaged promotions, business surveys	Increased trade and promotion for night-time economy businesses
Events run by businesses	Encourage businesses to provide their own small events and assist in promoting them	2017 – 2021	Number of small events, business surveys	Increased footfall, improved public perception of businesses
Heritage Trail	Add more detail to heritage trail app to include all business premises	2017 – 2021	Number of premises added to app	Increased footfall, improved public perception of businesses, increased pride in our town centre
Girls Day Out	Work with businesses to organise a special day for females to spend in the town centre shopping, eating, drinking and using services	2018 – 2021	Number of attractions for customers, business surveys	Increased footfall, improved public perception of businesses, promotion of business offerings, increased sales
Market stalls	Lobby SIC on market stall fees, create monthly markets if financial neutrality can be achieved, offer market stalls on rental to member businesses	2018 – 2021	Monthly markets achieved, rental income received	Increased footfall, increased income for use on other projects

OBJECTIVE TWO – MORE MARKETING

Projects	Actions	Timescale	Measurement	Benefits
Buy local campaign – 63p more into local economy when spend £1 in small business – link Small Biz Saturday	Create a Buy Local campaign using local media, website and social media accounts. Provide campaign graphics to all members for their own use	2017 – 2021	Media activity, website statistics, social media metrics, business surveys	Increased footfall, increased trade, improved public perception of businesses
Website directory promotion	Use local media and social media to promote website directory of businesses in town centre	2017 – 2021	Website statistics	Increased footfall, improved public knowledge of town centre businesses, increased business promotion
Improved Facebook coverage	Increase the number of people following the Living Lerwick Facebook page	2017 – 2021	Increase in number of Facebook likes	Increased promotional reach, improved public perception of businesses, increased footfall
Share Facebook posts	Share member business posts on Living Lerwick Facebook page	2017 – 2021	Number of member post shares	Increased footfall, increased trade, improved public perception of businesses
Add business promotion feature to heritage app	Add module to smartphone app which businesses can use for promotions	2018	Number of business promotions on app	Increased footfall, increased trade, increased business promotion
Bi-monthly blog giving news from town centre on website featuring new/interesting content from businesses	Gather information from member businesses and write town centre blog for website	2017 – 2018	Bi-monthly blog on Living Lerwick website	Increased knowledge and public perception of businesses, promotion of member businesses
Local media campaigns surrounding events	Promote all events locally heritage trail app to include all business premises	2017 – 2018	Number of event features in local media	Increased footfall, increased trade, improved public perception of businesses
Promoting vacant properties	Add section to website featuring vacant properties and share on social media	2017 – 2018	Vacant property page on website, time properties are vacant	Quicker occupation of vacant properties



OBJECTIVE THREE – MORE INFORMED DECISIONS ON ACCESS

Projects	Actions	Timescale	Measurement	Benefits
Lobby local and national government on Decriminalised parking enforcement	Keep up the pressure on local and national government to legislate for a realistic solution for small towns	2017 – 2018	Communications with local and national government	Short-term parking available to customers throughout area
Distribute consultations from SIC Roads department	Email/post consultations from SIC Roads to all members	2017 – 2021	Consultations circulated	Businesses opinions taken into account in decisions that matter to businesses
Inform SIC Roads department of issues facing members and seek solutions	Meet with SIC Roads regarding consultation results and discuss possibilities	2017 – 2021	Meetings with SIC Roads	Businesses opinions taken into account in decisions that matter to businesses



OBJECTIVE FOUR – MORE ATTRACTIVE

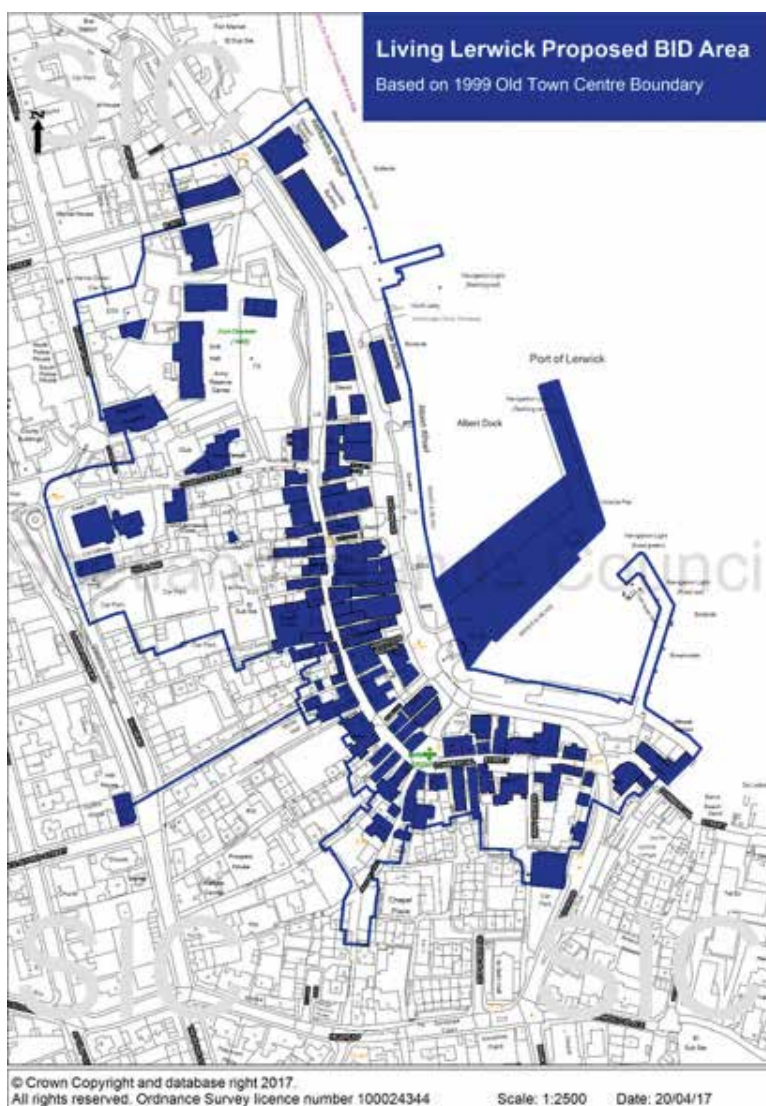
Projects	Actions	Timescale	Measurement	Benefits
Christmas lights	Provide Christmas lights including a rolling replacement programme	2017 – 2021	Over 1000 Christmas lights per year provided	A more attractive trading environment helps public perception of the area
Summer scheme	Provide flowers and bunting throughout the area	2017 – 2021	Over 140 floral displays per year provided	A more attractive trading environment helps public perception of the area
Street furniture	Provide more seating for customers to enjoy the town centre	2017 – 2021	Increase in number of seats provided	Increased footfall, length of time customers stay in the area, increased number of residents using local facilities
Data for large funding application	Assist SIC Planning in their consultations on the local plan and town centre health check	2017 – 2018	Provision of town centre health check data required for funding applications	Data available to progress grants for property improvements
Grants for property improvements	Investigate funding opportunities and develop project to provide property improvement grants and, apply for funding	2018 – 2021	Funding applications submitted, grants distributed	Grants towards improving business properties, a more attractive trading environment improves public perception of the area
Street slabs	Encourage re-laying of slabs by SIC and endeavour to influence the timing to fit in with quiet times	2018	Communications with SIC, timing of slab re-laying	More attractive area, less disruption for customers and businesses
Public art	Enhancement of the area through art, light and sound, drawing on our indigenous industries for inspiration. This will follow on from our heritage trail and open the door to a continuing project. This will be done in partnership with Shetland Arts	2017 – 2021	Number of pieces of art placed in the area, statistics from smartphone app for heritage trail	A more attractive trading environment helps public perception of the area, increased footfall, increased civic pride in the town centre
Low carbon lighting	Work with the SIC to find funding to provide a low carbon and more attractive solution to lighting the town centre	2017 – 2021	Joint funding applications made	Safer and more attractive place to do business, whilst using less electricity
Wi-fi throughout area to attract young and support heritage app	Investigate funding opportunities and develop project to provide free wi-fi throughout the area	2017 – 2021	Funding applications made, whether free wi-fi is achieved	Increased footfall, tourists can download heritage app and investigate history of each business premises

OBJECTIVE FIVE – MORE BUSINESS SUPPORT

Projects	Actions	Timescale	Measurement	Benefits
Voice representing members with SIC	Research members' opinions and put them forward where it matters	2017 – 2021	Research undertaken and meetings with SIC	Member business opinions taken into consideration by SIC councillors and staff when making decisions affecting the town centre
Face-to-face communications	Members businesses allocated to directors, who will speak to members face-to-face as and when needed and be available for their members to contact	2017 – 2021	Director/member meetings or conversations	Increased business involvement with a single point of contact at board level for each business
Business focussed information for members	Gather a wide range of business information and produce a bi-monthly report for members	2017 – 2021	Six bulletins sent per year, business surveys	Saving time by gaining local business environment knowledge from reading one bi-monthly bulletin
Networking opportunities	Organise quarterly business forums for planning events and sharing information	2017-2021	Number of forums	Increased involvement, taking the lead and sharing information
Lobbying for cheaper rates	Give members information on how to appeal, write to the relevant authorities	2017 – 2018	All members informed on how to appeal rates, letters written	Possible reduction in rates
Support on how to maximise business peak-season	Providing information on cruise passengers for each ship, forum where businesses can share tips with each other	2017 – 2021	Number of emails sent, number of businesses attending forums	Increased customer knowledge, opportunities to learn from each other
Training for businesses	Circulate information on training available, assess training needs and organise bespoke training where necessary	2017 – 2021	Number of courses, number of trainees attending courses	Increased knowledge where required for owners and staff
Encourage inter-business working	Research which businesses are interested in working with others and bring them together to plan what they can do	2017 – 2021	Number of inter-business relationships formed, number of packaged offerings from more than one business	Increased revenue, improved relationship with other businesses

LIVING LERWICK BID AREA AND MAP

The area within the blue line below represents the proposed Living Lerwick BID area. If a non-domestic property falls within this area and the renewed ballot is successful, it will be liable for the BID levy.

**PRIMARY ZONE**

The Esplanade
Bank Lane
Burns Lane
Charlotte Place
Charlotte Street
Church Road
Commercial Road
Commercial Street
Fort Charlotte
Fox Lane
Gardie Court
Hangcliff Lane
Harbour Street
Hill Lane
Hillhead
Market Street
Mounthooly Street
Pirate Lane
Pitt Lane
Queens Lane
Reform Lane

The BID team estimates this area represents 143 non-domestic properties eligible to vote. Following a successful renewal ballot, all non-domestic properties in this area will be liable to pay the BID levy.

A BID levy is an equitable and fair way of funding additional projects and services, which the local authority are not required to provide from 01/09/2017 to 31/08/2021. It has been agreed by the Living Lerwick Directors that the levy rate will continue to be a fee structure based on rateable value of the property at the time of the ballot (24th August 2017) and throughout the 4-year term of the BID. The BID improvement levy will be paid by the occupier (the eligible person i.e. the person liable to pay the non domestic rate) however, the property owner will be liable to pay the levy for a vacant or empty property from the day the property becomes vacant until a new occupier is found.

All non-domestic properties that are listed on the Scottish Assessors Valuation Roll within the Living Lerwick BID area will be liable to pay the levy. The levy must be paid either in one payment within 28 days from the date of the levy invoice or in 10 instalments by arrangement with the billing body (Shetland Islands Council).

Any new non-domestic development, sub division of existing properties or merging of properties or new business coming into the area during the 4 year term of the Living Lerwick BID will be automatically liable for the BID levy.

There are 143 non-domestic properties in the BID area which will generate a BID levy income of £71,050 per annum and a total of £284,200 over the next 4 years.

LEVY EXCLUSIONS

Following consultation, the Board of Directors have decided that the following sectors will be exempt from paying the levy:

Storage units, garages, non-retail charities, places of worship, private car parks, toll free car parks, self-catering units and membership organisations.

ENFORCEMENT

In the event of any non-payment of the BID improvement levy, it will be strongly pursued by Shetland Islands Council (as the billing body) using statutory recovery powers to ensure complete fairness to all the businesses that have paid. SIC will be entitled to charge an additional fee to meet any additional costs incurred in the recovery of the levy.

COLLECTION OF THE LEVY

Shetland Islands Council will collect the improvement levy on behalf of the BID, as this will be an efficient, safe and cost effective method of collection. Shetland Islands Council will lodge the levy within the Living Lerwick Ltd Account. The BID levy can only be drawn down by the Board of Directors of the BID to allow the delivery of the business plan.

The BID Account and levy funds cannot be accessed by Shetlands Islands Council nor can it be used by Shetland Islands Council as an additional source of income.



WHAT WILL LIVING LERWICK BID COST YOU?

Each eligible person (of an eligible property) falling within the Living Lerwick BID area is charged an amount based on the non-domestic rateable value of their property. In the Living Lerwick BID area, businesses will be charged from £200 to £850 per year.

To give an indication of what this will cost your business, the following table details how much the levy would cost businesses based upon different rateable values. You can find the rateable value of your premises through the Scottish Assessors Association (saa.gov.uk).

Rateable Value	Daily Levy	Weekly Levy	Monthly payment *	Annual Levy	No. of Businesses
£0 - £2,500	£0.55	£3.85	£20	£200	9
£2,501 - £5,000	£0.82	£5.77	£30	£300	28
£5,001 - £7,500	£1.10	£7.69	£40	£400	30
£7,501 - £10,000	£1.37	£9.62	£50	£500	29
£10,001 - £15,000	£1.64	£11.54	£60	£600	17
£15,001 - £20,000	£1.92	£13.46	£70	£700	9
£20,001 +	£2.32	£16.35	£85	£850	21
* You can pay your levy over 10 months by direct debit					

At the lowest end of the range, the daily price of your levy is 55p a day. At the highest end, the daily price is £2.32 per day (around the price of a cup of coffee).

Your levy is not related to non-domestic rates (business rates) and is a separate levy agreed by the businesses to bring about improvements to the town centre through projects and services that are in addition to the statutory services delivered by SIC. The funds collected will be held in a separate account called the BID Revenue Account to which SIC have no access. Your levy cannot be used by SIC as an additional funding source.



THE VOTING PROCESS

The Renewal Ballot.

- Ballot papers will be issued with pre-paid return envelopes to every eligible voter within the proposed Living Lerwick BID area on 13th July 2017.
- All eligible voters (i.e. persons liable to pay non-domestic rates) will have one vote. Where a person is liable for the non-domestic rates for more than one property, that individual shall be eligible to cast more than one vote however they will be required to pay the levy for each of the properties they are eligible for.
- Where a non-domestic property within the proposed BID area is vacant, the ballot papers will be sent to the property owner.
- The BID ballot is a confidential postal ballot conducted by Shetland Islands Council on behalf of Living Lerwick BID and in line with BIDs legislation in Scotland.
- The final date for all ballot papers to be returned will be 5pm on the 24th August 2017. Ballot papers received after this time and date will be null and void.
- Ballot papers will be easy to complete, requiring a simple cross to be placed on either “yes” or “no” to the question “Are you in favour of the BID?” The ballot paper must then be signed by the eligible voter and returned in the pre-paid envelope.
- For the ballot to be successful, there must be a minimum of 25% turn-out by the number of eligible voters (the headcount) and by combined rateable value.
- Of those that vote, over 50% by number and 50% by combined rateable value must vote in favour of the BID.
- The ballot papers will be counted on 25th August 2017 and the results announced within one week.
- Following a successful renewal ballot, the BID will commence on 1st September 2017 and will run for a period of four years until the 31st August 2021.

