

FINAL

Operating Agreement

Between

Shetland Islands Council

And

Living Lerwick Business Improvements Ltd

March 2019

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Operating Agreement

Between

- Shetland Islands Council, constituted under Section 2 of the Local Government etc. (Scotland) Act 1994, and having its principal offices at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ (“the Council”); and
- Living Lerwick Limited, SC428645 (“the **BID Company**”) whose registered office is at 179 Commercial Street, Lerwick, Shetland, ZE1 0HX]

Recitals

- (A) The BID Company is responsible for the operation of the BID and for using the BID Levy for the purposes of achieving the objectives and aspirations set out in the BID Arrangements.
- (B) The Council (or its nominee) is the billing body for the purposes of the Regulations and is responsible for the administration, collection and recovery of the BID Levy (as hereinafter defined).
- (C) The Council is responsible for administering the BID Revenue Account (as hereinafter defined) which will be used towards the operation and funding of the BID Arrangements of the BID in the BID Area (as hereinafter defined).
- (D) Both parties wish to confirm the arrangements by which the BID Levy shall be collected together with the general arrangements as to the relationship to be established between the Council and the BID Company for the duration of the BID.
- (E) The purpose of this Agreement is to:
1. establish the procedure for the setting, collection and remittance of the BID Levy;
 2. confirm the basis upon which the Council will be responsible for collecting the BID Levy;
 3. set out the enforcement mechanisms available for collection of the BID Levy;
 4. set out the procedures for accounting and transference of the BID Levy;
 5. provide for the monitoring and review of the collection of the BID Levy; and
 6. confirm the manner in which the Council's expenses incurred (if any) in collecting the BID Levy will be paid.
 7. confirm the formal working arrangements and communication protocols between the Council and the BID Company, with liaison officers for both parties. The Council's liaison officers will be the External Funding Officer and the Economic Development Project Officer.

It is hereby agreed as follows:

1. Definitions

- 1.1 “**Bad or Doubtful Debts**” shall have the same meaning as further described in Part 2 of Schedule 3 of the Regulations;

“**Baseline Services**” means those services which are provided by the Council within the BID Area which the Council is required to provide as part of its statutory function as a local authority as set out in Part 2 of the Schedule;

“**BID**” means the Business Improvement District which operates within the BID Area which is managed and operated by the BID Company;

“**BID Area**” means the precise geographical area which is to be managed and operated by the BID Company and as detailed in the BID Proposal, shown in the map at Part 4 of the Schedule;

“BID Arrangements” means those arrangements to be put in place pursuant to the Regulations for the operation of the BID;

“BID Levy” means the charge to be levied and collected within the BID area pursuant to the Regulations;

“BID Company’s Termination Notice” means a notice to be served by the BID Company on the Council pursuant to Clause 11.9;

“BID Levy Payer(s)” means those liable to pay non-domestic rates in the BID Area and other eligible owners or tenants responsible for paying the BID Levy;

“BID Levy Rules” means the rules set out in Part 1 of the Schedule which sets out how the BID Levy will be calculated, details of Exempt Properties and other requirements related to the BID Levy (as may be amended by a successful alteration ballot);

“BID Revenue Account” means the Council Budget Code GSF 2204 4230 which is provided in accordance with paragraph 16 of the Regulations and operated in accordance with Schedule 3 of the Regulations;

“BID Term” means the period from First September 2017 to Thirty First August 2021;

“Complementary Services” means those services which are provided by the Council with the BID Area which are additional services to the Baseline Services, as set out at Part 3 of the Schedule;

“Council Funding” means any funding, grants or monies due to be provided by the Council to the BID Company for the purposes of operating the BID;

“Council’s Termination Notice” means the notice to be served by the Council on the BID Company pursuant to Clause 11.2;

“Contributors” means the BID Levy Payers or other contributors making voluntary contributions to the BID Company;

“Demand Notice” shall have the same meaning ascribed to it as further set out in the Schedule to the Order;

“Enforcement Expenses” means the costs which are reasonably and properly incurred by the Council in issuing a Reminder Notice, obtaining a Summary Warrant and associated administrative expenses which may be incurred in recovering unpaid BID Levy;

“Exempt Properties” means the class or classes of properties as identified in the BID Levy Rules which shall be exempt from any requirement to pay the BID Levy;

“External Funding” means any funding, grants or monies due to be provided to the BID Company by the Scottish Government, the European Commission or any other body other than the Council for the purposes of operating the BID;

“Failure Notice” means a notice served by the BID Company on the Council which sets out those aspects of the agreed Statutory Standard which it is alleged is not being adhered to, requesting that the Council secures immediate compliance with the Statutory Standard;

“Financial Year” means the financial year for the BID Company which runs from 1st September to 31st August;

“Operational Date” means the date upon which the BID Arrangements come into force; which is First September 2017;

“Order” means The Planning etc. (Scotland) Act 2006 (Business Improvement Districts Levy) Order 2007;

“Public Meeting” means the meeting to be held of all BID Levy Payers pursuant to the Public Meeting Notice;

“Public Meeting Notice” means a notice to be served pursuant to Clause 11.2 or 11.9 by either the Council or the BID Company which provides the following:

1. confirmation that either party is considering terminating the BID;
2. details of the venue where the public meeting will be held; and
3. confirmation that all BID Levy Payers who attend will be permitted to make representations;

“Regulations” means the Business Improvement Districts (Scotland) Regulations 2007 SS1 202 and such amendments made by the Scottish Ministers pursuant to Part 9 of the Planning etc. (Scotland) Act 2006 (as may be in force from time to time);

“Reminder Notice” means the notice to be served pursuant to Clause 10.1;

“Services” means the administration and management of the BID Revenue Account; and

“Statutory Standard” means the standard to which the Council is required to provide the Baseline Services as local authority for the BID Area.