RENEWAL BALLOT TIMELINE

Action	Days before ballot	Date
Request to hold ballot sent in writing to Shetland Islands Council	98	18/05/17
Shetland Islands Council decide whether to veto or not	70	15/6/17
Ballot holder to issue ballot papers	42	13/7/17
Deadline for application to appoint proxy	10	14/8/17
Replacing lost ballot papers	7 working days	15/8/17
Last day to cancel proxy	Before 5pm	19/8/17
Last chance to vote	Before 5pm	24/8/17
Votes counted	ASAP	25/8/17
Declaration of the results	Within 1 week	1/9/17

MANAGEMENT OF LIVING LERWICK

Following a successful yes vote, the management and operation of the BID will be transferred to Living Lerwick Ltd.

Living Lerwick Ltd has a fully constituted Board of Directors, consisting of up to 15 directors. Every eligible person that pays the levy will have the opportunity to nominate themselves or someone else from within the BID area to be elected onto the Board. Living Lerwick Ltd is run by the businesses for the businesses. This Board will be responsible for all decisions relating to staff, contracts and other activities generated by Living Lerwick.

Living Lerwick Ltd will operate in a transparent way, answerable to the businesses in the area. There will be a detailed set of protocols which will cover the management of Living Lerwick and billing, collection and transfer of the levy.

The Board will be representative of the businesses and stakeholders in the area. The Chair and Vice Chair will be elected from the business members of the Board. The Board will include two representatives from Shetland Islands Council. There will also be a non-voting member from Northern Constabulary. Other non-voting members may be co-opted onto the Board at the Board's discretion.

Living Lerwick Ltd Board will have the ability to adapt or alter the projects and services from year to year to reflect any change in economic circumstances or any new opportunities that may arise. This will be in the best interests of the businesses and without recourse to an alteration ballot.

The Memorandum and Articles of Association that govern Living Lerwick Ltd and annual accounts will be made available on the Living Lerwick website at www.livinglerwick.co.uk

MEASURING THE SUCCESS OF THE BID

Throughout the lifetime of the BID, all work on the BID projects will be monitored to ensure the projects proposed in the BID Business Plan achieve a high level of impact, and are progressing to the satisfaction of the businesses that voted for the BID.

The BID Board of Directors will monitor and oversee the efficient delivery of the BID projects.

The BID will undergo an independent evaluation of its activities at the half way point and towards the end of the second term to ensure it is delivering all the projects and services as detailed in the proposal.

PROPOSED INCOME AND EXPENDITURE

GENERATED LEVY INCOME

The Levy income generated for the second term of the BID will be £71,050 annually, which is £284,200 over the four-year term.

Due to the recent cutbacks, Shetland Islands Council has not committed to guarantee £20,000 core funding for the second BID term. The Board of Directors are confident that the experience and expertise gained over the previous BID period will mean that the objectives are still achievable without guaranteed core funding.

An outline budget for this income is provided below. These figures do not include any additional finance which could be attracted to the BID from external sources. The BID objectives are set out to ensure that the funds will be invested in the local area, local businesses, their employees, customers and clients.

Income	Year 1	Year 2	Year 3	Year 4	TOTAL
BID Levy	71,050	71,050	71,050	71,050	284,200
SIC Management support					–
Grants, sponsorship, trading	–	–	–		–
Income Total	71,050	71,050	71,050	71,050	284,200

Expenditure	Year 1	Year 2	Year 3	Year 4	TOTAL
More Footfall	10,000	10,000	10,000	10,840	30,000
More Marketing	14,500	13,500	12,500	14,596	55,096
More Access	1,000	1,000	1,000	1,000	4,000
More Attractive	21,564	22,664	19,864	20,728	84,820
More Business Support	1,975	1,875	1,875	1,875	7,600
Management/operations	14,708	14,708	14,708	14,708	55,832
Mid-term review			3,800		3,800
Renewal	3,750	3,750	3,750	3,750	15,000
Contingency	3,553	3,553	3,553	3,553	14,212
TOTAL	71,050	71,050	71,050	71,050	284,200

ADDITIONAL INCOME SOURCES

Living Lerwick has a proven track record of successful funding applications. With this experience, the Board of Directors are confident that additional financial resource will be generated through external funding applications each year for the period 2017-2021. In addition to the budget outlined, it is strongly anticipated that with successful applications, Living Lerwick will be able to provide more.

LIVING LERWICK CURRENT MANAGEMENT COMMITTEE



GARY BAIN
(Chair)
LHD Ltd.



STEVE MATHIESON
(Vice Chair)
Visit Scotland



BEN MULLAY
The Camera
Centre



STEWART JAMIESON
Harry's Department
Store



JOE CHRISTIE
LHD Marine
Supplies



FRANCES RICHARDSON
KGQ
Hotels



EMMA GIBSON
Peerie Shop
& Café

**VOTE YES
TO BUILD ON THE
GOOD WORK ALREADY DONE
VOTE NO AND LOSE IT ALL!**

CONTACT US

We want to ensure all businesses are aware of what Living Lerwick is and its purpose. If you would like to discuss Living Lerwick Ltd or any of the details in this document, please do not hesitate to contact any of our directors or the BID management team:

Gary Bain
Chair – Living Lerwick Ltd
E: gbain@lhdshetland.co.uk
T: 01595 692882

Steve Mathieson
Vice Chair – Living Lerwick Ltd
E: steve.mathieson@visitscotland.com
T: 01595 743141

Christena Irvine
Manager – Living Lerwick Ltd
E: info@livinglerwick.co.uk
T: 01595 696932

Appendix 2 to Report DV-38-17

Planning etc. (Scotland) Act 2006 asp 17

42 Power of veto

- (1) This section applies where a ballot is to be held for the purposes of [section 38\(1\)](#).
- (2) By such date prior to the date of the ballot as may be prescribed, the local authority to which the BID proposals relate are to give to—
- (a) the persons who have drawn up the proposals, and
 - (b) the Scottish Ministers,
- notice that the authority are or are not vetoing the proposals.
- (3) The authority may veto proposals only in the circumstances specified in subsection (4) and are not entitled to do so after the date prescribed for the purposes of subsection (2).
- (4) Those circumstances are that the local authority consider that the BID proposals are likely—
- (a) to conflict with any structure plan, local plan, strategic development plan or local development plan which has been approved or adopted under the principal Act and which applies to the proposed business improvement district or any part of it,
 - (b) to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority (whether or not the authority are under a statutory duty to prepare such a document), or
 - (c) to lead to a significantly disproportionate financial burden being imposed on—
 - (i) any person entitled to vote in the ballot on the proposals, or
 - (ii) any class of such persons,as compared to other such persons or classes.....
-
- (7) In deciding whether to exercise the veto, the local authority are to have regard to such matters as may be prescribed.
- (8) A notice under subsection (2) vetoing the BID proposals must—
- (a) set out the reasons for the exercise of the veto, and
 - (b) give details of the right of appeal under [section 43](#).
- (9) Any other notice under subsection (2) must set out the reasons for not exercising the veto.

Business Improvement Districts (Scotland) Regulations 2007/202 (Scottish SSI)

14.— Veto of BID proposals

- (1) For the purposes of [section 42\(2\)](#) of the 2006 Act, the prescribed period is 70 days prior to the day of the ballot.
- (2) For the purposes of [section 42\(4\)](#) of the 2006 Act, the prescribed matters to which the local authority shall have regard in deciding whether to exercise its veto are—
- (a) the level of support (as evidenced by the result of the BID ballot or re ballot, as the case may be) for the BID proposals, where this information is available;
 - (b) the nature and extent of the conflicts mentioned in [section 42\(4\)](#) of the 2006 Act;
 - (c) in relation to [section 42\(4\)\(c\)](#) of the 2006 Act, the structure of the proposed BID levy and how the financial burden of the business improvement district is to be distributed amongst ratepayers and the other eligible persons in the geographical area of the business improvement district;
 - (d) in relation to [section 42\(4\)\(c\)](#) of the 2006 Act, how the financial burden of the business improvement district may have been disproportionately distributed among ratepayers and the other eligible persons as a result of the selection of the geographic area or areas of the business improvement district;
 - (e) the extent to which the BID proposer discussed the BID proposals with the authority before submitting the BID proposals to the authority under [regulation 5](#); and
 - (f) the cost incurred by any person in developing the BID proposals and canvassing in relation to the BID proposals.



Meeting(s):	Development Committee	12 June 2017
Report Title:	Promote Shetland Service Contract - update	
Reference Number:	DV- 39-17-F	
Author / Job Title:	Director of Development Services	

1.0 Decisions / Action required:

1.1 That the Development Committee:

- a) NOTE the outcome of the procurement exercise for the Promote Shetland Service Contract, which was not to award a contract and b) INSTRUCT the Director of Development (or his nominee) to retender the Promote Shetland Service contract OR to consider options and to report back to Committee for a decision on how to proceed.

2.0 High Level Summary:

- 2.1 A decision was taken by Development Committee on 31 August 2016 to tender the Promote Shetland Service Contract, as the existing contract was due to expire at the end of the first quarter of 2017 (Min. Ref. 38/16). Following a tendering process, no contract was awarded. This was because none of the Tenders received met the quality threshold under the applicable contract award criteria.

3.0 Corporate Priorities and Joint Working:

- 3.1 Delivery on Community Planning, LOIP priorities – To deliver a 10 year plan to attract people to Shetland to Live, Study, Work and Invest in Shetland.
- 3.2 Delivery on Corporate priorities - Promoting Shetland as a good place to Live, Study, Work, Invest and Visit helps the Council to deliver on its corporate objectives, particularly in the areas of Our Economy and Housing and Community Strength. Attracting more people to live and work in Shetland also has a positive bearing on service provision in all priority areas.

4.0 Key Issues:

4.1 Update on Tendering Process

The current Promote Shetland Service contract was due to expire. The estimated value of the procurement dictated that it must be tendered in accordance with Scottish procurement legislation. An “Open Procedure” was commenced in early March. The Procurement Documents are attached (Appendix 1) for your information.

The decision taken by Development Committee on 31 August 2016 was to proceed with Option 2a of the options presented as the preferred method for delivering promotional activities, namely: “High Level of Service – Largely Outsourced – Some services delivered in house including additional engagement with the Community Planning process and local industry.” It was also decided that a five year contract be sought, with severance clauses.

Two tenders were received: one from the incumbent service provider and one other. The quality element of the Tenders were evaluated in accordance with the Procurement Documents and the results were that neither met the required threshold. The decision was therefore taken to exclude both parties from the process and not to award a contract. The result of the exercise was notified to parties in accordance with the regulations. Tenderers have a right to seek further information from the Council and until that process has been concluded it would be imprudent to provide further information or to discuss in public.

4.2 Interim Arrangements

The contract, as currently extended, with Shetland Amenity Trust finishes on 30 June 2017.

Interim arrangements will be put in place, after discussion with the incumbent service provider, to ensure that key and core services are managed appropriately, which will include but not be limited to the following:

- Shetland.org website
- Social media activity

Wool Week will continue to be run by the Shetland Amenity Trust. Wool Week is not part of the proposed Promote Shetland Service scope which was tendered.

4.3 What Next?

Development Committee is being asked today to instruct a retendering of the service requirement as per its decision of 31 August 2016 or alternatively for a further report with options for the Promote Shetland Service.

5.0 Exempt and/or confidential information:

- 5.1 None. However, although a decision has been taken not to award a contract, the tendering exercise is still live. If specific matters relating to the ongoing tendering exercise require to be discussed, this must be in private. See sections 6.4 and 6.9 below.

6.0 Implications :

6.1 Service Users, Patients and Communities:	A significant number of businesses and individuals interact with Promote Shetland services. It is important that continuity of service is provided.
6.2 Human Resources and Organisational	None from this report. If a decision is taken to ask for an options report, implications will be considered at that time.

Development:	
6.3 Equality, Diversity and Human Rights:	None.
6.4 Legal:	The procurement exercise has been carried out in accordance with the Public Contracts (Scotland) Regulations 2015. The decision not to award a contract does not mean the procurement exercise has been concluded. Any procurement specific questions must be considered in private. To do otherwise risks disclosure of sensitive information and/or attracting a challenge to the procedure or the decision.
6.5 Finance:	There are no direct financial implications arising from this report as the Promote Shetland Service is budgeted for within Economic Development Services.
6.6 Assets and Property:	None
6.7 ICT and new technologies:	None
6.8 Environmental:	None
6.9 Risk Management:	Discussing a tendering exercise that has not been fully completed runs the risk of disclosure of sensitive information and/or attracting a challenge to the procedure or the decision. Defending a challenge is costly, no matter which party is successful, and could damage the reputation of the Council.
6.10 Policy and Delegated Authority:	<p>This report has been prepared with regard to the aim of the Council's Economic Development Policy Statement 2013-2017.</p> <p>"To improve the economic well-being of Shetland by promoting an environment in which newer industries develop alongside thriving traditional industries."</p> <p>The Policy Statement was approved by the Development Committee on 14 August 2013 [Min Ref: 37/13] and by the Council on 28 August 2013 [Min Ref: 65/13], and notably, Objective 5.1 fits - "Raise Shetland's external profile as a place to live, visit, work, study and do business."</p> <p>The Development Committee has delegated authority to implement decisions within its remit, in accordance with Section 2.3.1 of the Council's Scheme of Administration and Delegations.</p>

	As the subject of this report is covered by existing policy, the Development Committee does have delegated authority to make a decision.	
6.11 Previously considered by:	None	

Contact Details:

Neil Grant – Director of Development Services

nrj.grant@shetland.gov.uk

Report written on 8 June 2017

Appendices:

Appendix 1 – Procurement Documents



Shetland Islands Council

Executive Manager: Robert Sinclair
Director: Christine Ferguson

Capital Programme Service
Corporate Services Department
Town Hall
Lerwick
Shetland
ZE1 0HB

Telephone: 01595 744140
Fax: 01595 744509
contract.admin@shetland.gov.uk
www.shetland.gov.uk

If calling please ask for
Colin Black
Direct Dial: 01595 744595

Our Ref: G/12/16 CAB
Your Ref:

Date: 3 March 2017

Dear Sirs

Promote Shetland Service

With reference to your request to participate in the tendering process for the above Contract, Shetland Islands Council ("the Council") hereby invites you to submit a Tender for the Promote Shetland Service. For this purpose please find attached the following:-

- Information for and Instructions to Tenderers;
- Schedule 1: Conditions of Contract;
- Schedule 2: Outline Service Requirements;
- Schedule 3: Service Provision Statement and Continuation Sheet(s);
- Schedule 4: Client Owned Property;
- Form of Tender;
- Appendix A – Appendix to the Form of Tender;
- Certificate of Non-Collusion;
- European Single Procurement Document (ESPD);
- Bank Reference Mandate.

Before proceeding to prepare your Tender submission, you should first check to ascertain that you have received all of the foregoing items, which together constitute the Invitation to Tender, and that they are complete. You should then give careful consideration to the terms of the enclosed Information for and Instructions to Tenderers, as a failure to comply with any

one or more of the instructions contained in that document may result in your Tender submission not being considered for acceptance by the Council.

In accordance with the instructions contained in the Information for and Instructions to Tenderers, your duly completed Tender submission must be delivered to the Offices of the **Executive Manager Governance & Law, Shetland Islands Council, Town Hall, Lerwick, Shetland, ZE1 0HB, FOR RECEIPT BY NO LATER THAN 12 NOON on MONDAY 3 APRIL 2017.**

If you decide to submit a Tender by electronic means this must be done via the Public Contracts Scotland web portal as detailed in the Information for and Instructions to Tenderers.

Please note you must register your business on the Public Contracts Scotland web portal as part of the procurement process.

Please ensure the Tender is completed correctly and signed before returning.

An unsigned Tender does NOT constitute a formal offer and cannot be considered. A typed name is NOT a signature.

All procurement documents must be completed and submitted as required by the tender return deadline detailed above.

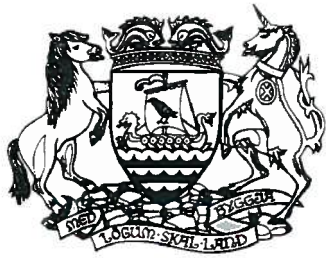
Should you decide not to submit a Tender for the proposed contract, the Invitation to Tender in its entirety is to be forthwith returned to me along with your letter notifying the Council of your decision.

I look forward to hearing from you.

Yours faithfully



Procurement Manager



INVITATION TO TENDER

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

**DEADLINE FOR RECEIPT OF TENDERS: MONDAY 3 APRIL 2017 AT 12
NOON GMT**

**Shetland Islands Council
Economic Development Unit
Solarhus
North Ness
Lerwick
Shetland
ZE1 0LZ**

March 2017

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INFORMATION FOR AND INSTRUCTIONS TO TENDERERS

1. INFORMATION FOR TENDERERS

1.1 Shetland Islands Council

Shetland Islands Council (“the Council”) is a local authority providing a range of amenity and community services to a population of approximately 23,000 inhabitants. The Council wishes to engage a service provider to manage and develop the marketing and promotional service for Shetland known as Promote Shetland.

The role of Promote Shetland is to support the collaboration between all those involved in building a strong place brand and positive reputation for Shetland as place to live, work, study, visit and invest. It will act as a vehicle to co-ordinate public authority, non government organisations, private sector and educational stakeholders around a common vision to deliver high quality Shetland products and services. Promote Shetland will work in partnership with stakeholders to achieve a set of objectives defined in Schedule 2: Outline Service Requirements, of these Tender Documents, including building a strong place brand and positive reputation for Shetland.

1.2 Geographic Location

The Shetland Islands are located in the North Atlantic/North Sea and are virtually equidistant between Norway to the east and the UK mainland to the south. They are accessible by both air and sea, weather conditions permitting. Tenderers are therefore recommended to make appropriate enquiries to ascertain how this may affect them in the preparation and submission of a Tender bid to the Council, bearing in mind that delays are sometimes encountered with mail deliveries.

1.3 Contract Type and Procedure

The type of contract to be awarded is a contract for services with the Service Provider acting as co-ordinator and to generally include the provision of a management, marketing, promotional, public relations and media service for Shetland on behalf of the Council.

The procurement is governed by the Public Contracts (Scotland) Regulations 2015 and Procurement Reform (Scotland) Act 2014. The procedure being followed is the Open Procedure in accordance with Regulation 28 of the Public Contracts (Scotland) Regulations 2015.

1.4 **Anticipated Timetable of Events**

Expected Dates	Event
Monday 3 April 2017 12 Noon	Closing date and time of submission of tenders
Mid April 2017	Contract award decision followed by Standstill Period (Indicative only)
01 July 2017	Anticipated Commencement of Contract

The above date for "Award of Contract" is indicative only. The closing date and time for submission of Tenders is, however, mandatory. The Standstill Period is the mandatory minimum 10 day period following the decision to award and the potential award of contract.

1.5 **Contract Period**

The period of contract will, subject to earlier termination in accordance with Schedule 1, Conditions of Contract, be 57 months.

1.6 **Delivery**

The successful Tenderer will be expected to be in all ways ready to commence provision of services with all necessary resources and authority as from 1 July 2017. If the Tenderer considers this deadline is not achievable the Tenderer should make this clear in the Tender response.

1.7 **Late/Faxed/E-mailed Tenders**

Any Tender received after the closing time and date fixed for the submission or lodgement of tenders or delivered to an incorrect address shall not be considered for acceptance by the Council and shall be returned to the sender. Likewise, any Tender which is faxed or e-mailed to the Council shall not be considered for acceptance.

1.8 **Acceptance of Tenders**

The Council reserves the right not to accept any Tender or enter into any Contract and shall be at liberty to abandon the procurement process at any time.

1.9 **Custody and Opening of Tenders**

In accordance with the Council's Contract Standing Orders, Tenders duly submitted shall remain unopened until the time appointed for their opening and shall be opened in the presence of Council officers and an Elected Member of the Council.

Representatives of Tenderers are not permitted to be present at the opening of Tenders.

1.10 **Tendering Costs**

The Council will not be responsible for, nor will it pay, any costs, expenses or losses incurred in the preparation of any Tender.

1.11 **Bribery, Canvassing, Collusion, etc.**

Any canvassing or collusion by a Tenderer or involvement by such a person in any corrupt or illegal practices, including bribery as defined in the Bribery Act 2010, shall result in that Tenderer being forthwith excluded from the tendering process and any Tender submitted by that party not being considered further by the Council.

1.12 **Tenderers Responsibilities**

Although endeavours have been made in the Invitation to Tender to give Tenderers an accurate description of the Council's requirements in relation to the proposed contract, Tenderers should form their own conclusions about the methods and resources needed to meet those requirements. The Council cannot accept any responsibility or make allowances for a Tenderer's failure to make a proper and correct assessment of the Council's said requirements. Accordingly, where any Tenderer has any queries concerning the service requirements or, for that matter, anything else concerning the proposed Contract that Tenderer should address those queries via the Public Contracts Scotland web portal, as specified in paragraph 2.2.1 below.

1.13 **TUPE**

Tenderers should be aware that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply to this contract. Tenderers are solely responsible for contacting the current provider, (detailed below) for information in order to take this into account when pricing their tender. The Council shall not be responsible for any error in the information provided by the current service provider or for any error in Tenderers calculation of TUPE costs, if any.

The current provider is Shetland Amenity Trust, Garthspool, Lerwick, Shetland, ZE1 0NY (Telephone 01595 694688)

1.14 Freedom of Information (Scotland) Act 2002 and Environmental Information (Scotland) Regulations 2004

Tenderers are referred to the Freedom of Information (Scotland) Act 2002 ("FOISA") and the Environmental Information (Scotland) Regulations 2004 ("EIRs"), the terms of which apply to the Council. The Council is obliged under FOISA and EIRs, subject to certain exemptions, to make information which it holds available to a person on request. The Tenderer recognises the Council's duties under FOISA and the EIRs.

1.15 Lots

The Council has considered the possibility of dividing the Contract into Lots and has concluded that the requirement is not capable of being divided without significantly increasing administration and other costs to the authority throughout the term of the Contract. The procurement requirement is not therefore divided into lots.

1.16 Compliance with legislation

The successful Tenderer, if any, shall in the performance of the Contract comply with all legislation including all environmental, social and employment law including any collective agreements or international law measures referred to in Annex X of Directive 2014/24/EU of the European Parliament and of the Council on public procurement as amended from time to time.

2. INSTRUCTIONS TO TENDERERS

2.1 Language

All documentation to be submitted by each Tenderer as part of that party's Tender submission is to be prepared in English.

2.2 Queries/Requests for Information

2.2.1 Any queries or requests for information concerning the Tender Documentation or for that matter anything else concerning the proposed contract have to be submitted through the Public Contracts Scotland (PCS) web portal at:
www.publiccontractsscotland.gov.uk

- 2.2.2 All queries/requests for information of the kind referred to in 2.2.1 above must be made in writing no later than 10 days before the closing date fixed for submission or lodgement of Tenders.

2.3 **Completion of Tender Documentation**

The Tender Documents consist of: Information for and Instructions to Tenderers; Schedule 1 – Conditions of Contract; Schedule 2 – Outline Service Requirements; Schedule 3 – Service Provision Statement and Continuation Sheet(s); Schedule 4 – Client Owned Property; Form of Tender; Appendix A – Appendix to the Form of Tender and Certificate of Non-Collusion.

Special instructions for completion of Form of Tender, Certificate of Non-Collusion and Schedule 3 – Service Provision Statement and Continuation Sheet(s) are as follows:

2.3.1 **Form of Tender and Charges**

Care should be taken to ensure the Form of Tender is correctly signed, dated and witnessed. Failure to comply with this requirement may at the sole discretion of the Council invalidate the Tenderer's submission.

An unsigned Form of Tender does NOT constitute a formal offer and cannot be considered. A typed name is NOT a signature.

The Tender price shall be completed in Appendix A of the Form of Tender and shall be net of Value Added Tax.

The Tender price shall be the Service Provider's annual price (i.e. for 12 months service provision) including a breakdown of same for provision of the service in the main role as the Promote Shetland service co-ordinator, as detailed in Schedule 2: Outline Service Requirements, all figures to be provided excluding VAT.

2.3.2 **Certificate of Non-Collusion**

Complete the Certificate of Non-Collusion by fully completing, signing, dating and witnessing it.

2.3.3 Schedule 3: Statement of Service Provision

Carefully read the instructions and fill in Schedule 3: Statement of Service Provision according to those instructions, using additional sheets if necessary.

2.4 Submission of Tenders

Tenders may be submitted either electronically or in paper form. In either case Tenderers must comply with the following steps in submitting their Tenders.

Submission in paper form:

- The Tender Documents prepared in accordance with the instructions contained in paragraphs 2.3.1 to 2.3.3. above are to be made up into one set of Tender Documents.
- That set of Tender Documents must then be enclosed and sealed in a Tender Return Envelope provided. There must be no mention of the Tenderer's name or address on the Tender Return Envelope or any way of identifying the Tenderer from that envelope (e.g. postal franking marks or identifying labels fixed by couriers etc.).
- The Tender Return Envelope with enclosures **must** then be **delivered** to the address specified immediately below for receipt by no later than **Monday 3 April 2017 12 NOON GMT**

Shetland Islands Council
Executive Manager – Governance and Law
Town Hall
Lerwick
Shetland
ZE1 0HB

- Tenderers must ensure that if a Tender submission is to be delivered by carrier, any envelope/package of the carrier containing the Tender Return Envelope and enclosures within contains the same information on the front of it as that which is contained on the Tender Return Envelope itself.
- It is a Tenderers responsibility to ensure that any Tender submission is delivered to the correct address timeously as no allowance can or will be made by the Council for a failure to ensure either correct and/or timeous delivery.

In this connection, you should note the remote geographical location of the Shetland Islands and be aware that weather

conditions may be unpredictable which can result in extra time having to be allowed for delivery to the Islands. You are therefore advised to fully research the means by which deliveries to the tender return address in the Shetland Islands may be made in order to determine both the means by which you propose to use to deliver your Tender submission and a sufficient allowance of time for this purpose.

- Tender submissions faxed or e-mailed directly to the Council will not be considered.
- Although, as stated above, Tender submissions faxed or e-mailed directly to the Council will NOT be considered, this does not preclude a Tenderer using a local agent in Shetland (e.g. a solicitor, accountant, architect or surveyor or other trusted person) for the signature of documents completed elsewhere and faxed or e-mailed to Shetland for delivery in accordance with these Instructions. This method of transmission may be useful to a Tenderer in the event of transport emergencies. Please note that if this method of delivery is to be used:
- The Council will not recommend any person as a potential agent for a Tenderer;
- The Tender must bear an actual signature of the agent (not simply a scanned or faxed copy signature of the Tenderer) and the agent may be required to provide proof of his authority to act for the Tenderer;
- The Tender must be delivered to the Council in a Tender Return Envelope. In the event that such an envelope is required, a Tenderer or the Tenderer's agent should contact the Procurement Section of the Council's Capital Programme Service;
Tender Return Envelopes can be obtained by sending an e-mail to contract.admin@shetland.gov.uk

There will be no relaxation on the Tendering procedures and in particular the dates and times for the return of Tenders will remain unaltered.

Submission provided electronically:

- **Tenders may also be submitted electronically through a secure electronic post box via the Public Contracts Scotland (PCS) web portal. Tenderers must register on the PCS web portal for this particular procurement exercise,**

and follow the instructions given on the portal, if they wish to submit a tender in this way.

2.5 Form of Response

Tenderers are required to prepare and submit their Tender submissions in the form and manner prescribed in this document. A failure to do so may, at the sole discretion of the Council, result in that party's Tender submission not being considered for acceptance by the Council.

2.6 Contract Award Criteria

The contract to be awarded, if any, will be to the Tenderer submitting the most economically advantageous tender assessed from the point of view of the Council. The most economically advantageous tender shall be the tender with the best price-quality ratio.

Quality shall account for 60% of the available score.

Price shall account for 40% of the available score.

The highest scoring tenderer (quality plus price scores) will be considered to be the most economically advantageous.

Note: Maximum Price Threshold and Abnormally Low Tenders

Tenders whose total costs exceed the estimated annual (i.e. 12 month service provision) value of the contract (£400,000) by more than 5% will be disqualified.

Where a tender price appears to be abnormally low the Council will require the Tenderer to explain the price or cost proposed particularly in relation to the services provided. Where the Tenderer cannot satisfactorily explain the price or costs, the Council may reject that Tender.

2.6.1 Pricing Evaluation Methodology

Price accounts for 40% of the available score (i.e. a maximum of 40 marks are available).

Subject to the Note above, the lowest priced tender shall be awarded 40 marks. Higher priced tenders shall have 5 marks deducted for every percentage point higher than the lowest tender.

By way of illustration if the lowest qualifying tender is £350,000 then 5 marks will be deducted for a tender of £353,500 and 40 marks will be deducted for any tender of £378,000 or more. The lowest score a Tenderer can be allocated for the price element is 0 marks.

2.6.2 Quality Evaluation Methodology

Quality accounts for 60% of the available score (i.e. a maximum of 60 marks are available).

The Tenderer's response in Schedule 3 - Service Provision Statement will be evaluated and scored by the Council as follows.

In accordance with the Points Table, Tenderers will be allocated points between 0 and 100.

Sub Criteria

2.6.2.1 Understanding of the requirements of Schedule 2, evidence of ability to deliver a comprehensive Promote Shetland service and of the relevant knowledge of Shetland and experience required to meet those requirements (Total: 20%)

(a) Demonstrating a knowledge of Shetland and a clear understanding of the role of the Promote Shetland Service in attracting people to live, work, study, visit and invest in Shetland **(10%)**

(b) Examples of other contracts of a similar nature and how these were successfully delivered **(10%)**

2.6.2.2 Overall approach and methodology; contained within the proposal (Total: 30%)

(a) How work will be organised and carried out in order to deliver the priority areas set out in Schedule 2: Outline Service Requirements **(10%)**

(b) How personnel and other resources will be used, developed and controlled in order to meet the requirements in Schedule 2 **(10%)**

(c) How promotional focus and value for money will be maintained throughout the life of the contract **(10%)**

2.6.2.3 Contract Management (Total: 10%)

(a) How the service will be managed **(5%)**

(b) What controls will be in place to avoid risk, ensure that all promotional work is carried out to a high quality, professional standard and also delivered within challenging timeframes **(5%)**

Points Table:

Extent to which the proposal meets or exceeds the relevant requirements associated with each evaluation sub criterion	
Excellent (81-100 Points)	Response meets requirements to an exceptional standard. Robust, detailed, well articulated in all material respects. Minimal weaknesses issues or omissions. Evidence of real insight creativity and flair.
Good (61-80 Points)	Response meets requirements to a high standard. Robust, detailed well articulated in all material respects. Minimal weaknesses issues or omissions.
Acceptable (41-60 Points)	Fit for purpose. Good in many respects no significant weaknesses, issues or omissions.
Minor reservations (21-40 points)	Response meets requirements to a minimum acceptable standard, however contains some weaknesses issues or omissions. Lacking detail and/ or clarity.
Serious reservations (1-20 points)	Response partially meets requirements but contains material weaknesses, issues or omissions, is poorly articulated and or is inconsistent.
Unacceptable (0 Points)	No response or response does not meet relevant requirements and/ or is unacceptable.

The Council may exclude any Tenderer that does not achieve 36 points or more pursuant to the quality evaluation questions in 2.6.2 out of a maximum 60 available points.