- 1.2 For the avoidance of doubt where any part of this Agreement is incompatible with the Regulations or any other regulations which the Scottish Ministers may from time to time issue pursuant to Part 9 of the Planning etc. (Scotland) Act 2006 then such part shall be struck out and the balance of this Agreement will remain.
- 1.3 The headings appearing in this Agreement are for ease of reference only and shall not affect the construction of this Agreement.
- 1.4 Where reference is made to a Clause, Part, or Recital such reference (unless the context requires otherwise) is a reference to a Clause, part, plan, or recital attached to this Agreement.
- 1.5 References to the Council include any successors to its functions as local authority.
- 1.6 References to statutes, by laws, regulations, orders or delegated legislation shall include any such instrument re-enacting or made pursuant to the same power.

2. Statutory Authorities

- 2.1 This Agreement is made in contemplation of the arrangements envisaged by Part 9 of the Planning etc. (Scotland) Act 2006, the Regulations and all other enabling powers.

3. Commencement

- 3.1 This Agreement shall commence from First September 2017 and shall continue for a period of four years until Thirty First August 2021.
- 3.2 This Agreement may be amended by the mutual agreement of both parties and recorded in writing.

4. Obligations of the Council

- 4.1 The Council shall:-
 - a) provide the Baseline Services, which may not be varied in any way or withdrawn without reasonable cause and only with the consent of the BID Company which will not be withheld unreasonably;
 - b) provide the Complementary Services, which may not be varied or withdrawn without first consulting with the BID Company; and

- c) perform all its obligations placed upon it under this Agreement and in accordance with the Regulations.

5. Obligations of the BID Company

5.1 The BID Company shall:-

- a) calculate the BID Levy due from each BID Levy Payer in accordance with the BID Levy Rules;
- b) confirm in writing to the Council the BID Levy payable annually by each BID Levy Payer;
- c) provide the Council with a contact telephone number and e-mail address for BID Levy Payers to contact the BID Levy Company; and
- d) perform all obligations placed upon it under this Agreement and in accordance with the Regulations.

6. Baseline Services and Complementary Services

- 6.1 The Council shall provide the Baseline Services and Complementary Services within the BID Area at its own cost and to the Statutory Standard where applicable.
- 6.2 In the event that any of the Baseline Services fall below the Statutory Standard, the BID Company shall be entitled to serve a Failure Notice on the Council.
- 6.3 Upon receipt of a Failure Notice, the Council shall endeavour to ensure that the relevant Baseline Services are brought back to the Statutory Standard.

7. The BID Revenue Account

- 7.1 The Council must in accordance with Section 37(1) of the Planning etc. (Scotland) Act 2006 keep an account to be called the BID Revenue Account and keep the BID Revenue Account in accordance with Schedule 3 of the Regulations.
- 7.2 The Council shall set up a ring-fenced provision in its account under Budget Code GSF 2204 4230 as the BID Revenue Account.
- 7.3 The BID Company shall provide the Council with details of its own bank account into which the BID Levy will be transferred electronically from the BID Revenue Account.
- 7.4 Where the BID Company receives Council Funding and/or External Funding, the full sum of that Council Funding and/or External Funding (as appropriate) will be credited directly to the BID Revenue Account with no sums deducted by the Council in accordance with Clause 8 below.

8. Debits from the BID Revenue Account

- 8.1 The Council undertakes at all times to adhere to the provisions of Part 2 of Schedule 3 of the Regulations.
- 8.2 The Council shall not debit any sums from the BID Revenue Account without first notifying the BID Company of its intention to do so.
- 8.3 The Council undertakes that it shall not debit any of the following from the BID Revenue Account which will for the avoidance of doubt be for the expense of the Council:
 - 8.3.1 the collection charges (if any);
 - 8.3.2 the Enforcement Expenses; or

- 8.4 Notwithstanding the terms of Clause 8.3, the BID Company agrees to pay the sum of One Thousand Five Hundred (£1,500) pounds sterling to the Council per annum, as a contribution to the cost of an enhancement to the Council's computer system to improve the collection process for the BID Levy.
- 8.5 The Council shall be obliged to recover Enforcement Expenses from the liable BID Levy Payer, in accordance with Clause 9.
- 8.6 The Council shall not be entitled to recover any Enforcement Expenses which cannot be recovered from the Bid Levy Payer from the BID Company.

9. Collection and Remittance of the BID Levy

- 9.1 The BID Levy will be paid into the BID Revenue Account in accordance with Schedule 3 of the Regulations.
- 9.2 The Council shall serve the Demand Notices on each BID Levy Payer and thereafter shall serve the Demand Notices throughout the BID Term.
- 9.3 The Council shall notify the BID Company if it becomes aware of any change in the occupier of any property or the merger or division of a property. In such event:
- 9.3.1 the BID Company shall send an updated list of BID Levy Payers to the Council that contains details of the BID Levy payable annually by each BID Levy Payer; and
 - 9.3.2 the Council shall serve a Demand Notice (or alter any existing Demand Notice if appropriate) on the relevant BID Levy Payer.
- 9.4 In the event that a BID Levy Payer disputes that they are liable for the BID Levy, the BID Company shall review their decision in relation to that BID Levy Payer in accordance with the BID Proposal. If the BID Company concludes on review that the BID Levy Payer is not liable they shall forthwith advise the Council and the Council shall take no further action against that BID Levy Payer. If the BID Company concludes on review that the BID Levy is liable they shall forthwith advise the Bid Levy Payer of their right to make an appeal to the Council in terms of Paragraph 8 of the Schedule to The Planning etc. (Scotland) Act 2006 (Business improvement Districts Levy) Order 2007.
- 9.5 The Council shall use reasonable endeavours to collect the BID Levy in accordance with the Demand Notices.
- 9.6 The Council shall use reasonable endeavours to take reasonable steps for collecting the BID Levy which are consistent with its usual procedures for the collection of non-domestic rates. In the event that the Council departs from its usual procedures and decides not to collect an amount of BID Levy which amounts to greater than £150 in aggregate, the Council shall consult with the BID Company as to whether or not that amount of BID Levy is recoverable.
- 9.7 The Council shall inform the BID Company of the amount of BID Levy monies collected every month.
- 9.8 The BID Levy, as collected by the local authority, is local authority property and is ring fenced for the specific purposes of the BID.
- 9.8.1 The BID Company is the sub contractor engaged by the local authority to deliver the BID objectives;
 - 9.8.2 The BID Company is making taxable supplies to the local authority, and in the normal way must charge VAT to the local authority;
 - 9.8.3 This VAT will be charged via an invoice that the BID Company will issue to the local authority for payment of the BID Levy income;
 - 9.8.4 The local authority can recover the VAT, subject to the normal rules;
 - 9.8.5 The BID Company can then recover any VAT that it incurs in delivering the BID projects and services subject to the normal rules;
 - 9.8.6 The BID Company shall raise an invoice, plus VAT to the Council every month or less frequently should the BID Company and local authority so decide. This invoice shall be based on the information outlined in Clause 9.2, for the total amount of BID Levy monies collected, minus the total of BID Levy monies previously invoiced for in the relevant Financial Year and upon receipt of such invoice or invoices the Council will be obliged to transmit such monies as are due to the BID Company in terms of the invoices, to the BID Company from the BID