The Council may exclude any Tenderer(s) scoring zero marks for Price or less than 36 marks for Quality.

If there is any ambiguity or confusion in a Tender, the Council may require the Tenderer to provide written clarification of their submission. Any such clarification shall not be an opportunity for the Tenderer to amend their Tender or for the Council to change either its requirements or the tendering process.

2.7 Mandatory Requirements

All of the instructions contained in the Tender Documents are mandatory and a failure by a Tenderer to comply fully with them may, at the sole discretion of the Council, result in that party's Tender submission not being considered for acceptance by the Council.

2.8 Compliance with legislation, including Equal Opportunities

The Tenderer must, at all times, comply with all legislation including regulations relating to Equal Opportunities.

2.9 **European Single Procurement Document (ESPD) and Financial Assessment Register**

Please note that it is an essential requirement of the procurement process that Tenderers fully complete and submit a satisfactory ESPD and satisfy the conditions of the Council's Financial Assessment Register in accordance with the Contract Notice.

2.10 **Data Analyst**

A Data Analyst has been commissioned by the Council to advise and support the Service Provider, on behalf of the Council, on the collection, monitoring, analysis and presentation of relevant performance indicators for the first 2 years of the Contract. The role of the data analyst will be to:

- Provide independent oversight to the Council of the contribution online promotion is making to achieving Shetland's ambition to attract particular target audiences to live, work, study, visit and invest in Shetland; and
- Equip key members of staff working to support targeted Promote Shetland initiatives to create the metrics required to measure key actions themselves.

Executive Manager – Economic Development
Shetland Islands Council
Economic Development Service
Solarhus
3 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

SCHEDULE 1: CONDITIONS OF CONTRACT

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

SCHEDULE 1: CONDITIONS OF CONTRACT

1 DEFINITIONS

In construing this tendering procedure and the Contract to follow, if any, the following expressions shall have the meanings hereby assigned to them except where the context otherwise requires.

"Advisory Group"	means the Promote Shetland Advisory Group [which exists to progress Community Planning Objectives and support the collaboration between all those involved in building a strong place brand and reputation for Shetland as a place to live, work, study, visit and invest.]
"Contract"	means the Contract entered into between the Service Provider and the Client, constituted by the Tenderer's Form of Tender and the Client's letter of acceptance.
"Council" or "Client"	means Shetland Islands Council, constituted under Section 2 of the Local Government etc (Scotland) Act 1994 and having their principal offices at 8 North Ness, Lerwick, Shetland, ZE1 0LZ, the Contracting Authority in terms of the European Union Procurement Regulations.
"Data Analyst"	means the Data Analyst engaged by the Client to advise and support the Service Provider during the first two years period of the Contract.
"Equipment"	means all property and equipment specified or referred to in Schedule 4 – Client owned property available for use in the Promote Shetland Contract, as amended from time to time.
"Service Provider"	means the legal person named in the Contract.

“Services”

means the Services described in
Schedule 2 - Outline Service
Requirements forming part of this
Contract.

Words importing the singular include the plural and vice versa, and the
masculine includes the feminine and the neuter, where the context requires.

2 DURATION OF CONTRACT, ASSIGNATION, TERMINATION

- 2.1 The appointment of the Service Provider shall be for a period of 57 months anticipated to commence from the 1 July 2017.
- 2.2 The Service Provider shall not, without the consent of the Client, assign or in any other way transfer the obligations of the Contract or any part thereof without the express written permission of the Client, which permission shall be unreasonably withheld.
- 2.3 The Client shall, at its sole discretion, be at liberty to terminate the Contract at any time but only by giving 30 days notice in writing to the Service Provider. The Service Provider shall be entitled only to payment for all of the work done to the termination date specified in the notice of termination and for any expense incurred or committed prior to the date of notice of termination.
- 2.4 The Client shall be at liberty to terminate the Contract immediately in the event of poor contractual performance, bankruptcy, receivership or administration of the Service Provider.
- 2.5 In the event of the failure of the Client to comply with any of its obligations under the Contract the Service Provider may upon not less than 90 days' notice in writing to the Client terminate the appointment under the Contract, provided that, in lieu of so terminating his appointment, the Service Provider may:
- (a) forthwith upon any such failure suspend the carrying out of his services hereunder for a period of up to 90 days (provided that he shall as soon as practicable inform the Client in writing of such suspension and the reasons therefore); and
 - (b) at the expiry of such period of suspension either continue with the carrying out of the Services under the Contract or else, if any of the reasons for the suspension then remain, forthwith in writing to the Client terminate his appointment under the Contract.
- 2.6 The Service Provider shall, upon receipt of any notice or requirement in writing in accordance with Clause 2.3 or the termination of the Service Provider's appointment in pursuance of Clause 2.4 proceed in an orderly manner but with all reasonable speed and economy to take such steps as are necessary to bring to an end the Services under the Contract and shall not, after the date of notice of termination, commit the Service Provider or the Client to any further work or expenditure.
- 2.7 Any termination of the Service Provider's appointment under the Contract shall not prejudice or affect the accrued rights or claims of either party.

3 OWNERSHIP OF DOCUMENTS AND COPYRIGHT

- 3.1 All rights including ownership and copyright in any reports, documents, images, recordings, videos, specifications, instructions, plans, drawings, patents, models or designs whether in writing or on magnetic or other media (including the Shetland Brand, and the Promote Shetland Brand) whether or not the same shall have been created, produced or developed by the Service Provider shall belong to and remain the property of the Client.
- 3.2 The Service Provider may with the consent of the Client, which consent shall not be unreasonably withheld, publish alone or in conjunction with any other person any articles, photographs or other illustrations relating to the Services.
- 3.3 The Service Provider hereby accepts that any information disclosed to the Service Provider in connection with the subject matter of the Contract is of a confidential nature and must not be disclosed to any person unless absolutely necessary to fulfil the Service Provider's contractual obligations under the Contract.

4 SETTLEMENT OF DISPUTES

Any dispute or difference arising out of this Contract shall be referred for settlement by either party to the Contract by serving upon the other party written notice of the dispute or difference within 14 days of the same arising. Said notice shall clearly state the nature of the dispute or difference together with the remedy sought. Upon receipt of said notice the receiving party shall immediately, and no later than 14 days from receipt, seek to settle the dispute or difference through the respective senior officers of the Client and the Service Provider. Both Parties shall use their best endeavours to engage in and work towards settlement. In the event of failure to settle the dispute or difference by the respective senior officers it shall be referred immediately for decision to the arbitration of a person to be agreed upon between the Client and the Service Provider or, failing agreement within 7 days from the failure to settle by the respective senior officers, a person nominated by the President for the time being of the Chartered Institute of Arbitrators.

OBLIGATIONS OF THE SERVICE PROVIDER

5 CARE AND DILIGENCE

- 5.1 The Service Provider shall exercise all reasonable skill, care and diligence in the discharge of the Services

6 EQUIPMENT

- 6.1 The Service Provider shall provide all the equipment or other resources necessary for the provision of the Services other than the Equipment detailed in Schedule 4, which Equipment is available for use by the Service Provider for the purposes of the Contract and for no other use or purpose whatsoever.
- 6.2 The Service Provider shall maintain all items of Equipment in good serviceable condition and shall be responsible for any loss or damage whilst in the possession or use of the Service Provider.

7 INFORMATION, RE-TENDERING AND HANDOVER

- 7.1 Within twenty one days of being so requested by the Client, the Service Provider shall provide to the Client, and thereafter keep updated, in a fully indexed and catalogued format, all the information necessary to enable the Client to issue Tender Documents for the future provision of the Services.
- 7.2 The Transfer of Undertakings (Protection of Employment) Regulations 2006 may apply on the termination or expiration of the Contract. The Service Provider shall provide such information to any prospective Tenderer upon request by them so as to comply with the Regulations.
- 7.3 The Service Provider shall cooperate fully with the Client during handover arising from the completion or earlier termination of the Contract. This cooperation during the Setting Up Operations period of the incoming Service Provider shall include allowing full access to, and providing copies of all documents, reports, summaries and any other information necessary in order to achieve an effective transition without disruption to the Services.

8 SERVICES, ACCOUNTING AND REPORTS

The Services to be provided by the Service Provider shall comprise:

- 8.1 All and any of the Services stated in Schedule 2 - Outline Service Requirements forming part of the Contract including co-ordination and commissioning of the Services detailed therein.
- 8.2 Provision of an annual forecasted profile of expenditure for the Services one calendar month before the commencement date for the Contract and annually thereafter until the conclusion of the Contract. The Client requires a consistent breakdown of expenses against headings agreed by the Client with assumptions given to explain what

is included under each heading and so that the full cost of a specific initiative or activity can be identified.

- 8.3 Provision of quarterly reports detailing the actions taken or being taken under the Contract and quarterly activity reports that include an Income and Expenditure Account; progress against core measures approved by the Client; a record of strategic engagement and progress on the measures of success agreed with the Client and Partner Organisations for specific projects developed during the life of the Contract.
- 8.4 Annual Management accounts including Income and Expenditure and Balance Sheet, within one month of the end of the financial year; and, Professionally Audited Accounts within 9 months of the end of the financial year.
- 8.5 Liaising with the Client as to the need for the Client to be provided with any additional services as shall be mutually agreed between the parties.
- 8.6 The Promote Shetland Advisory Group exists to progress Community Planning Objectives and support the collaboration between all those involved in building a strong place brand and reputation for Shetland as a place to live, work, study, visit and invest. The Service Provider shall report to the Advisory Group at regular intervals to be agreed between the Client and Service Provider and provide such support and advice to the Advisory Group as may be required including attendance at meetings where requested by the Client.
- 8.7 Liaising with, assisting and providing information and data to the Data Analyst upon request.

OBLIGATIONS OF THE CLIENT

9 INFORMATION TO BE SUPPLIED TO THE SERVICE PROVIDER

- 9.1 The Client shall supply to the Service Provider without charge and within a reasonable time all necessary and relevant data and information in the possession of the Client and shall give such assistance as may reasonably be required by the Service Provider in the performance of the Services.
- 9.2 The Client shall give his decision on all information, reports, recommendations, Tender Documents and other matters properly referred to him for decision by the Service Provider in such reasonable time as not to delay or disrupt the performance by the Service Provider of the Services.

10 NOT USED

11 PAYMENT FOR SERVICES AND OBLIGATION TO SEEK FUNDING

- 11.1 In respect of Services provided by the Service Provider the Client shall pay the Service Provider in accordance with the Tender price detailed in Appendix A to the Form of Tender and Clause 14.1
- 11.2. In respect of any mutually agreed additional Services provided by the Service Provider under Clause 8.5, the Client shall pay the Service Provider at such price as is mutually agreed for those Services.
- 11.3 The Service Provider will seek to attract project funding / income from partner organisations to complement and enhance the promotion of Shetland to specific sectors and target groups in line with community planning and client objectives and Shetland brand values.

12 PAYMENT FOLLOWING TERMINATION OR SUSPENSION BY THE CLIENT

- 12.1 Upon termination or suspension by the Client in pursuance of Clause 2.3 or 2.4, the Client shall pay to the Service Provider the sums specified in (a) and (b) of this Clause 12 less the amount of payments previously made to the Service Provider under the terms of the Contract and less any sum that would be paid but for any poor contractual performance of the Service Provider .
 - (a) All amounts due to the Service Provider in accordance with Clause 11 in respect of Services rendered up to the date of termination or suspension together with a sum calculated in accordance with Clause 8.5 in respect of time worked by the Service Provider in complying with Clause 2.6.
 - (b) Amounts due to the Service Provider under any other clauses of the Contract.

13 PAYMENT FOLLOWING TERMINATION BY SERVICE PROVIDER

Upon a termination by the Service Provider in pursuance of Clause 2.5, the Client shall pay to the Service Provider the sums specified in Clause 11.1, less the amount of payments previously made to the Service Provider under the terms of the Contract. Upon payment of such sums, the Service Provider shall deliver to the Client such information, reports and other documents relevant to the Services as are in his possession. The provisions of this Clause are without prejudice to any other rights and remedies which the Service Provider may possess.

14 PAYMENT OF ACCOUNTS

- 14.1 Unless otherwise agreed between the Client and the Service Provider from time to time all sums due to the Service Provider shall be paid by the Client on accounts by the Service Provider at quarterly intervals or on such other periodic basis as may be agreed between the Client and the Service Provider. Such accounts by the Service Provider shall be prepared on the basis of actual spending and commitments to spend.
- 14.2 The Service Provider shall submit to the Client at the time of submission of the accounts such supporting information as required by the Client.
- 14.3 All sums due from the Client to the Service Provider in accordance with the terms of the Contract shall be paid within 30 days of receipt of the submission by the Service Provider of their accounts therefore to the Client, and any sums remaining unpaid at the expiry of such period of 30 days shall bear interest thereafter, such interest to accrue from day to day at the rate of 2% per annum above the current Bank of England Minimum Lending Rate.
- 14.4 If any item of an account rendered by the Service Provider is disputed or subject to question by the Client, the payment by the Client of the remainder of that account shall not be withheld on those grounds.

All sums set out in this Agreement are exclusive of Value Added Tax, the amount of which, at the rate and manner prescribed by law, shall be paid by the Client to the Service Provider.

15 STATUS AND AUTHORITY OF SERVICE PROVIDER

- 15.1 The Service Provider acknowledges that it is engaged as an independent contractor to the Client and nothing in the Contract shall render it an employee, agent or partner of the Client and the Service Provider shall not hold itself out as such.
- 15.2 Although the Service Provider shall be entitled to represent itself as a Service Provider to the Client when providing Services or Additional Services under the Contract, the Client shall not be vicariously liable for any of the acts or omissions of the Service Provider and the Service Provider shall not by virtue of the Contract be entitled to pledge the credit of the Client nor sign any document, enter into any contract or agreement or make any promise on behalf of the Client without the prior written consent of the Client, which consent may at the absolute discretion of the Client be withheld.
- 15.3 The Service Provider shall have the status of a self-employed person or such other business status whereby it shall be exclusively

responsible for the payment of national insurance contributions and for the discharge of any income tax liability, VAT or any other tax or duty and shall pay any such contributions and taxes to the appropriate authorities at the appropriate times.

- 15.4 If the Service Provider is likely to be involved in the provision of other promotional and marketing activities and is actively seeking other such work during the period of the Contract, any duplicated effort or conflicts of interest must be brought to the attention of the Client so that ways can be found to minimise the risks associated with these issues. In the event of failure to reach a mutually agreeable solution the matter shall be settled through the Settlement of Disputes Procedure, section 4.
- 15.5 If the Client requires the Service Provider to procure any sub-contracts for services or materials required for the Services, such procurement must only be carried out after receipt of written instructions from the Client and must in all cases be in accordance with the Client's Procurement Policy.

16 INSURANCES

- 16.1 The Service Provider shall maintain with a reputable insurer such insurances as are necessary to cover its liabilities under this Clause. The Service Provider shall produce to the Client at the Insurance Section, Office Headquarters, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ:
- 1) Evidence of Employers Liability Insurance with a minimum limit of indemnity of £10,000,000 (Ten million GBP), and;
 - 2) Evidence of Public Liability Insurance with a minimum limit of indemnity of £5,000,000 (Five million GBP).
 - 3) Evidence of Professional Indemnity Insurance

Such insurances shall be effected with an insurer and in terms approved by the Client (which approval shall not be unreasonably withheld). The terms shall include an Indemnity to Principals clause.

17 FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION

The Service Provider is referred to the Freedom of Information (Scotland) Act 2002 ("FOISA") and the Environmental Information (Scotland) Regulations 2004 ("EIRs"), the terms of which apply to the Client. The Client is obliged under FOISA and EIRs, subject to certain exemptions, to make information which it holds available to a person on request. The Service Provider recognises the Client's duties under FOISA and the EIRs.

18 NOTICES

Any notice to be served by the Service Provider to the Client shall be properly served by registered or recorded post to the Executive Manager – Economic Development, Solarhus, North Ness, Lerwick, Shetland and for the Client to the Service Provider shall be properly served by registered or recorded post to the person and address to be confirmed by the Service Provider to the Client within 14 days of the day of engagement.

19 CHOICE OF LAW

This contract shall be governed by the law of Scotland and subject to the exclusive jurisdiction of the Scottish courts.

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

SCHEDULE 2: OUTLINE SERVICE REQUIREMENTS

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

SCHEDULE 2: OUTLINE SERVICE REQUIREMENTS

SCOPE OF SERVICE

The Service Provider's main role will be to act as co-ordinator for Promote Shetland. The role, aim and objectives of Promote Shetland are:

Role

- To support the collaboration between all those involved in building a strong place brand and reputation for Shetland particularly for quality, distinctiveness, authenticity and integrity.
- To act as the vehicle to advise and support public authority, non-government organisations, private sector and educational stakeholders around a common vision for promoting Shetland as an attractive place to live, work, study, visit and invest.

Aim

- Build a strong place brand and positive reputation for Shetland as a place to live, work, study, visit and invest.

Objectives

- To contribute to Community Planning and Client Objectives to attract people to live, work, study, visit and invest in Shetland.
- Operate an effective online gateway for promoting Shetland to all its target markets.
- Develop Shetland's Brand as a distinct and positive place with a unique identity.

Contribute to Community planning and Client Objectives to Attract People to Shetland to Live, Work, Study, Visit and Invest

With more public sector cuts on the horizon, the prospect of exit from the European Union, difficulties in attracting skilled workers to Shetland and an ageing population there is an increasing need to raise the profile of Shetland as a desirable place to live, work, study, visit and invest to specific target audiences including: incoming families; young people; graduates; students;

visitors; businesses and investors in key growth sectors and people with specific skills, etc.

Developing partnerships and playing to our collective strengths is understood to be the most effective way to achieve Shetland's marketing and promotional objectives. Therefore In order to manage expectation, avoid duplication and ensure value for money:

- It is a contractual requirement that Promote Shetland raises awareness of the best of what Shetland has to offer as a place to live, work, study visit and invest and provides specialist advice and support to community planning partners and industry representatives on the best approach and vehicles for targeting and promoting to a particular target market in line with Shetland brand values;
- It remains the responsibility of each sector to lead on understanding, developing and championing its own products and services.

All Promote Shetland activities and partner initiatives supported by Promote Shetland will be closely aligned with Shetland's ten year plan to attract people to live, work, study and invest in Shetland and designed to make a positive contribution to achieving the plans strategic objectives.

The specific outputs and outcomes against, which the Promote Shetland contract is measured will be formally agreed by the Promote Shetland Advisory Group; and in the case of specific industry initiatives, between the Service Provider and industry partners.

40 % of the contractual effort needs to be on this activity.

Operate an Effective Online Gateway for Promoting Shetland to all its target markets

Shetland has had a high ranking online presence at <http://www.shetland.org/> which has been inspiring people with an interest in Shetland to engage online since 2008.

The challenge for Promote Shetland from April 2017 is that it is still a requirement to provide a high ranking online portal at <http://www.shetland.org/> that attracts engages, informs and inspires Shetland's target audiences. There is also a much greater emphasis on adopting a broad cross sectoral approach to championing the best of what Shetland has to offer in terms of the priority areas defined in the Community Plan and the Client's Corporate Plan (as a place where people want to live, work, study, visit and invest).

30 % of the contractual effort needs to be on this activity.

Develop Shetland's Brand as a distinct and positive place with a unique identity

It is generally accepted that having a distinctive and positive brand will increase Shetlands chances of appealing to its target audiences and achieving a sustainable competitive advantage in the longer term.

Showcasing Shetland with honesty and integrity and raising awareness of Shetland as a unique place with a distinct identity is considered key to building a positive reputation for Shetland as a place to live, work study, visit and invest.

This will involve:

- Playing to our collective strengths and showcasing high quality "brand safe" Shetland products, services; and
- Highlighting areas of weakness; gaps in provision and variations in quality which need to be addressed before a particular sector; product or service is of the standard required to be actively promoted.

20 % of the contractual effort needs to be on this activity.

Promotion of Non-Specified Activities

It is important to build in capacity and a level of flexibility to the Promote Shetland contract to ensure that there is scope to be dynamic and to try new approaches.

A small part of the contract should be non- specific so that Promote Shetland can respond to events and opportunities which cannot be anticipated.

10% of the contractual effort can be directed to this activity.

These percentages can be changed by the Client, in consultation with the Service Provider, to suit the opportunities and need for promotional activities in Shetland.

ACTIVITIES

Subject to discussion with the Service Provider and informed by the specific outcomes agreed by the Promote Shetland Advisory Group the Client will be asked to approve a detailed plan of Promote Shetland's initial work programme.

Activities shall include:

- Maintain, improve and operate the online portal for “Shetland” searches at <http://www.shetland.org/> providing or guiding all Shetlands target markets to positive; relevant; good quality; up to date; accurate information.
- Seek to maintain the high ranking position for anybody using search engines to find “Shetland” on the internet.
- Create content for use online that attracts attention, raises awareness of what Shetland has to offer specific target groups and encourages readers to share their knowledge and experience of Shetland with their contacts on social media.
- Support the development of Shetland brand aligned digital place marketing materials (including visitor information) which is interactive, optimised for delivery on mobile devices and available for purchase where costs can be recouped from the user or other income.
- Advise community planning partners and industry representatives on the best approach and vehicles for targeting and promoting to specific target markets, particularly online.
- Seek maximum benefit for the promotion of Shetland through the development of close partnership working with the public sector, NGO's, trade associations and other relevant agencies to improve positive working relationships and avoid duplication of promotional effort.
- Contribute to strategic partnerships that are involved in opportunities for improving Shetland's reputation to its target markets including events organised by partner organisations.
- Showcase high quality “brand safe” Shetland products and services.
- Targeted use of current digital technology to drive users to the <http://www.shetland.org/> website and add value when promoting Shetland to particular client groups.
- Manage contracts with all third parties engaged in providing services to the Client.
- Collect meaningful data to help guide decision making and measure performance.
- Any other activity deemed necessary in the pursuance of Promoting Shetland's aims above.

A detailed list of specific tasks that need to be progressed by the Service Provider during the life of the Contract will be agreed by the Client before the start of each financial year.

For information purposes only an illustrative list of activities which are considered a priority and indicative performance measures have been set out below.

Core Function	Activity	Performance Measures
Shetlands Online Gateway at http://www.shetland.org/	<p>Develop a “Welcome to Shetland” promoting the support and services available to incoming families and workers</p> <p>Enhance the provision of online access to information about opportunities to gain skills and build business in Shetland.</p> <p>Maintain a high quality destination profile for Shetland online building on our use of digital technology to communicate with our visitors.</p> <p>Support the development of a dedicated “Invest in Shetland” portal to attract businesses and investors in key growth sectors.</p> <p><u>Potential Partners</u> Community planning partners, sectoral representatives, industry target groups.</p>	<p>Online searches for Shetland.</p> <p>No. of quality sessions.</p> <p>Measure of content specific engagement.</p> <p>New users per sector</p> <p>Outbound inbound links:</p> <p>Trends in bounce rates:</p> <p>Measure of positive specific user actions</p> <p>UK Non UK</p> <p>Engagement.</p> <p>Demographic of users.</p> <p>No. responding to specific campaigns.</p> <p>Sharing of content that originates on shetland.org/ etc.</p>
Internet Assets and Digital Media E.g. images social media , promotional videos, apps, podcasts, live broadcasts, webcams, online radio and television etc	<p>Create content for use online to attract Shetland’s target audiences (e.g. incoming families; young people , apprentices; graduates; students, visitors; businesses and investors in key growth sectors and people with specific skills, etc) recognising that different audiences respond to different content and delivery channels.</p> <p><u>Potential Partners</u> Community planning partners,</p>	<p>No. of targeted developments for specific markets.</p> <p>No. of platforms targeting specific target groups.</p> <p>Measure of target audiences using each digital channel.</p> <p>Trends in user access using different devices</p>

	sectoral representatives, industry target groups, local community.	Sharing of content originating on PS platforms etc.
Non Digital Marketing Collateral Contribute to developing supplementary non digital marketing collateral and proposition material in partnership for targeted audiences and for specific purpose.	Support the provision of short print runs and media advertising etc for specific initiatives and if appropriate high quality publications that have the potential to cover their costs through additional income / or sales. Targeted sponsorship and use of Shetland ambassadors to add value to targeted activities and events. <u>Potential Partners</u> Community planning partners, trade associations, industry bodies, local businesses and operators, educational institutions, trusts; transport operators special interest groups; business / brand champions, voluntary sector and the local community.	Measure of non digital content specific engagement. No. of Shetland ambassadors / brand champions supported in each sector. Measure of positive specific customer action. Income /Sales.
Develop Shetland's Brand as a distinct and positive place with a unique identity	Adopting brand safe rules and practices in all Promote Shetlands activities and supporting quality improvement. Supporting targeted partner initiatives and local organisations adopting Shetland brand values.	Measure of examples of good practice from targeted sectors which reflect Shetland's quality ambitions and meet customer demand. No. of partner initiatives adopting the "Pride of Place" marketing model. No. of local organisations adopting the "proudly supporting Shetland" concept.
Local Engagement and Partnership Working	Support the integration of marketing effort and partner initiatives targeting Shetland specific markets.	Measure of significant third party engagement relevant to specific target audiences. No. of targeted

	<p>Promote links between complementary sectors and between complementary services e.g. Living and Working in Shetland ; NAFC, Marine Centre; and Shetland College; Food and Drink and Heritage etc.</p> <p><u>Potential Partners</u> Community planning partners, trade associations, industry bodies, local businesses and operators, educational institutions, trusts; transport operators special interest groups; business champions, voluntary sector and the local community.</p>	<p>initiatives developed in partnership.</p> <p>Number of visits to PS platforms that combine content between sectors.</p> <p>No. responding to specific campaigns Measure of positive specific user actions.</p>
Monitoring and Evaluation	<p>A dashboard of performance measures will be agreed, measured and reported on quarterly throughout the life of the contract in a consistent format agreed by the client.</p> <p><u>Guiding Principles</u></p> <p>All digital and non digital assets should be trackable. Sites with ecommerce should have ecommerce tracking. Third party assets (e.g. social media) should have a level of trackability. When working with partners significant user actions should be tracked and at least one call to action identified as a measure of Promote Shetlands contribution to delivering on a specific objectives.</p> <p><u>Potential Partners</u> Community planning partners, sectoral representatives, industry target groups , local community.</p>	<p>Progress against measures of success will be agreed for projects and partner initiatives during the life of the contract.</p> <p><i>*A data analyst has been commissioned to advise and support the Client and the Service Provider on the collection, monitoring, analysis and presentation of relevant performance indicators for the first 2 years of the contract.</i></p>
Public Relations	<p>Targeted Support for media familiarisation trips, events and activities where there is a clear link with promote Shetlands core objectives.</p>	<p>Measure of positive specific user actions as a result of support from promote Shetland e.g. national and international presence</p>

	Individuals and organisations that can contribute positively to Shetlands brand and to attracting engaging informing and inspiring Shetland's target audiences.	on relevant delivery platform.
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**SCHEDULE 3: SERVICE PROVISION STATEMENT
AND CONTINUATION SHEET(S)**

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

SCHEDULE 3: SERVICE PROVISION STATEMENT

Note: The Service Provision Statement shall form the basis of the Tenderer's quality submission. Up to 60 marks are available for this part of the contract award criteria.

Responses must be given to each of the following:

Understanding of the requirements of Schedule 2, evidence of ability to deliver a comprehensive Promote Shetland service and of the relevant knowledge of Shetland and experience required to meet those requirements (Total: 20%)

- (a) Demonstrating a knowledge of Shetland and a clear understanding of the role of the Promote Shetland Service in attracting people to live, work, study, visit and invest in Shetland (10%)
- (b) Examples of other contracts of a similar nature and how these were successfully delivered (10%)

Overall approach and methodology contained within the proposal (Total: 30%)

- (a) How work will be organised and carried out in order to deliver the priority areas set out in Schedule 2: Outline Service Requirements (10%)
- (b) How personnel and other resources will be used, developed and controlled in order to meet the requirements in Schedule 2 (10%)
- (c) How promotional focus and value for money will be maintained throughout the life of the contract (10%)

Contract Management (Total: 10%)

- (a) How the service will be managed (5%)
- (b) What controls will be in place to avoid risk, ensure that all promotional work is carried out to a high quality, professional standard and also delivered within challenging timeframes (5%)

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

SCHEDULE 3: SERVICE PROVISION STATEMENT

[Additional sheet, number :]

SCHEDULE 4

Client Owned Property available for use in the Promote Shetland Contract.

Description

Apple Mackintosh Pro Laptop

Apple Mackintosh Pro Laptop

Apple Mackintosh Pro Laptop

Apple Mac 27 Workshop

Tascam Portable Audio Recorder

Tascam Portable Audio Recorder

Panasonic HPX250 Video Camera

Panasonic HPX250 Video Camera

Panasonic HPX250 Video Camera

Panasonic HPX250 Video Camera

Newtek TricasterTCDX455 Vision Mixer

Airmate Audio Mixing Console

Denon Dual CD Player

Grandstream GXP2000 Voip phone

Grandstream GXP2000 Voip phone

Grandstream GXP2000 Voip phone

Grandstream GXP2000 Voip phone

Grandstream GXP2000 Voip phone

Teradek Video Encoder

Teradek Video Encoder

Asus LCD 19 inch Display

Asus LCD 19inch Display

Panasonic LED 42 inch Display

Axis Network Camera

Axis Network Camera

Axis Network Camera

Axis Network Camera

Axis Network Camera

Axis Network Camera

Axis Network Camera

Axis Network Camera

Websites (Domains and Sub Domains)	Registrant
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www.shetland.org

I

www.visitshetland.org

www.visitshetland.com

www.cycleshetland.co.uk

www.cycleshetland.com

www.walkshetland.com

www.shetlandmarinas.com

www.powerfromthenorth.com

www.tasteofshetland.com

www.60north.TV

www.60northFM

Access to Client Systems and Services

The Service Provider will have access to corporate systems and services provided by the Client on agreement e.g. central file storage; equipment and software (support of), security features; network access; telephony; Corporate Software/Hardware.

Individual access is dependent upon authorised user access forms, as appropriate, being processed by the Shetland Islands Council ICT Service under a Standard ICT Service Level Agreement. To ensure no interruption of service the core services to be provided by the client will be agreed in advance and will be provided at no cost to the Service Provider. Any additional services required during the period of the Contract may be provided by negotiation with Shetland Islands Council ICT Services.

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

FORM OF TENDER

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

FORM OF TENDER

To: SHETLAND ISLANDS COUNCIL, constituted under Section 2 of the Local Government etc. (Scotland) Act 1994 and having their principal offices at, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ (“the Council”).

We, the Tenderer named below (“the Tenderer”), having scrutinised the Tender Documents comprising Information for and Instructions to Tenderers, Schedule 1 – Conditions of Contract, Schedule 2 – Outline Service Requirements, Schedule 3 – Service Provision Statement and Continuation Sheet(s), Schedule 4 – Client Owned Property, Certificate of Non-Collusion and this Form of Tender, hereby offer to enter into a Contract with the Council to provide the Promote Shetland Service to the Council and that for the tender price as detailed in Appendix A of this Form of Tender and that also in accordance with the whole terms and conditions specified or referred to in said Tender Documents.