Revenue Account within a maximum period of 30 (thirty) days. The Council's obligation to transmit such monies is subject to the sum of the invoice not exceeding the total amount held in the BID Revenue Account.

10 Procedures Available to the Council for Enforcing Payment of the BID Levy

- 10.1 In the event that the BID Levy is not paid within 28 (twenty eight) days from the date that it becomes payable then the Council shall serve a Reminder Notice on such relevant BID Levy payer which shall:-
- 10.1.1 identify the sum payable;
 - 10.1.2 provide a further 7 (seven) days for payment to be made; and
 - 10.1.3 confirm that the Council will make an application for a Summary Warrant to recover the unpaid sum (together with Enforcement Expenses).
- 10.2 If after the Reminder Notice the outstanding sum of the BID Levy has not been paid, the Council shall make an application for a Summary Warrant to recover the outstanding sum of the BID Levy in accordance with the procedures set out in the Planning etc (Scotland) Act 2006 (Business Improvement Districts Levy) Order 2007, SSI 772, as amended from time to time.

11. Termination

- 11.1 The Council undertakes at all times to adhere to the provisions of paragraph 19 of the Regulations.
- 11.2 The Council shall not be permitted to terminate the BID Arrangements because:
- 11.2.1 in its opinion there are insufficient finances available to the BID Company to meet its liabilities for the chargeable period for the purposes of the BID Arrangements; or
 - 11.2.2 the Council is unable, as a result of any circumstances beyond its control, to provide the works or services which are secured as part of the BID Arrangements;
- unless and until it first serves the Public Meeting Notice on the BID Levy Payers and the Council's Termination Notice on the BID Company (which shall be required to contain the reasons for termination). Within 14 (fourteen) days from the date of the service of such notice both parties shall arrange to meet where the purpose of such meeting shall be to discuss and/or agree all or any of the following set out in Clause 11.3 or 11.4 (whichever is applicable).
- 11.3 Where the Council's Termination Notice relates to Clause 11.2.1 both parties shall agree and/or discuss or review the following matters:
- 11.3.1 the Council is concerned that the BID Company has insufficient finances to meet its liabilities for that period and details of such concerns should be made available to the BID Company.
 - 11.3.2 alternative means by which the insufficiency of the funds can be remedied; and/or
 - 11.3.3 an appropriate time frame to resolve matters.
- 11.4 Where the BID Company's Termination Notice relates to Clause 11.2.2 both parties shall agree and/or discuss or review the following matters:
- 11.4.1 the services or works which it is no longer able to provide together with confirmation and details as to why such works or services cannot be provided;
 - 11.4.2 a review by both parties as to whether such works or services are of material importance to the BID so that termination of the BID Arrangements is the only option;
 - 11.4.3 alternative means of procuring the said services or works by third parties or increased financial funding from the BID Company;
 - 11.4.4 alternative replacement services or works which will be acceptable to the BID Company; and/or
 - 11.4.5 an appropriate time frame to resolve matters.
- 11.5 Notwithstanding Clauses 11.1, 11.2, 11.3 and 11.4 above, the Council shall procure that a Public Meeting is held prior to the termination of the BID Arrangements.
- 11.6 In the event that the parties cannot reach agreement in relation to any of the matters referred to in Clauses 11.3 and 11.4, and subject to consideration of representations made by any BID Levy Payer at the Public Meeting, the Council shall be permitted to terminate the BID Arrangements provided that

notice by the Council to terminate the BID Arrangements will be provided to the BID Company no less than 28 days prior to termination taking place.

11.7 Upon termination of the BID Arrangements the Council shall review whether there is a credit in the BID Revenue Account. In the event that there are sufficient funds in the BID Revenue Account amounting to a refund of at least £10 for each BID Levy Payer (having already deducted a reasonable sum for the cost of the administration of such refund), the Council shall:

- 11.7.1 calculate the amount to be refunded to each BID Levy Payer;
- 11.7.2 ensure that the amount to be refunded is calculated by reference to the amount payable by each BID Levy Payer for the last chargeable period; and
- 11.7.3 make arrangements for the amount calculated to be credited against any outstanding liabilities of each BID Levy Payer or, where there are no such liabilities, refunded to the BID Levy Payer.

11.8 Upon termination of the BID Arrangements the Council shall as soon as reasonably practicable notify the BID Levy Payers of such termination in accordance with paragraph 19(6) of the Regulations together with confirmation as to whether any part of the BID Levy is to be repaid to the BID Levy Payers in accordance with Clause 11.7.

11.9 The BID Company shall not be permitted to terminate the BID Arrangements where:

- 11.9.1 the works or services under the BID Arrangements are no longer required; or
- 11.9.2 the BID Company is unable, as a result of any circumstances beyond its control to provide works and services which are necessary for the BID Arrangements to continue;

Unless and until it:

- a) serves the Public Meeting Notice on the BID Levy Payers;
- b) serves the BID Company's Termination Notice on the Council; and
- c) carries out a proper consultation with all relevant representatives of the BID Area as considered appropriate by the Council.