This Form of Tender is:-

Dated thisday of.....2017

and Signed by * (SIGNATURE ONLY).....

Full Name of Signatory (PRINT NAME):

Position /Job Title:

For and on behalf of:-

Business Name:

Business Address:

.....

Telephone No: Fax No:

Signed before this witness: (SIGNATURE ONLY):

..... Date:

Full Name of Witness: (PRINT NAME)

Occupation of Witness:

Address:

*** - An unsigned Form of Tender does NOT constitute a formal offer and cannot be considered. A typed name is NOT a signature.**

For Official Use Only

Received by:-

S.I.C. Member _____ (PRINT NAME) Dated __/__/__

S.I.C. Official _____

S.I.C. Official _____

Appendix to the Form of Tender

Appendix A

Payment for Services

Annual tender price £_____ **excluding VAT**

Breakdown of annual tender price noted above, including as a minimum requirement:

the price and itemised description of set up, staff and contract management costs; and

the costs of providing each of the core functions identified in Schedule 2 Outline Service Requirements namely:

Shetland's Online Gateway;

Internet Assets and Digital Media;

Non Digital Marketing Collateral;

Develop Shetland's Brand (as a distinct and positive place with a unique identity);

Local engagement and partnership working;

Monitoring and evaluation; and

Public relations.

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

CERTIFICATE OF NON-COLLUSION

PUBLIC SERVICE CONTRACT: PROMOTE SHETLAND SERVICE

CERTIFICATE OF NON-COLLUSION

1. We, the Tenderer designated below, certify that the Tender to which this Certificate relates has been made in good faith, and that we have not fixed or adjusted the amount of the said Tender by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not and we undertake that we will not before the award of the above Contract:-

(i) (a) Communicate to any person (other than to Shetland Islands Council, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ or to a representative of said Council, and this only after the time and date fixed for submission of the said Tender has passed and this only provided that by that time and date we have timeously submitted said Tender to the Tender Return Address) the amount or approximate amount of the said Tender or any proposed tender, except where the disclosure, in confidence, of the approximate amount of the said Tender or any proposed tender has been necessary to obtain insurance premiums or Contract Guarantee Bond quotations required for the preparation of said Tender; or

(b) Enter into any agreement or arrangement with any other person that they shall refrain from tendering, that they shall withdraw any tender once offered or vary the amount of any tender to be submitted; or

(ii) Pay, give or offer to pay or give any sum of money or other valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the above Contract, any act or thing of the sort described at (i) (a) or (b) above.

2. In this Certificate, the word 'person' includes any natural or legal person (including any body or association, corporate or unincorporated) and the words 'any agreement or arrangement' includes any transaction, formal or informal and whether legally binding or not.

Dated thisday of 2017

and signed by

Full name of signatory (PRINT NAME)

Position/ Job Title

as a duly authorised agent hereby certifying the matters contained in this
Non-Collusion Certificate for and on behalf of: -

Full Name of Business:.....

Registered Address of Business:

.....

.....

Telephone No: Fax No:

Signed before this witness (SIGNATURE ONLY).....

Full name of witness (PRINT NAME)

Address of witness

.....

Occupation of witness.....



European Single Procurement Document
ESPD (Scotland)

Version 1.9

The ESPD (Scotland) includes the following parts and sections:

- 1. Instructions**
- 2. Part I. Information concerning the procurement procedure and the public body**
- 3. Part II. Information concerning the bidder.**
 - A: Information about the bidder.**
 - B: Information about representatives of the bidder**
 - C: Information about reliance on the capacities of other entities**
 - D: Information concerning subcontractors on whose capacity the bidder does not rely**
- 4. Part III. Exclusion criteria:**
 - A: Grounds relating to criminal convictions.**
 - B: Grounds relating to the payment of taxes or social security contributions.**
 - C: Blacklisting.**
 - D: Grounds relating to insolvency, conflicts of interests or professional misconduct.**
- 5. Part IV. Selection criteria**
 - A: Suitability.**
 - B: Economic and financial standing.**
 - C: Technical and professional ability.**
 - D: Quality assurance schemes and environmental management standards.**
 - E: Global indication for all selection criteria.**
- 6. Part V. Reduction of the number of qualified candidates.**
- 7. Part VI. Concluding Statements**

Terms used

Throughout this document:

Public bodies are referred to as short-hand for organisations/contracting authorities/contracting entities which are subject to public procurement laws. This includes government, councils, universities and colleges, the NHS, registered social landlords and other bodies.

Bidders is used as short-hand for organisations which **offer the execution of works or a work, the supply of products or the provision of a service on the market (i.e. those that may bid for public contracts)**. This includes public corporations, private companies, sole traders, the third sector and supported businesses. These are known as economic operators in The Public Contracts (Scotland) Regulations 2015 and as candidates in The Utilities Contracts (Scotland) Regulations 2016.

Contract in this guidance may mean a contract, a Framework Agreement or a Dynamic Purchasing System.

Contract Notice also refers to a Prior Information Notice (PIN) when that is used as a Call for Competition.

Micro enterprise: an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed £1.57 million.

Small enterprise: an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed £7.86 million.

Medium enterprises: enterprises which are neither micro nor small, which employ fewer than 250 persons and which have an annual turnover not exceeding £39.28 million, and/or an annual balance sheet total not exceeding £33.78 million.

Supported business means an economic operator whose main aim is the social and professional integration of disabled or disadvantaged persons, and where at least 30% of the employees of the economic operator are disabled or disadvantaged persons.

Supported employment programme means an employment programme operated by an economic operator, the main aim of which is the social and professional integration of disabled or disadvantaged persons, and where at least 30% of those engaged in the programme are disabled or disadvantaged persons.

Instructions

Introduction

The European Single Procurement Document (Scotland) or ESPD (Scotland) replaces the standard Pre-Qualification Questionnaire (sPQQ).

The ESPD (Scotland) replaces the requirement for bidders to provide up-front evidence or certificates by allowing them to self-declare that they:

- do not fall within a ground for exclusion (or, if they do, they can demonstrate that they have taken self-cleansing measures);
- meet the relevant selection criteria
- (where applicable) fulfil the objective rules and criteria for reduction of candidates.

In all procurement exercises for public contracts and utilities contracts commenced from 18 April 2016, it is mandatory to use the ESPD (Scotland) where the estimated value is equal to or greater than the OJEU threshold. You must not use the standard Pre-Qualification Questionnaire (sPQQ) or any local Pre-Qualification Questionnaires from this date onwards. It is best practice to use the ESPD (Scotland) document for all regulated procurements below the EU threshold.

The introduction of the ESPD is intended by the European Commission to reduce the administrative burden on bidders and to remove some of the barriers to participation in public procurement, especially for small to medium-sized enterprises (SMEs).

The ESPD is a generic document, used across all EU Members States, from which the ESPD (Scotland) has been developed. This means that the questions in the ESPD (Scotland) cannot be amended and new questions cannot be added. **Procurement Officers must set out the specific requirements, the relevant exclusion grounds and the minimum standards that are relevant for the procurement exercise in the Contract Notice.**

Bidders will use their ESPD response to indicate whether or not they have complied with the minimum standards and any other requirements set out in the Contract Notice.

Access to ESPD (Scotland)

If you are currently a PCS-Tender user you will be able to use the online ESPD (Scotland) template available on PCS-Tender. If you do not use PCS-Tender you should download the ESPD (Scotland) template from the Procurement Journey. Please ensure you always use the ESPD (Scotland) document from this source location in the Procurement Journey to ensure you always use the most up-to-date version.

Contract Notice Standardised Statements

A set of standardised statements, which are aligned to the relevant exclusion and selection questions in the ESPD (Scotland), have been developed to support Procurement Officers in adopting a standard approach to defining minimum requirements in contract notices.

The Scottish Government is working with Public Contracts Scotland (PCS) system provider to have the standardised statements embedded in the Contract Notice functionality, to enable Procurement Officers to add, select and/or amend (if appropriate) the standardised statements online, on PCS.

Until this is ready, Procurement Officers should use the Standardised Statements document which can be found in the Procurement Journey's European Single Procurement Document ESPD (Scotland) station. Procurement Officers may add and/or amend the statements in the standardised statements document and copy them over to the Contract Notice section in PCS. The statements must reflect the selection criteria and minimum standards of the procurement exercise.

Key points for public bodies

Public bodies:

- Must issue and accept the ESPD as part of the selection process for procurements whose estimated value is equal to or greater than the OJEU threshold for public contracts and utilities contracts, i.e. tenders in open procedures and requests for participation in restricted procedures, competitive procedures with negotiations, competitive dialogues or innovation partnerships;
- Should use the ESPD (Scotland) for regulated procurements below the EU contract threshold value (this is best practice);
- Must include the relevant exclusion and selection criteria in the Contract Notice;
- Must ask the bidders to provide a separate response from any entities, this could include for example subcontractors and/or consortium members etc., upon whose capability and/or capacity the bidder **relies upon** in order to meet any aspect of the **selection criteria**.

In this case, these entities must complete the relevant parts of an ESPD (Scotland) to self-declare whether there are grounds for their exclusion and provide details of how they meet the required selection criteria.

This bullet point applies for regulated procurements of OJEU threshold and above and can be applied to below OJEU value contracts where relevant and proportionate.

- Should ask bidders in all cases if they intend to **subcontract** any share of the contract. However, bidders should only be asked **to list** who those proposed subcontractors will be where this information is important to help safeguard the effective delivery of the contract.

- May require bidders to provide a separate ESPD response from subcontractors who will be used to deliver / perform elements of the contract. This is only for the purpose of verifying whether there are grounds for their exclusion. Using a subcontractor to deliver / perform elements of the contract is not the same as relying on a subcontractor to meet any aspect of the selection criteria.

This can be done as part of the selection process or prior to the subcontractor commencing work on the contract. It is recommended that you do not ask for an ESPD (Scotland) from subcontractors for this purpose at the selection stage in all cases, but only when it is important to safeguard the effective delivery of the contract.

If it is important to verify exclusion grounds of subcontractors, details of this requirement and when the ESPDs must be submitted should be stated in the Contract Notice.

- Must request a separate ESPD response from each member of a consortium for procurements whose estimated value is equal to or greater than the OJEU threshold to ensure that no members are included that should be excluded, and that they all meet the relevant selection criteria;
- May (for below OJEU threshold contracts) request separate ESPD responses from subcontractors and consortium members, when deemed appropriate in order to safeguard the effective delivery of the contract, based on relevance and proportionality to the contract.
- Must (for procurements whose estimated value is equal to or greater than the OJEU threshold) ask the successful bidder for the relevant evidence and certificates, which support the declarations made in the ESPD, prior to awarding the contract (except in respect of call-off contracts from framework agreements) and may also do so before the ITT stage of the Restricted Procedure, Innovation Partnership, Competitive Dialogue and Competitive Procedures with Negotiation procedure as part of their due diligence process. If a bidder is not be able to provide the requested ESPD supporting documents, or withholds or misrepresents such information, this is a discretionary ground for exclusion.
- May (for procurements whose estimated value is equal to or greater than the OJEU threshold) ask for evidence and certificates at any stage of the process if they consider it necessary to ensure the proper conduct of the process. It is a discretionary ground for exclusion for a bidder not to be able to provide the requested ESPD supporting documents, or to withhold or misrepresent such information.
- May ask the bidder to provide the web address where the relevant supporting documentation/certificates are freely and publicly available. If the supporting documents/certificates are available electronically and this is detailed by the bidder in the ESPD for procurements whose estimated value is equal to or greater than the OJEU threshold, the public body must not ask the suppliers to provide them separately later in the procurement process;
- Must (for procurements whose estimated value is equal to or greater than the OJEU threshold) request an ESPD response to be completed for each lot (or group of lots with the same selection criteria) where procurements are divided into lots **and** selection criteria vary from lot to lot.
- May (for below OJEU threshold contracts) request an ESPD response to be completed for each lot (or group of lots with the same selection criteria) where

procurements are divided into lots **and** selection criteria vary from lot to lot. This is considered best practice.

Exclusion of bidders or other entities (for example sub-contractors and/or consortium members etc.)

Bidders or other entities may be excluded from the procurement procedure in cases of:

- serious misrepresentation in filling in the ESPD,
 - or
 - serious misrepresentation of, or withholding, the information required for
 - the verification of the absence of grounds for exclusion,
 - the fulfilment of the selection criteria,
 - or
 - where the bidder being unable to submit the supporting documents
 - or
 - if the submitted ESPD verifies that there are mandatory grounds for exclusion of any other entity, then they **must** be replaced and where there are discretionary grounds for exclusion, the other entity **may** be replaced.
- This applies for regulated procurements of OJEU threshold and above and can be applied to below OJEU value contracts where relevant and proportionate.

There are circumstances in which a bidder must be excluded from the procurement process, and there are other circumstances in which a bidder may be excluded from the procurement process, if you have selected such ground as a possible exclusion ground for exclusion in your procurement documents and you consider that exclusion is appropriate in that particular case. These are referred to as mandatory and discretionary exclusion grounds respectively.

The bidder, subcontractor or other entity may rely upon their ESPD response as a self-declaration that they have not breached any of the mandatory or discretionary exclusion grounds (or where they have breached such grounds, they can demonstrate in their ESPD response that they have taken self-cleansing measures).

If a bidder is in a situation which might result in its exclusion, it may provide evidence to show that it has taken appropriate remedial action to demonstrate its reliability. This is known as self-cleansing. In such cases the bidder must not be excluded from the procurement procedure on such exclusion grounds.

For further information:

- Regulation 58 (13) to (17) of the Public Contracts (Scotland) Regulations 2015
- Regulation 78 of the Utilities Contracts (Scotland) Regulations 2016
- Regulations 8(6) to (10) and 9(9) to (13) of the Procurement (Scotland) Regulations 2016
- Section 5.4 of the **Guidance under the Procurement Reform (Scotland) Act 2014**

There are also further situations where it is not appropriate to exclude a bidder despite there being apparent grounds for exclusion (e.g. where there are overriding reasons relating to the public interest). There are also set time periods in which the exclusions apply.

Further information on selection and exclusion criteria can be found in the Procurement Journey.

Shortlisting

It is recommended that if you are shortlisting the number of bidders to be taken forward to the next stage, this should be done within the Technical and Professional Ability (Part IV. Section C) section of the ESPD (Scotland).

The objective and non-discriminatory criteria that will be applied to produce a 'shortlist' of bidders must be contained in the Contract Notice. This should include an explanation of the relative weighting and scoring methodology to be applied.

Key points for bidders

Bidders:

- May reuse information that has been provided in an ESPD response which has already been used in a previous procurement procedure as long as the information remains correct and continues to be pertinent;
- Must submit an ESPD response as part of the selection process when requested to do so by a public body;
- Should not provide any certificates or supporting documentation as part of the ESPD response unless specifically requested by the public body;
- Must provide a separate ESPD response from entities upon whose capability / capacity they rely on in order to meet any selection criteria.
Must replace an entity where verification has shown that any of the mandatory grounds for exclusion apply (public bodies may also require the replacement of a subcontractor to which any of the discretionary grounds for exclusion apply);
- Must, if required by the public body, submit a separate ESPD response from subcontractors. Where this information is sought it must be specified in the Contract Notice. In such a case, public bodies must require the replacement of a subcontractor to which verification shows that mandatory grounds for exclusion apply, and may require the replacement of a subcontractor to which verification shows that any of the discretionary grounds for exclusion apply.
- Must submit a separate ESPD response from subcontractors and consortium members, when deemed appropriate by the public body and requested by the public body, for below OJEU threshold contracts;
- Must submit a separate ESPD response from each member of a consortium to ensure all members meet the exclusion criteria and relevant selection criteria for procurement of contracts equal to or above OJEU thresholds;
- Will be required to provide the relevant evidence and certificates prior to awarding the contract, if they are the successful bidder to which the public

body has decided to award the contract and such information may also may be requested before such date where necessary;

- Should provide the web address where public bodies can access the relevant supporting documentation/certificates if freely and publicly available online. If the supporting documents/certificates are not available electronically, bidders must provide them separately, when requested by the public body;
- Should submit an ESPD response for each lot where procurements are divided into lots **and** where the selection criteria vary from lot to lot (or group of lots with the same selection criteria).