11.10 Upon termination of the BID Arrangements the BID Company shall notify the Council of such termination in accordance with paragraph 19(5) of the Regulations. The Council shall then notify the BID Levy Payers pursuant to paragraph 19(6) of the Regulations and confirm whether any part of the BID Levy is to be repaid to the BID Levy Payers in accordance with Clause 11.7.

12. Notices

12.1 Any notice or other written communication to be served or given to or upon any party to this Agreement to the other shall be in writing and shall be sent to the registered office of the parties or such substitute address in Scotland as may from time to time have been notified by that party.

12.2 A notice may be served by:

- 12.2.1 delivery to the reception at the Council's principal office;
- 12.2.2 delivery to the BID Company's registered office;
- 12.2.3 special delivery or recorded delivery post to the address specified herein before at 12.2.1 and 12.2.2;

12.3 Any notice served shall be deemed to have been validly served or given at the time when in the ordinary course of business it would have been received.

13. Exercise of the Council's Powers

Nothing contained in this Agreement or implied in it shall prejudice or affect the rights, discretions, powers, duties and obligations of the Council under all statutes, bye-laws, statutory instruments, orders and regulations in the exercise of its functions as a local authority.

14. Best Endeavours

The Council and the BID Company each confirm that it is their intention to use their best endeavours to promote the best interests of the BID and to consult fully on all matters materially affecting the development of the BID. The Council and the BID Company shall act in good faith towards each other in order to promote the success of the BID.

15. Governing Law

15.1 This agreement and any disputes or claims arising out of or in connection with its subject matter are governed by and construed in accordance with the law of Scotland.

15.2 The parties irrevocably agree that the courts of Scotland have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this agreement. In witness whereof these presents on are executed as follows:-

Subscribed for and on behalf of the Council
It is sealed with the common seal of the Council and signed for and on behalf of the Council

By*Neil Grant*.....
Authorised Signatory and Proper Officer

AtLerwick.....

On2nd May 2019.....

Subscribed for and on behalf of Living Lerwick
Business Improvements Ltd
At Lerwick
On 2nd May 2019
By *Steve Mathieson*
before

_____ *Nicola Jean Halcrow* _____ Witness

Full Name

Address

Occupation

The Schedule

This is the Schedule (in four parts) referred to in the foregoing Operating Agreement between Shetland Islands Council and Living Lerwick Business Improvements Ltd

Part 1

The BID Levy Rules

1. Calculation of the BID Levy

- 1.1 The BID Levy ranges from £200 to £850 per year. The BID Levy will be fixed for the duration of the BID.
- 1.2 The BID Company will identify the BID Levy Payers.
- 1.3 The BID Company will calculate the BID Levy due from each BID Levy Payer in accordance with the following table:

Rateable Value	Annual Levy	Monthly Payment*
£0 to £2500	£200.00	£20.00
£2501 to £5000	£300.00	£30.00
£5001 to £7500	£400.00	£40.00
£7501 to £10000	£500.00	£50.00
£10001 to £15000	£600.00	£60.00
£15001 to £20000	£700.00	£70.00
£20001 +	£850.00	£85.00

2. Collection of the BID Levy

- 2.1 The Council is responsible for collecting the BID Levy.
- 2.2 The Council will send to each BID Levy Payer a Demand Notice during August each year. The BID Levy will be paid either:
 - (i) in a single payment with the payment due 28 days from the date of invoice; or
 - (ii) in 10 monthly instalments by direct debit with the first payment on 15th September each year.

3. Exempt Properties

The following properties are exempt from the BID Levy:

- storage units;
- garages
- non-retail charities;
- places of worship;
- private car parks;
- toll free car parks
- self-catering units;
- membership organisations.

Part 2

Baseline Services

Contents

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- 1.02 Refuse Collection

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- 2.02 Pedestrianisation Orders
- 2.03 Traffic lights
- 2.04 Traffic Signage
- 2.05 Street Occupation
- 2.06 Anti-Social Behaviour and Noise Nuisance Complaints
- 2.07 Environmental Protection/ Public Health
- 2.08 Food Safety & Health and Safety
- 2.09 Trading Standards
- 2.10 Licensing
- 2.11 Planning Applications and Major Development
- 2.12 Policy and Strategy Development
- 2.13 Conservation including listed building Consent
- 2.14 Access Issues (Heritage)
- 2.15 Building Warrants

3 SAFETY

- 3.01 Policing

CLEANING

Activity	1.01 Street Cleaning												
Lead Organisation	Shetland Islands Council												
Contact	Carl Symons - Interim Executive Manager – Environmental Services												
Boundary Area	BID area and wider town												
Details of Service	Street Cleaning												
Staff levels	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Day</th> <th style="width: 30%;">Staff</th> <th style="width: 40%;">Hours</th> </tr> </thead> <tbody> <tr> <td>Monday – Friday</td> <td>2 FT</td> <td>37</td> </tr> <tr> <td>Saturday</td> <td>2 PT</td> <td>4</td> </tr> <tr> <td>Sunday</td> <td>2 PT</td> <td>4</td> </tr> </tbody> </table>	Day	Staff	Hours	Monday – Friday	2 FT	37	Saturday	2 PT	4	Sunday	2 PT	4
Day	Staff	Hours											
Monday – Friday	2 FT	37											
Saturday	2 PT	4											
Sunday	2 PT	4											
Key Performance Indicators	For all locations within the BID area grade A should be achieved after servicing.												
Legislation / Policy	<p>The Environmental Protection Act 1990 and Code of Practice on Litter and Refuse grading scheme used is</p> <ul style="list-style-type: none"> a- Is clear of litter and detritus b- Is light c- Is significant d- Is heavy 												
Existing Value of Service	<p>Street cleaning staff - £100,950</p> <p>Street sweeper - £28,603</p>												
Notes													

Activity	1.02 Refuse Collection						
Lead Organisation	Shetland Islands Council						
Contact	Carl Symons - Interim Executive Manager – Environmental Services						
Boundary Area	BID area and wider town						
Details of Service							
Staff levels	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Day</th> <th style="width: 30%;">Staff</th> <th style="width: 40%;">Hours</th> </tr> </thead> <tbody> <tr> <td>Monday – Saturday</td> <td>3 PT</td> <td>12</td> </tr> </tbody> </table>	Day	Staff	Hours	Monday – Saturday	3 PT	12
Day	Staff	Hours					
Monday – Saturday	3 PT	12					
Key Performance Indicators	Refuse is collected 6 days a week						
Legislation / Policy							
Existing Value of Service	Vehicle, driver and two loaders - £63,615						
Notes							

INFRASTRUCTURE

Activity	2.01 Traffic Management
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager Roads
Boundary Area	BID Area
Details of Service	Implement and maintain traffic management measures traffic orders or other measures to assist traffic flow and road safety Living Lerwick would be consulted if any major traffic management changes are proposed for the area
Staff levels	
Legislation / Policy	
Existing Value of Service	
Notes	Maintain existing signage and road markings.

Activity	2.02 Pedestrianisation Orders
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager Roads
Boundary Area	BID Area
Details of Service	Implement Pedestrianisation orders to improve road safety access and assist traffic flow
Staff levels	
Legislation / Policy	
Existing Value of Service	Not available for BID area only
Notes	The Road Service would work closely with Living Lerwick to assist in the facilitation of events in the Town Centre including road closures for parades. Each application for an event must be considered on its own merits and blanket provision is not possible. No fees are currently charged to Living Lerwick for Temporary Road Traffic Restriction Orders.

Activity	2.03 Traffic Lights
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager Roads
Boundary Area	BID Area
Details of Service	Provide and maintain pedestrian crossings.
Staff levels	
Key Performance Indicators	
Legislation / Policy	
Existing Value of Service	Not available for BID area only

Activity	2.04 Traffic Signage
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager Roads

Boundary Area	BID Area
Details of Service	To provide and maintain signage.
Staff levels	
Legislation / Policy	
Existing Value of Service	Not available for BID area only

Activity	2.05 Street Occupation
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager - Roads
Boundary Area	BID Area
Details of Service	Management of a permit system for the control of temporary occupation of the road. Including temporary occupation by; tables and chairs, stalls etc. as well as occupation for building maintenance by scaffolds and hoists.
Staff levels	
Existing Value of Service	Costs are covered by approved list of council charges.

Activity	2.06 Anti-Social Behaviour and Noise Nuisance Complaints
Lead Organisation	Shetland Islands Council
Contact	Patti Dinsdale, Team Leader Environmental Health
Boundary Area	Shetland wide
Details of Service	Shetland Islands Council has the statutory power to tackle antisocial behaviour throughout Shetland.
Staff levels	
Key Performance Indicators	None
Legislation / Policy	Anti-Social Behaviour etc. (Scotland) Act 2004
Existing Value of Service	Not available for BID area only

Activity	2.07 Environmental Protection/Public Health
Lead Organisation	Shetland Islands Council
Contact	Patti Dinsdale, Team Leader Environmental Health
Boundary Area	Shetland wide
Details of Service	<p>The team tries to ensure adequate protection maintenance and improvement of the local environment in order to benefit the health of the community. Service delivery broadly comprises:</p> <ul style="list-style-type: none"> • Abatement of statutory nuisances • Air quality management • Dog fouling • Dangerous Dogs • Contaminated land management • Domestic litter and fly tipping control • Abandoned vehicles • Shoreline clean-up • Defective drainage • Needle Sweeps

	<ul style="list-style-type: none"> • Monitoring and sampling strategies • Pest Control • Travellers • Smoking • Blue Green Algae
Staff levels	
Legislation / Policy	Environmental Protection Act 1990 Clean Air Acts 1993 Refuse Disposal (Amenity) Act 1978 Prevention of Damage by Pests Act 1949 Dangerous Dogs Act 1991 Control of Dogs (Scotland) Act 2010 Dogs Act 1906 Dog Fouling (Scotland) Act 2003 Public Health (Scotland) Acts 1897, 1945 and 2008
Existing Value of Service	Not available for BID area only

Activity	2.08 Food Safety & Health and Safety
Lead Organisation	Shetland Islands Council
Contact	Patti Dinsdale, Team Leader Environmental Health
Boundary Area	Shetland wide
Details of Service	<p>The food team ensures the safe production, manufacture, storage, handling and preparation of food is carried out and that it is of proper composition and has correct labelling.</p> <p>Health and Safety enforcement and advice for small businesses, accident investigations and advice for events.</p> <p>Service delivery broadly comprises:</p> <ul style="list-style-type: none"> • Programmed inspection of food premises for food hygiene and food standards • Registration licensing and approval of premises • Microbiological and chemical analysis of food • Food Hygiene and Food Standards inspection • Provision of advice educational material and courses for food businesses • Investigation of food and food related complaints • Investigation of food poisoning and outbreak control • Dealing with food safety incidents • Issue of health certificates for food export • Port Health – issue of Ship Sanitation Certificates
Staff levels	
Key Performance Indicators	% of premises achieving Pass in Food Hygiene Information Scheme % of Food Hygiene Inspection Programmed completed
Legislation / Policy	Food Safety Act 1990 Health and Safety at work etc. Act 1974
Existing Value of Service	Not available for BID area only
Notes	

Activity	2.09 Trading Standards
Lead Organisation	Shetland Islands Council
Contact	David Marsh, Team Leader -Trading Standards
Boundary Area	Shetland wide
Details of Service	The trading standard service works to maintain and develop a fair safe and equitable trading environment in Shetland. It offers assistance and advice to consumers and businesses in Shetland on subjects ranging from credit and pricing to safety and measurement.
Staff levels	Not available for BID area only
Key Performance Indicators	Not specific to BID area
Legislation / Policy	Not specific to BID area
Existing Value of Service	Not available for BID area only