**Standard form for
the European Single Procurement Document (ESPD Scotland)**
Part I: Information concerning the procurement procedure and public body

Completed by the Procurement Officer only for OJEU threshold contracts or above (please delete if below OJEU threshold)	
OJEU number:	
Date:	

All following sections of the ESPD (Scotland) should be filled in by the bidder.

INFORMATION ABOUT THE PROCUREMENT PROCEDURE

Details of public body	Answer
Name:	
Which procurement is concerned?	Answer
Title or short description of the procurement:	
File reference number attributed by the public body:	

Part II: Information concerning the bidder

A: INFORMATION ABOUT THE BIDDER

Instructions for Bidders

This section seeks background information about the bidder; this section is not normally evaluated, however the public body may choose not to select bidders that cannot provide basic company information.

All personal information supplied will be treated as confidential and will be subject to the Data protection Act 1998.

Question Reference	Identification	Answer
2A.1	Name:	[text]
2A.2	VAT-number, if applicable:	[number]
2A.3	National Identification no (if required and applicable):	[text]
2A.4	D.U.N.S. number, if applicable:	[number]
2A.5.1	Postal address Line 1:	[text]
2A.5.2	Postal address Line 2:	[text]
2A.5.3	Postal address Town/City:	[text]

2A.5.4	Postal address Region:	[text]
2A.5.5	Postal address Postcode:	[text]
2A.5.6	Postal address Country:	[text]
2A.6	Contact person or persons:	[text]
2A.7	Telephone (including dialling code):	[number]
2A.8	Mobile (including dialling code):	[number]
2A.9	Email:	[number]
2A.10	Internet address (web address) (if applicable):	[text]
2A.11	Name of parent company (if applicable):	[text]
2A.12	Name of ultimate parent company (if applicable):	[text]
2A.13	Bidder Legal Status:	<input type="checkbox"/> Sole Trader <input type="checkbox"/> Private Limited Company <input type="checkbox"/> Public Limited Company <input type="checkbox"/> Partnership <input type="checkbox"/> Other
2A.13.1	If you have answered 'Other' to question 2A.13 please provide details here:	[text]

Question Reference	Identification	Answer
2A.14	For Small to Medium Sized Enterprises (SMEs) only , please confirm the size of your organisation:	<input type="checkbox"/> Micro <input type="checkbox"/> Small <input type="checkbox"/> Medium
2A.15	Is your organisation a supported business or will it provide for the performance of the contract in the context of supported employment programmes?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2A.15.1	If you have answered yes to the previous question, what is the corresponding percentage	[number]

	of disabled or disadvantaged workers?	
2A.15.2	If you have answered yes to question 2A.15, please specify which category or categories of disabled or disadvantaged workers the employees concerned belong to:	[text]

Question Reference	Identification	Answer
2A.16	If applicable, is the bidder registered on an official list of approved economic operators (applicable to non-UK businesses only), or does it have an equivalent certificate (e.g. under a national (pre)qualification system)? If yes: <u>Please answer the remaining parts of this Section, Sections B and, where relevant, C and D of this Part, complete Part V, where applicable, and, in any case, fill in and sign Part VI.</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
2A.16.1	Please provide the name of the list or certificate and the relevant registration or certification number, if applicable:	[text]
2A.16.2	If the certificate of registration or certification is available electronically, please state:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]
2A.16.3	Please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list:	[text]
2A.16.4	Does the registration or certification cover all of the required selection criteria? If no: <u>In addition, please complete the missing information in Part IV, Sections A, B, C or D as the case may be</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2A.16.5	<p>ONLY if this is required in the relevant Contract Notice or procurement documentation:</p> <p>Will the economic operator be able to provide a certificate with regard to the payment of social security contributions and taxes or provide information enabling the public body or contracting entity to obtaining it directly by accessing a national database in any Member State that is available free of charge?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2A.16.6	If the relevant documentation is available electronically, please state:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]

Question Reference	Form of participation (Notably as part of a group, consortium, joint venture or similar)	Answer
2A.17	Is the bidder participating in the procurement procedure together with others?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2A.17.1	<p>If yes:</p> <p>Please indicate the role of the bidder(s) in the group (leader, responsible for specific tasks):</p>	[text]
2A.17.2	Please identify the other bidder(s) participating in the procurement procedure together:	[text]
2A.17.3	Where applicable, name of the participating group:	[text]
<p>2A.17.4 IF YOU HAVE ANSWERED <u>YES</u> TO QUESTION 2A.17, PLEASE ENSURE THAT EACH PARTICIPANT LISTED ABOVE PROVIDES A SEPARATE ESPD RESPONSE.</p>		

Question Reference	Lots	Answer
2A.18	Where applicable, please indicate the lot(s) for which the bidder wishes to tender:	[text]

B: Information about representatives of the bidder

Instructions for Bidders

Where applicable, please indicate the name(s) and address(es) of the person(s) empowered to represent the bidder for the purposes of this procurement procedure:

Question Reference	Representation, if any	Answer
2B.1	Full name;	[text]
2B.2	Date of birth:	[text]
2B.3	Place of birth:	[text]
2B.4	Position/Acting in the capacity of:	[text]
2B.5.1	Postal address Line 1:	[text]
2B.5.2	Postal address Line 2:	[text]
2B.5.3	Postal address Town/City:	[text]
2B.5.4	Postal address Region:	[text]
2B.5.5	Postal address Postcode:	[text]
2B.5.6	Postal address Country:	[text]
2B.6	Telephone:	[number]
2B.7	Mobile:	[number]
2B.8	Email:	[text]
2B.9	If needed, please provide detailed information on the representation (its forms, extent, purpose etc.):	[text]

C: INFORMATION ABOUT RELIANCE ON THE CAPACITIES OF OTHER ENTITIES*

2C.1 Instructions for Bidders

* **meaning of reliance on the capacities of other entities** – If the main bidder does not meet the required selection criteria described in Part IV and V for this contract on their own, the main bidder can rely on another entity or entities to do so. **This is not the same as using a subcontractor to deliver / perform elements of the contract.**

A bidder can rely upon the capacities of another entity or entities in respect of:

- ESPD Part IV section B - Economic and Financial Standing;
- ESPD Part IV section C - Technical and Professional Ability;
- ESPD Part IV section D - Quality Assurance Schemes and Environmental Management Standards; or
- ESPD Part V - Reduction of the Number of Qualified Candidates (if applicable).

If the response to question 2C.1 is 'yes', the bidder must provide a separate ESPD response setting out the information required under **ESPD (Scotland): Part II (sections A and B); Part III exclusion grounds; the relevant part of Section IV selection criteria; and Part V (if applicable)** for each of the entities concerned. All Parts must be duly filled in and signed by all of the entities.

This includes a situation where, in order to meet any specific technical and professional requirements of the selection criteria, a bidder needs to rely on *technicians or technical bodies from another entity, e.g., those who do not belong directly to the bidder's organisation.*

Question Reference	Reliance	Answer
2C.1	Does the bidder rely on the capacities of other entities in order to meet the selection criteria set out under Part IV and the criteria and rules (if any) set out under Part V below?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**D: INFORMATION CONCERNING SUBCONTRACTORS WHO ARE NOT BEING RELIED ON TO MEET
SELECTION CRITERIA**

Instructions for Bidders

Section to be filled-in only if this information is required by the public body.

Question Reference	Subcontracting	Answer
2D.1	Does the bidder intend to subcontract any share of the contract to third parties?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2D.1.1	If yes and in so far as known, please list the proposed subcontractors:	[text]

2D.1.2 If the public body explicitly requests this information, please provide a separate ESPD response (Sections A and B of this Part and Part III) for each subcontractor.

Part III: Exclusion grounds

Instructions for Bidders

Failure to disclose information relevant to this section or misrepresentation in relation to the information disclosed may result in exclusion of the bidder from this procurement process or the termination of any subsequent contract that is awarded to them.

The bidder may be asked to provide the relevant documentation or to state where the extract from the relevant register, for example judicial records, is available electronically to the public body so that it may retrieve this information. **By indicating this information, the bidder agrees that the public body may retrieve the documentation subject to the national rules implementing Directive 95/46/EC on the processing of personal data, and in particular of special categories of data such as on offences, criminal convictions or security measure.**

The bidder uses the ESPD response as a self-declaration that they have not breached any of the mandatory and discretionary exclusion grounds (or, if they have, they can demonstrate to the public bodies satisfaction that they have taken **self-cleansing measures**) and that they meet the relevant selection criteria.

For further information regarding regulated procurements of OJEU threshold and above, please refer to Regulations 58 and 59 of The Public Contracts (Scotland) Regulations 2015, Regulation 78 of the Utilities Contracts (Scotland) Regulations 2016.

Regarding regulated procurements which are between £50k and OJEU threshold, please refer to Regulations 8, 9 and 10 of The Procurement (Scotland) Regulations 2016.

A: GROUNDS RELATING TO CRIMINAL CONVICTIONS

Regulation 58 (1) of The Public Contracts (Scotland) Regulations sets out reasons for exclusion relating to criminal convictions for above OJEU procurements. These also apply to utilities contracts (see Regulation 78 of the Utilities Contracts (Scotland) Regulations 2016).

Regulation 8(1) of The Procurement (Scotland) Regulations 2016 sets out reasons for exclusion relating to criminal convictions for below OJEU procurements.

1. The common law offence of conspiracy; where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime or an offence under sections 28 or 30 of the Criminal Justice and Licensing (Scotland) Act 2010;

2. a) Corruption; within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906, where the

offence relates to active corruption as defined in Article 3 of the Council Act of 26th May 1997 and Article 3(1) of Council Joint Action 98/742/JHA;

b) Bribery or Corruption within the meaning of sections 68 and 69 of the Criminal Justice (Scotland) Act 2003, where the offence relates to active bribery or corruption

c) Bribery within the meaning of sections 1 or 6 of the Bribery Act 2010;

3. Fraud where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities

- a) the offence of cheating the Revenue
- b) the common law offence of fraud
- c) the common law offence of theft or fraud
- d) fraudulent trading within the meaning of section 458 of the Companies Act 1985, or section 993 of the Companies Act 2006;
- e) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
- f) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
- g) the common law offence of uttering; or
- h) the common law offence of attempting to pervert the course of justice;

4. Terrorist offences or offences linked to terrorist activities; listed in section 41 of the Counter-Terrorism Act 2008; or Schedule 2 to that Act where the court has determined that there is a terrorist connection.

5a) Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;

5b) Money Laundering or Terrorist financing; an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988;

6. Child labour and other forms of **trafficking in human beings**; any offence under Part 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 or under any provision referred to in the Schedule to that Act;

7. Drugs trafficking, an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994;

8. Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any EEA state or any part thereof.

Question Reference	Grounds relating to criminal convictions under national provisions implementing the grounds set out in Regulation 58(1) of The Public Contracts (Scotland) Regulations for above OJEU and grounds relating to criminal convictions under national provisions implementing the grounds set out in Regulation 8(1) of The Procurement	Answer
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	(Scotland) Regulations 2016 for below OJEU threshold.	
3.A	Has the bidder itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment within the last five years for one of the reasons listed above?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not
3A.1	If the relevant documentation is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]
3A.2	If yes, please indicate: Date of conviction, specify which of points 1 to 8 is concerned and the reason(s) for the conviction,	Date of Conviction:[date] Point(s): [number] Reason(s) for the conviction:[text]
3A.3	Identify who has been convicted;	[text]
3A.4	If the relevant documentation is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]
3A.5	In case of convictions, has the bidder taken measures to demonstrate its reliability despite the existence of a relevant ground for exclusion ("Self-Cleansing")?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3A.6	If yes, please describe the measures taken:	[text]

B: GROUNDS RELATING TO THE PAYMENT OF TAXES OR SOCIAL SECURITY CONTRIBUTIONS

Question Reference	Payment of taxes or social security contributions	Answer	
3B.1	Has the bidder met all its obligations relating to the payment of taxes or social security contributions, both in the UK, and in the country in which it is registered, if that is not the UK?	Taxes	Social Security contributions
		<input type="checkbox"/> Yes, I have met all my obligations <input type="checkbox"/> No	<input type="checkbox"/> Yes, I have met all my obligations <input type="checkbox"/> No

3B.1.1	If not, please indicate: Country or Member State concerned	Taxes	Social Security contributions
		[text]	[text]
3B1.2	What is the amount concerned?	[number]	[number]
3B.1.3	How has this breach of obligations been established: Through a judicial or administrative decision:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3B.1.4	Is this decision final and binding?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3B.1.5	Please indicate the date of conviction or decision.	[date]	[date]
3B.1.6	By other means? Please specify:	[text]	[text]
3B.1.7	Has the bidder fulfilled or will it fulfil its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines?	<input type="checkbox"/> Yes , I have <input type="checkbox"/> No If yes, please provide details: [text]	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details: [text]
3B.1.8	If the relevant documentation concerning payment of taxes or social contributions is available electronically, please indicate:	The web address: [text]	
		The issuing authority or body: [text]	
		The precise reference of the documentation: [text]	

C: BLACKLISTING

Question Reference	Information concerning possible blacklisting	Answer
3C.1	Has the bidder committed an act prohibited under the Employment Relations Act 1999 (Blacklists) Regulations 2010?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not
3C.1.1	If yes , when did the breach occur?	[text]
3C.1.2	If yes , please give details about the breach:	[text]
3C.1.3	If yes , has this been established by a judicial decision having final and binding effect?	[text]
3C.1.4	If yes , has the bidder taken measures to demonstrate its reliability despite the existence of this ground for exclusion ("Self-Cleansing")?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3C.1.5	If yes , please describe the measures taken:	[text]

D: GROUNDS RELATING TO INSOLVENCY, CONFLICTS OF INTERESTS OR PROFESSIONAL MISCONDUCT**Instructions for Bidders**

Please note that, for the purpose of this procurement, some of the following exclusion grounds may have been defined more precisely, in national law, in the relevant Contract Notice.

For further information regarding regulated procurements of OJEU threshold and above, please refer to Regulations 58(8) of The Public Contracts (Scotland) Regulations 2015, Regulation 78 of the Utilities Contracts (Scotland) Regulations 2016.

Regarding regulated procurements which are between £50k and OJEU threshold, please refer to Regulations 9 of The Procurement (Scotland) Regulations 2016.