Activity	2.10 Licensing
Lead Organisation	Shetland Islands Council
Contact	Patti Dinsdale, Team Leader - Environmental Health
Boundary Area	Shetland wide
Details of Service	<p>Environmental health are responsible for issuing a range of different licences in order to regulate certain activities in the interest of public safety and order</p> <p>Some examples of the licences issued are as follows:</p> <ul style="list-style-type: none"> • Street traders, Late Hours catering • Public entertainment e.g. includes street markets • Public charitable collections • Alcohol • Marches and parades • Pet shops • Skin Piercing • Metal Dealers <p>Environmental Services will liaise with Living Lerwick when applications for Street Traders licences are submitted.</p>
Staff levels	
Key Performance Indicators	None
Legislation / Policy	<p>Civic Government Licensing (Scotland) Act 1982</p> <p>Air Weapons and Licensing (Scotland) Act 2015</p> <p>Licensing (Scotland) Act 2005</p> <p>The Gambling Act 2005 Etc.</p>
Existing Value of Service	Not available for BID area only
Notes	Pre event discussions are encouraged so that ideas can be more thoroughly considered prior to the application stage

Activity	2.11 Planning Applications and Major Developments
Lead Organisation	Shetland Islands Council
Contact	Iain McDiarmid , Executive Manager Planning
Boundary Area	Shetland wide
Details of Service	Seeks to ensure that proposals for new developments are carefully considered taking account of Council policies. It also follows up cases where development has proceeded in contravention of planning control. Living Lerwick will be consulted on planning applications received that fall within the BID area
Staff levels	Not available for BID area only
Key Performance Indicators	Not available for BID area only
Legislation / Policy	Relevant Planning Acts
Existing Value of Service	Not available for BID area only
Notes	The planning service will provide any relevant information to Living Lerwick when required particularly with regard information required for funding applications. However it is essential that any requests are made with a sufficient timeframe for the work to be resourced

Activity	2.12 Policy and Strategy Development
Lead Organisation	Shetland Islands Council
Contact	Iain McDiarmid, Executive Manager - Planning
Boundary Area	Shetland wide
Details of Service	The Planning Service prepares the Local Development Plan (LDP) and associated Supplementary Guidance. It sets out the Councils land use strategy recognising existing developments, promoting sustainable economic growth and conserving Shetlands natural and built environment. Up to date information on the Local Development Plan process and any associated consultation is available online www.shetland.gov.uk/ldp
Staff levels	Not available for BID area only
Key Performance Indicators	Not available for BID area only
Legislation / Policy	Relevant Planning Acts
Existing Value of Service	Not available for BID area only

Activity	2.13 Conservation including Listed Building Consent
Lead Organisation	Shetland Islands Council
Contact	Iain McDiarmid , Executive Manager - Planning
Boundary Area	Shetland wide
Details of Service	Seeks to ensure that proposals for new developments are carefully considered taking account of Council policies.
Staff levels	Not available for BID area only
Key Performance Indicators	Not available for BID area only

Legislation / Policy	Relevant Planning Acts
Existing Value of Service	Not available for BID area only

Activity	2.14 Access Issues (Heritage)
Lead Organisation	Shetland Islands Council
Contact	Iain McDiarmid, Executive Manager - Planning
Boundary Area	Shetland wide
Details of Service	Promotes and supports outdoor access
Staff levels	Not available for BID area only
Key Performance Indicators	Not available for BID area only
Legislation / Policy	Relevant legislation
Existing Value of Service	Not available for BID area only
Notes	

Activity	2.15 Building Warrants
Lead Organisation	Shetland Islands Council
Contact	Iain McDiarmid , Executive Manager - Planning
Boundary Area	Shetland wide
Details of Service	Checks that new buildings and alterations to existing buildings are constructed in compliance with the requirements if the building regulations for example ensuring that means of escape from fire , insulation and construction are satisfactory
Staff levels	Not available for BID area only
Key Performance Indicators	Not available for BID area only
Legislation / Policy	Relevant Building regulations
Existing Value of Service	Not available for BID area only

SAFETY

Activity	3.01 Policing
Lead Organisation	Police Scotland
Contact	
Boundary Area	Shetland wide
Details of Service	24/7 Policing Response Dedicated policing during peak times Enhanced policing during special events Operation and control of the town centre CCTV system Liaison with partner agencies and other groups Crime prevention advice
Staff levels	
Key Performance Indicators	
Legislation / Policy	
Existing Value of Service	Not available for BID area only

Part 3

Complementary Services

1 CLEANING

- 1.01 Recycling
- 1.02 Ground Maintenance
- 1.03 Public Convenience

2 INFRASTRUCTURE

- 2.01 Street Furniture
- 2.02 Lighting
- 2.03 Drainage
- 2.04 Structures
- 2.05 Road Pavement \ Lane Maintenance
- 2.06 Winter Maintenance
- 2.07 Amenity Signage
- 2.08 Neighbourhood Support Workers
- 2.09 Public Health Promotions
- 2.10 Port Management

3 TRANSPORT

- 3.01 Bus Service Provision - Service 1 - Lerwick Town
- 3.02 Taxi Rank on Pier
- 3.03 Lerwick to Bressay Ferry
- 3.04 Dial a ride Service to Tingwall Airport

4 BUSINESS SUPPORT AND PROMOTIONAL SERVICES

- 4.01 Promotional Services
- 4.02 Business Gateway
- 4.03 Economic Policy

5 SAFETY

- 5.01 CCTV Provision
- 5.02 Shetland Community Safety and Resilience Board

CLEANING

Activity	1.01 Recycling						
Lead Organisation	Shetland Islands Council						
Contact	Carl Symons - Executive Manager – Environmental Services						
Boundary Area	BID Area and Wider Town						
Details of Service	Kerbside and bank glass recycling collected on specific days						
Staff levels	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Day</td> <td style="width: 33%;">Staff</td> <td style="width: 33%;">Hours</td> </tr> <tr> <td>Monday – Friday</td> <td>2 PT</td> <td>4</td> </tr> </table>	Day	Staff	Hours	Monday – Friday	2 PT	4
Day	Staff	Hours					
Monday – Friday	2 PT	4					
Key Performance Indicators	Kerbside and bank recycling uplifted						
Existing Value of Service	£16,611						
Notes							

Activity	1.02 Ground Maintenance
Lead Organisation	Shetland Islands Council
Contact	Steven Goodlad, Team Leader - Estates Operations
Boundary Area	BID Area and wider town
Details of Service	Within the BIDs area minor services are provided under the ground maintenance contract
Staff levels	Contractor
Key Performance Indicators	
Existing Value of Service	
Notes	* Ref Ground Maintenance BID Area Coverage Below

*Ground Maintenance BID Area Coverage				
Plot ID	Address /Name	Location Description	Area m2	Type of area
1615	Harbour Street	Car Park Harbour Street Market Street	387	Car Park
1004	Pitt Lane	Planted Area	76	Planted Public
1005	Pitt Lane	Planted Area	17	Planted Public
1006	Pitt Lane	Planted Area	19	Planted Public
1007	Pitt Lane	Planted Area	10	Planted Public
1114	Hill Lane	Planted Area	19	Planted Public
1115	Hill Lane	Planted Area	19	Planted Public
1116	Hill Lane	Planted Area	35	Planted Public
1567	Hill Lane car Park	Sitting Area at Car park	63	Public Area
1461	Hill Lane	Grass Garden Council Offices No 11	163	Office
5012	Hill Lane	Grass at 9 Hill Lane	50	Housing

Activity	1.03 Public Convenience
Lead Organisation	Shetland Islands Council
Contact	Steven Goodlad, Team Leader - Estates Operations
Boundary Area	BID Area and wider town
Details of Service	Within BIDs area – Esplanade toilets (opening times 07.30-22.00 daily) The wider town area includes the public conveniences at the Knab
Staff levels	2.5 FTE (95 Hours per week)
Key Performance Indicators	
Existing Value of Service	

INFRASTRUCTURE

Activity	2.01 Street Furniture
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager - Roads
Boundary Area	BID Area
Details of Service	<p>Provide and maintain Street Furniture</p> <p>Street furniture is the collective term for pieces of equipment placed on streets. It includes traffic signs, and posts, bollards, benches, planters, waste bins, tourist and finger signs for walking routes etc.</p> <p>Liaison with and control of 3rd party providers of street furniture such as benches planters to determine practicality and appropriate locations.</p> <p>Currently SIC is only replacing essential items of street furniture, such as traffic signs (Environment and transport Committee- Report F-009-F min ref 07/13)</p>
Staff levels	
Key Performance Indicators	
Existing Value of Service	Not available for BID area only

Activity	2.02 Lighting
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager - Roads
Boundary Area	BIDs area
Details of Service	<p>Operate a repair on report maintenance programme</p> <p>Outages should be reported to the Roads Service reception on 744866 (Environment and Transport Committee Report F- 009- F min ref 07/13)</p>
Staff levels	
Key Performance Indicators	
Existing Value of Service	
Notes	<p>Conversion to LED for all Shetland's streetlighting is currently underway with phase 1, due to complete by April 2019. Phase 2 and 3 are still in the planning phase and will include Commercial Street.</p> <p>The current lighting in the town centre is approaching its life expectancy and will be considered for replacement in the near future. SIC is keen to investigate possible cross funding of a major street lighting replacement scheme changing to modern more efficient LED lighting in order to reduce Shetland's carbon footprint and ongoing maintenance and electricity costs.</p>

Activity	2.03 Drainage
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager - Roads
Boundary Area	BID Area
Details of Service	SIC Roads Service is responsible for maintaining the 'road surface water' drainage system including gully's and drainage channels on Commercial Street. Any other drainage such as foul sewage or property curtilage (roof water etc.) is the responsibility of Scottish Water.
Staff levels	
Key Performance Indicators	
Existing Value of Service	

Activity	2.04 Structures
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager - Roads
Boundary Area	BID area
Details of Service	To maintain structures (the only example of a structure within the BIDs area is the retaining wall below the fort)
Staff levels	
Key Performance Indicators	
Existing Value of Service	

Activity	2.05 Road Pavement / Lanes Maintenance
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager -Roads
Boundary Area	BID Area
Details of Service	General road pavement and lane maintenance
Staff levels	
Key Performance Indicators	
Existing Value of Service	

Activity	2.06 Winter Maintenance
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager- Roads
Boundary Area	BID Area
Details of Service	To maintain infrastructure at a satisfactory standard during the winter
Staff levels	
Key Performance Indicators	
Existing Value of Service	Not available for BID area only

Activity	2.07 Amenity Signage
Lead Organisation	Shetland Islands Council
Contact	David Coupe, Executive Manager -Roads
Boundary Area	BID Area
Details of Service	To provide and maintain signage Amenity signs include the walking route finger signs, some street name signs and other non-essential signage in general.
Staff levels	
Key Performance Indicators	
Existing Value of Service	Not available for BID area only

Activity	2.08 Neighbourhood Support Workers
Lead Organisation	Shetland Islands Council
Contact	Patti Dinsdale, Team Leader - Environmental Health
Boundary Area	BID Area
Details of Service	The Neighbourhood Support Workers (NSW) are involved in crime prevention an environmental improvement. They walk through Lerwick providing a high profile deterrent to antisocial behaviour. At the moment the NSW can assist the issuing of fixed penalty notices for dog fouling, littering, smoking, noise and abandoned vehicles
Staff levels	
Key Performance Indicators	
Existing Value of Service	Not available for BID area only

Activity	2.09 Public Health Promotions
Lead Organisation	Shetland Islands Council
Contact	Patti Dinsdale, Team Leader - Environmental Health
Boundary Area	BID Area
Details of Service	Promotion conducted when capacity allows e.g. dog fouling
Staff levels	
Key Performance Indicators	
Existing Value of Service	Not available for BID area only