Question Reference	Information concerning environmental, social and labour law	Answer
3D.1	Has the bidder, to its knowledge, breached its obligations in the fields of environmental law?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not breached
3D.1.1		[text]

	If yes , when did the breach occur?	
3D.1.2	If yes , please give details about the breach:	[text]
3D.1.3	If yes , has the bidder taken measures to demonstrate its reliability despite the existence of this ground for exclusion ("Self-Cleansing")?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.1.4	If it has , please describe the measures taken:	[text]

3D.2	Has the bidder, to its knowledge, breached its obligations in the fields of social law?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not breached
3D.2.1	If yes , when did the breach occur?	[text]
3D.2.2	If yes , please give details about the breach:	[text]
3D.2.3	If yes , has the bidder taken measures to demonstrate its reliability despite the existence of this ground for exclusion ("Self-Cleansing")?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.2.4	If it has , please describe the measures taken:	[text]

3D.3	Has the bidder, to its knowledge, breached its obligations in the fields of labour law?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not breached
3D.3.1	If yes , when did the breach occur?	[text]
3D.3.2	If yes , please give details about the breach:	[text]
3D.3.3	If yes , has the bidder taken measures to demonstrate its reliability despite the existence of this ground for exclusion ("Self-Cleansing")?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.3.4	If it has, please describe the measures taken:	[text]

Question Reference	Information concerning insolvency	Answer
3D.4	Is the bidder in any of the following situations: Bankrupt, or	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.5	The subject of insolvency or winding-up proceedings, or	<input type="checkbox"/> Yes <input type="checkbox"/> No

3D.6	In an arrangement with creditors, or	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.7	In any analogous situation arising from a similar procedure under national laws and regulations, or	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.8	That its assets are being administered by a liquidator or by the court, or	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.9	That its business activities are suspended?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.a	If yes , please provide details:	[text]
3D.b	If yes , please indicate the reasons for being able nevertheless to perform the contract, taking into account the applicable national rules and measures on the continuation of business in those circumstances?	[text]
3D.c	If the relevant documentation is available electronically, please indicate:	The web address: [text], The issuing authority or body: [text] The precise reference of the documentation: [text]

Question Reference	Grave professional misconduct and conflicts of interest	Answer
3D.10	Is the bidder guilty of grave professional misconduct?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.10.1	If yes , date when it happened:	[text]
3D.10.2	If yes , please provide details:	[text]
3D.10.3	If yes , has the bidder taken self-cleansing measures?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.10.4	If it has , please describe the measures taken:	[text]
3D.11	Has the bidder entered into agreements with other economic operators aimed at distorting competition?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.11.1	If yes , please provide details:	[text]
3D.11.2	If yes , has the bidder taken self-cleansing measures?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.11.3	If it has , please describe the measures taken:	[text]
3D.12	Is the bidder aware of any conflict of interest due to its participation in the procurement procedure?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.12.1	If yes , please provide details:	[text]

3D.13	Has the bidder or an undertaking related to it advised the organisation or contracting entity or otherwise been involved in the preparation of the procurement procedure?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I nor others have been involved in this way
3D.13.1	If yes , please provide details:	[text]

Question Reference	Early termination	Answer
3D.14	Has the bidder experienced that a prior public contract, a prior contract with a contracting entity or a prior concession contract was terminated early, or that damages or other comparable sanctions were imposed in connection with that prior contract?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not had this experience with a previous contract
3D.14.1	If yes , please provide details:	[text]
3D.14.2	If yes , has the bidder taken self-cleansing measures?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.14.3	If it has , please describe the measures taken:	[text]

Question Reference	Misrepresentation	Answer
3D.15.1	Can the bidder confirm that: It has not been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria,	<input type="checkbox"/> Yes, I confirm that I have not <input type="checkbox"/> No
3D.15.2	It has not withheld such information,	<input type="checkbox"/> Yes, I confirm that I have not <input type="checkbox"/> No
3D.15.3	It has been able, without delay, to submit the supporting documents required by an organisation or contracting entity, and	<input type="checkbox"/> Yes, I have been able to <input type="checkbox"/> No

3D.15.4	It has not undertaken to unduly influence the decision making process of the organisation or contracting entity, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award?	<input type="checkbox"/> Yes, I confirm that I have not <input type="checkbox"/> No
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Part IV: Selection criteria

Concerning the selection criteria (Sections A to D of this part), the bidder declares that:

A: SUITABILITY

Instructions for Bidders

The bidder should **only** provide information where the selection criteria concerned have been required by the public body in the relevant Contract Notice.

Question Reference	Suitability	Answer
4A.1	1) The bidder is enrolled in the relevant professional or trade registers kept in the Member State of its establishment (as described in Schedule 5 of the Public Contracts (Scotland) Regulations 2015):	[text]
4A.1.1	If the relevant documentation is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]
4A.2	2) For service contracts: Is it a requirement in the bidder's country of establishment to hold a particular authorisation or membership of a particular organisation needed in order to be able to perform the service in question:	<input type="checkbox"/> Yes <input type="checkbox"/> No
4A.2.1	If yes , please specify which authorisation or membership is required:	[text]
4A.2.2	Please indicate whether the bidder has the required authorisation or membership (as named above):	<input type="checkbox"/> Yes <input type="checkbox"/> No
4A.2.3	If the relevant documentation is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]

B: ECONOMIC AND FINANCIAL STANDING**Instructions for Bidders**

The bidder should **only** provide information where the selection criteria concerned have been specified by the organisation in the relevant Contract Notice.

Your financial accounts and supporting information should be in English and in UK Sterling. If the original documents are not in English, please provide copies of the originals and a certified translation into English. If the sums in the accounts are not expressed in UK Sterling then copies of the original accounts, shall be provided together with a UK Sterling rate equivalent copy utilising the pound buys exchange rate applicable on the date of issue of the ESPD.

Question Reference	Economic and financial standing	Answer
4B.1.1	The bidder should provide its ("general") yearly turnover for the number of financial years specified in the relevant Contract Notice:	Year: [number] Turnover: [number]
		Year: [number] Turnover: [number]
		Year: [number] Turnover: [number]
4B.1.3	If the relevant documentation is available electronically, please indicate:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]
4B.2.1	The bidder should provide its yearly ("specific") turnover in the business area(s) covered by the contract and specified in the relevant Contract Notice:	Year: [number] turnover[number]
		Year: [number] Turnover[number] [
		Year: [number] Turnover[number]
4B.2.3	If the relevant documentation is available electronically, please indicate:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]
4B.3	In case the information concerning turnover (general or specific) is not available for the entire period required, please state the date on which the bidder was set up or started trading:	[date]
4B.4	The bidder confirms the name, value and/or	Confirm ratio name,

	range of the financial ratios specified in the relevant Contract Notice are as follows:	range and value: [text]	
4B.4.1	If the relevant documentation is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]	
4B.5.1	The Bidder confirms they already have or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated in the relevant Contract Notice.	Employer's (Compulsory) Liability Insurance	<input type="checkbox"/> Yes, I already have this <input type="checkbox"/> No, but I commit to obtain it <input type="checkbox"/> No, and I cannot commit to obtain it <input type="checkbox"/> Not applicable – my business is exempt
4B.5.2	All other types of insurance listed in the Contract Notice	All other types of insurance listed in the Contract Notice	<input type="checkbox"/> Yes, I already have this <input type="checkbox"/> No, but I commit to obtain it <input type="checkbox"/> No, and I cannot commit to obtain it
4B.5.3	If this information is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]	
4B.6	Concerning any other economic or financial requirements, that may have been specified in the relevant Contract Notice, the bidder declares that:	[text]	
4B.6.1	If the relevant documentation that may have been specified in the relevant Contract Notice, is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]	

C: TECHNICAL AND PROFESSIONAL ABILITY

Instructions for Bidders

Bidders are required to provide evidence of having the necessary capacity and capability to deliver the requirement.

In order to ensure that newer or start-up companies have a chance to demonstrate any experience relevant to the current requirement, examples may be provided from:

- Within their organisation (bidders may rely on the experience of personnel that they intend to use to carry out the current requirement, even if that experience was gained whilst working for a different organisation)
- Other consortium members (where a consortium bid is being proposed)
- Named subcontractors upon whose capacity and capability the bidder is relying in order to meet the selection criteria (where subcontractors are being used and their identity is known at the selection stage)

Bidders should be aware that they may be asked to confirm at the Invitation to Tender stage that there has been no material change to the skills, experience and resources available to them since submitting their ESPD response.

The bidder should **only** provide information where the selection criteria have been specified by the public body in the relevant Contract Notice.

Question Reference	Technical and professional ability	Answer	Question Weighting								
4C.1	For public works contracts only , please provide relevant examples of works carried out in the past five years as specified in the Contract Notice:	Please provide your answer in the table below:									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 45%;">Description</th> <th style="width: 15%;">Amounts</th> <th style="width: 15%;">Dates</th> <th style="width: 25%;">Customer/Client</th> </tr> </thead> <tbody> <tr> <td style="height: 100px; vertical-align: top;">[text]</td> <td style="vertical-align: top;">[text]</td> <td style="vertical-align: top;">[date]</td> <td style="vertical-align: top;">[text]</td> </tr> </tbody> </table>				Description	Amounts	Dates	Customer/Client	[text]	[text]	[date]	[text]
Description	Amounts	Dates	Customer/Client								
[text]	[text]	[date]	[text]								
4C.1.1	If the relevant documentation	The web address: [text]									

	concerning satisfactory execution and outcome for the most important works is available electronically, please indicate:	The issuing authority or body: [text]									
		The precise reference of the documentation: [text]									
4C.1.2	For public supply and public service contracts only , please provide relevant examples of supplies and/or services carried out during the last three years as specified in the Contract Notice: (Examples from both public and/or private sector customers and clients may be provided):	Please provide your answer in the table below:									
<table border="1"> <thead> <tr> <th>Description</th> <th>Amounts</th> <th>Dates</th> <th>Customer/Client</th> </tr> </thead> <tbody> <tr> <td>[text]</td> <td>[text]</td> <td>[date]</td> <td>[text]</td> </tr> </tbody> </table>				Description	Amounts	Dates	Customer/Client	[text]	[text]	[date]	[text]
Description	Amounts	Dates	Customer/Client								
[text]	[text]	[date]	[text]								
4C.2	Please provide details of the technicians or technical bodies the bidder can call upon, especially those responsible for quality control in relation to this procurement exercise:	[text]									
4C.2.1	In the case of public works contracts , the bidder will be able to call on the following technicians or technical bodies to carry out the work:	[text]									
4C.3	Please provide details of the technical facilities and measures for ensuring quality and the study and research facilities used:	[text]									
4C.4	Please provide a statement of the relevant supply chain management and/or tracking systems used:	[text]									
4C.5	For complex products or services to be supplied or, exceptionally, for products	<input type="checkbox"/> Yes <input type="checkbox"/> No									

	or services which are required for a special purpose: Will the bidder allow checks by the public body or any competent official body from their country, to be conducted on the production capacities or the technical capacity of the bidder and, where necessary, on the means of study and research which are available to it and on the quality control measures?		
4C.6	The following educational and professional qualifications are held by The service provider or the contractor itself:	[text]	
4C.6.1	The following educational and professional qualifications are held by Its managerial staff:	[text]	
4C.7	Please provide details of the environmental management measures which the bidder will be able to use when performing the contract:	[text]	
4C.8.1	Please provide details of the average annual manpower for the last three years:	Year, average annual manpower: Year 1: [Year],[number], Year 2: [Year],[number], Year 3: [Year],[number].	
4C.8.2	Please provide details of the number of managerial staff for the last three years:	Year, number of managerial staff: Year 1: [Year],[number], Year 2: [Year],[number], Year 3: [Year],[number].	
4C.9	Please provide details of relevant tools, plant or technical equipment available to you in relation to this	[text]	

	procurement exercise:		
4C.10	Please provide details of the proportion (i.e. percentage) of the contract that you intend to subcontract:	[text]	
4C.11	For public supply contracts the bidder will supply the required samples, descriptions or photographs of the products to be supplied, which do not need to be accompanied by certifications of authenticity:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4C.11.1	Where applicable, the bidder furthermore declares that it will provide the required certificates of authenticity.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4C.11.2	If the relevant documentation is available electronically, please indicate:	The web address: [text]	
		The issuing authority or body: [text]	
		The precise reference of the documentation: [text]	
4C.12	12) For public supply contracts: Can the bidder provide the required certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to the technical specifications or standards, which are set out in the relevant Contract Notice?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4C.12.1	If not , please explain why and state which other means of proof can be provided:	[text]	
4C.12.2	If the relevant documentation is available electronically, please indicate:	The web address: [text]	
		The issuing authority or body: [text]	
		The precise reference of the documentation: [text]	

D: QUALITY ASSURANCE SCHEMES AND ENVIRONMENTAL MANAGEMENT STANDARDS

Instructions for Bidders

The bidder should **only** provide information where quality assurance schemes and/or environmental management standards have been required by the public body in the relevant Contract Notice.

Question Reference	Quality Assurance Schemes and Environmental Management Standards	Answer
4D.1	Will the bidder be able to produce certificates drawn up by independent bodies attesting that the bidder complies with the required quality assurance standards, including accessibility for disabled persons?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4D.1.1	If not , please explain why and specify which other means of proof concerning the quality assurance scheme can be provided:	[text]
4D.1.2	If the relevant documentation is available electronically, please indicate:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]
4D.2	Will the bidder be able to produce certificates drawn up by independent bodies attesting that the bidder complies with the required environmental management systems or standards?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4D.2.1	If not , please explain why and specify which other means of proof concerning the environmental management systems or standards can be provided:	[text]
4D2.2	If the relevant documentation is available electronically, please indicate:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]

E. GLOBAL QUESTION FOR ALL SELECTION CRITERIA

Instructions for Bidders

The bidder must **only** answer 'yes' to this question if they are confident that they meet **ALL** selection criteria as detailed in the relevant Contract Notice.

Please note that you may be required to provide certificates/supporting evidence to prove you meet the selection criteria at a later date.

Question Reference	Meeting all required selection criteria	Answer:
4	It satisfies the required selection criteria:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part V Reduction of the number of qualified candidates

Instructions for Bidders

The bidder should **only** provide information where the public body has specified the Objective and Non-discriminatory criteria or rules to be applied in order to limit the number of candidates that will be invited to tender or to conduct a dialogue. This information, which can be accompanied by requirements concerning the (types of) certificates or forms of documentary evidence, **if any**, to be produced, is set out in the relevant Contract Notice.

Question Reference	Reduction the numbers of candidates	Answer
5.1	The bidder declares that: It meets the objective and non-discriminatory criteria or rules to be applied in order to limit the number of candidates in the following way:	[text]
5.2	The bidder declares that: It has all relevant certificates or other forms of documentary evidence as required in the relevant Contract Notice:	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.3	If some of these certificates or forms of documentary evidence are available electronically, please indicate for each:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]

Part VI: Concluding statements

Instructions for Bidders

The bidder must fill in the grey coloured sections in the brackets below with the relevant information before submitting the contract to the public body or before uploading it to the relevant online sites.

The undersigned formally declare that the information stated under Parts II – V above is accurate and correct and that it has been set out in full awareness of the consequences of serious misrepresentation.

The undersigned formally declare to be able, upon request and without delay, to provide the certificates and other forms of documentary evidence referred to, except where the contracting authority or contracting entity has the possibility of obtaining the supporting documentation concerned directly by accessing a national database in any Member State that is available free of charge. On condition that the economic operator has provided the necessary information (web address, issuing authority or body, precise reference of the documentation) allowing the contracting authority or contracting entity to do so. Where required, this must be accompanied by the relevant consent to such access.

The undersigned formally consent to [NAME OF PUBLIC BODY], gaining access to documents supporting the information, which has been provided in this European Single Procurement Document response for the purposes of [NAME OF PROCUREMENT PROCEDURE: (SUMMARY DESCRIPTION, REFERENCE OF PUBLICATION IN THE OFFICIAL JOURNAL OF THE EUROPEAN UNION, REFERENCE NUMBER)].

Signature(s):

Name: [text]

Position: [text]

Date: [date]

Place: [text]



For The Attention Of:-
Executive Manager – Finance Services
Shetland Islands Council
Montfield
Burgh Road
Lerwick
Shetland
ZE1 0LA

Dear Sir

Bank Reference Mandate

I hereby authorise you to contact my business bank with a view to providing a bank reference to the value of **£400,000** in relation to my expression of interest for the tender for ***Promote Shetland Service***.

Bank Name

Bank Address

Account Name

Sort Code

		-			-		
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Account number

--	--	--	--	--	--	--	--

Signed

Name (BLOCK CAPITALS)

Business Name

Date