Activity	2.10 Port Management
Lead Organisation	Lerwick Port Authority
Contact	Callum Grains, Chief Executive
Boundary Area	BID Area
Details of Service	and other sailing events 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 and Greet' welcome ashore pavilion on Victoria Pier as part of the meet and greet services offered to visiting cruise ships Pay and Display car parking at Victoria Pier Amenity Improvements in the area Hosting events such as annual yacht races, local

TRANSPORT

Activity	3.01 Bus Service Provision - Service 1 - Lerwick Town
Lead Organisation	ZetTrans
Contact	Elaine Park, Transport Contracts and Operations Officer
Boundary Area	BID area and wider town
Details of Service	Bus operates frequently between 0820 to 1751 Monday to Saturday Bus stops at Esplanade and Harrison Square
Staff levels	Service currently contracted to John Leask and Son
Key Performance Indicators	2015/16 Passenger figures = 71,341
Existing Value of Service	£70,758
Notes	No changes planned until 2019

Activity	3.02 Taxi Rank on Pier
Lead Organisation	Shetland Islands Council
Contact	Robina Barton, Policy and Projects Officer
Boundary Area	BID area
Details of Service	Taxi Rank on Pier (Transport Planning Service are also responsible for processing taxi licenses)
Staff levels	
Key Performance Indicators	There are currently 294 taxi driver and 87 taxi vehicle licenses on issue
Legislation / Policy	Civic Government (Scotland) Act 1982
Existing Value of Service	£6750
Notes	No change to current arrangements planned.

Activity	3.03 Lerwick to Bressay Ferry
Lead Organisation	Shetland Islands Council
Contact	Greg Maitland/Andrew Inkster – Harbour Master and Executive Manager, Ferry Operations
Boundary Area	BID Area and Bressay
Details of Service	Regular sailings between Lerwick and Bressay 7 days a week. SIC own linkspan in Lerwick and lease other facilities from LPA
Staff levels	14 full time crew employed on the service plus shore support and reliefs
Key Performance Indicators	176,303 passengers and 69,526 vehicles were carried in 2016.
Existing Value of Service	£1,100,000

Activity	3.04 Dial a Ride Service to Tingwall Airport
Lead Organisation	ZetTrans
Contact	Elaine Park, Transport Contracts and Operations Officer
Boundary Area	BID Area and Tingwall
Details of Service	Dial a ride Service between Viking Bus Station and Tingwall Airport
Staff levels	Service currently contracted to Sinclair's Taxis Ltd

Key Performance Indicators	2015/16 Passenger figures = 1,465
Existing Value of Service	£8,011
Notes	No changes planned until 2019

BUSINESS SUPPORT AND PROMOTIONAL SERVICES

Activity	4.01 Promotional Services
Lead Organisation	Shetland islands Council
Contact	Linda Coutts, Project Manager
Boundary Area	BID Area, and Shetland Wide
Details of Service	Promote Shetland, Promotion of Shetland to a targeted market as a place to live, work, study, visit and invest. This services included the further development of the 'shetland.org' website
Staff levels	3, Service currently provided by NB Communication
Key Performance Indicators	
Existing Value of Service	Contract value up to £400,000 per annum
Notes	Five year contract

Activity	4.02 Business Gateway
Lead Organisation	Shetland islands Council
Contact	Neil Henderson, Project Manager
Boundary Area	BID Area and Shetland Wide
Details of Service	Provide information, advice and guidance to those look to starting new businesses, or to develop existing business and social enterprises, in Shetland
Staff levels	2
Key Performance Indicators	<p>Provide support to 20 new start-ups through the Business Gateway</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide advice to 65 businesses or social enterprises looking to expand or develop <input type="checkbox"/> Provide 50 clients with access to Business Gateway training courses <input type="checkbox"/> Produce annual report on Business Gateway incorporating client feedback and service review
Existing Value of Service	
Notes	

Activity	4.03 Economic Policy
Lead Organisation	Shetland Islands Council
Contact	Douglas Irvine, Executive Manager Economic Development
Boundary Area	BID Area and Shetland Wide
Details of Service	<p>The Economic Development Strategy 2018-2022 contains the following actions:</p> <ul style="list-style-type: none"> • Facilitate delivery of high speed broadband across Shetland • Raise Shetland's positive profile as a place to live, work, study, visit and do business

	<ul style="list-style-type: none"> • Increase economic impact from visitors to Shetland • Ensure communities – whether geographic or ‘communities of interest’ - are able to influence local decision-making and engage with strategic developments taken forward by local and national government • Engage with local developments to ensure economic focus on area regeneration • Ensure strategic focus on developing skills to support business growth
Staff levels	
Key Performance Indicators	
Existing Value of Service	
Notes	

SAFETY

Activity	5. 01 CCTV Provision
Lead Organisation	Shetland Islands Council and Police Scotland
Contact	Vaila Simpson , SIC Executive Manager Community Planning and Development
Boundary Area	BID Area
Details of Service	When a crime is reported to the police in an area covered by CCTV it is as matter of routine reviewed to establish if it can assist enquiry.
Notes	Project ongoing to consider upgrade to system. The CCTV Working Group would be happy to meet with Living Lerwick to discuss CCTV in the Lerwick Town Centre Area

Activity	5. 02 Shetland Community Safety and Resilience Board
Lead Organisation	Shetland Islands Council and Police Scotland
Contact	Vaila Simpson, SIC Executive Manager Community Planning and Development
Boundary Area	BID Area
Details of Service	The Shetland Community Safety and Resilience Board is a multiagency board that brings together representatives from a range of agencies who by working together aim to make Shetland a place where people live, work and visit without fear for their own or others safety. It operates at a strategic level addressing the key community safety concerns that face Shetland. These challenges need to be tackled through agencies and communities working together to plan services and improve the quality of life for the whole community.
Staff levels	The Board is supported by a Partnership Officer who is employed by Shetland Islands Council. This is a full time post. However the Partnership Officer has other commitments as well as supporting the Board
Key Performance Indicators	The Board undertakes self-assessment to ensure that it is 'fit for purpose'
Notes	Both Police Scotland and SIC would be happy to meet with Living Lerwick to discuss any community safety concerns they might have.

Part 4

Map of the BID Area

