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Date: 28 November 2017

Dear Sir/Madam

You are invited to the following meeting:

**Environment and Transport Committee  
Council Chamber, Town Hall, Lerwick  
Tuesday, 5 December 2017 at 2pm**

Apologies for absence should be notified to Leisel Malcolmson, at the above number.

Yours faithfully

Executive Manager – Governance and Law

Chair: R Thomson  
Vice Chair: R McGregor

## **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 minutes of meetings held on (i) 28 August 2017, and (ii) 2 October 2017 (enclosed).
1. Infrastructure Directorate Performance Report – Quarter 2 – 2017/18  
*ISD-08*
  2. Development Services Directorate Performance Report –  
6 Month/2nd Quarter 2017/18  
*DV-53*
  3. Management Accounts for Environment and Transport Committee –  
Projected Outturn at Quarter 2.  
*F-087*
  4. Environmental Health Service Enforcement Policy  
*ES-04*



<b>Meeting(s):</b>	<b>Environment &amp; Transport Committee</b>	<b>5 December 2017</b>
<b>Report Title:</b>	<b>Infrastructure Directorate Performance Report Quarter 2 – 2017/18</b>	
<b>Reference Number:</b>	<b>ISD-08-17-F</b>	
<b>Author / Job Title:</b>	<b>Maggie Sandison / Director of Infrastructure Services</b>	

## **1.0 Decisions / Action required:**

- 1.1 The Environment and Transport Committee should discuss the contents of this report and make any relevant comments on the achievements of the Directorate during the second quarter of 2017/18, note the progress against the priorities set out in the Directorate Plan, and contribute to the service planning process for the Infrastructure Directorate for future years.

## **2.0 High Level Summary:**

- 2.1 This report summarises the activity and performance of the Infrastructure Directorate in 2017/18 quarter 2 up to the 30 September 2017, 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 2017/18**" 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 infrastructure;

### Progress on Corporate Plan Outcomes

- 4.2 The Directorate is leading on the Corporate Plan Commitment to Clarify ***the Council's future role in the Port of Sullom Voe***. This is business which is reported to the Harbour Board.
- 4.3 The Directorate are also contributing substantially to the Transport Planning projects to ***understand the options and investment required to create a sustainable internal transport system over the next 50 years and People booking and paying for journeys on our ferries using efficient and effective systems.***

### Directorate Achievements in 2017/18

- 4.4 Appendix A shows progress on the key projects and actions the Directorate set out to complete or substantially progress in 2017/18. The progress on these actions are largely on track. However, there is a significant risk that, unless capital funding is secured from Transport Scotland, the ability to plan a Ferry Replacement Programme that is affordable within the Council's Capital Programme is unrealistic.
- 4.5 Appendix B shows the Council wide indicators and the Key Directorate Indicators split where relevant into seasonal and non-seasonal, to enable the Committee to monitor service delivery against our performance targets and our Directorate Objectives in 4.1. Appendix C shows a summary of the number of complaints received and responded to.
- 4.6 Appendix D is the CAA audit report of Tingwall Airport Air Traffic and Engineering systems undertaken in October 2017. The audit commends the team on delivering continuous improvement in safety systems and processes. There were 3 findings and 2 observations in the report. All matters raised in the audit have been addressed and, having received evidence of the remedial actions taken, the audit has been closed out by the CAA.
- 4.7 The CAA Audit report highlights the need to improve security at the Airport as a response to the increased UK terror threat levels. The audit also highlights that the Council needs to give serious consideration to making a decision on providing a new control tower to provide the Flight Information Services Officer (FISO) with a continuous view of the runway. As part of the development of a long term plan for maintenance of Council infrastructure a report has been commissioned into the Tingwall Airport runway condition. This has indicated that in the short term there is a need to resurface the runway. The estimated required expenditure for the control tower, resurfacing and upgrading runway lighting is £2.2M. Consideration of the affordability of these capital costs is part of the inter island Air Services review project being undertaken by Transport Planning for completion in early 2018.

## **Risk and Service Challenges**

- 4.8 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:
- Failure to respond to Scottish Government's target for recycling 70% of waste by 2025- we achieve 13% recycling currently **Corrective Action-** New recycling service being developed with a pilot in Muckle Roe and Brae in February 2018, with the Shetland wide roll out planned for June 2018.
  - There is an increasing risk of operating ferry services with aging vessels, which has resulted in increased significant remedial works, required to maintain vessels in service, which has driven up dry-docking costs. The additional work requires increased time in dry-dock, resulting in service disruptions and creates an ongoing budget pressure on the service and directorate budgets. **Corrective Action-** the Council is pursuing capital funding for a vessel replacement programme from Scottish Government via Transport Scotland.
  - Skills Shortage- the Directorate has identified a number of areas where there is a turnover of staff with critical skills where there is a challenge to recruit to vacant posts- Marine posts, HGV Drivers, Engineers, Electricians. **Corrective Action-** Services are developing Apprenticeships and Career Grades to respond to the skills gap, which is anticipated due to the demographic profile of the workforce. Work has been tendered to external contractors to address skills gaps however there is also a capacity issue within the private sector so some programmes of planned maintenance work are delayed due to staff vacancies combined with the lack of capacity of contractors to complete planned maintenance programmes on time. Outsourcing work, which has previously been delivered in house, can create additional budget pressures although this is offset against the saving in staffing costs due to the vacancy.
- 4.9 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

<b>6.0 Implications :</b>	
<b>6.1 Service Users, Patients and Communities:</b>	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.
<b>6.2 Human Resources and Organisational Development:</b>	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.
<b>6.3 Equality, Diversity and Human Rights:</b>	The Directorate uses Equalities Impact assessment to ensure its services are supporting those most in need and not making inequalities worse;
<b>6.4 Legal:</b>	The Directorate delivers statutory services, monitoring performance provides assurance that statutory requirements are met and the Council complies with its duties in delivering Services.
<b>6.5 Finance:</b>	The actions, measures and risk management described in this report within the remit of Environment & Transport Committee are projected to be achieved within existing approved budgets.
<b>6.6 Assets and Property:</b>	A number of the actions in the Directorate Plan relate to maintenance and replacement of Infrastructure and Council assets to maintain delivery of services to the people of Shetland. The aging infrastructure, skills shortage and pressure on capacity in the private sector are creating challenges to maintain service delivery within budget.
<b>6.7 ICT and new technologies:</b>	None
<b>6.8 Environmental:</b>	The Directorate leads the delivery of the Council's Carbon Management Plan and delivers a programme of works to reduce energy usage across the Council's assets. A progress statement is included in the report and the appendices.
<b>6.9 Risk Management:</b>	<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>

<b>6.10 Policy and Delegated Authority:</b>	<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>	
<b>6.11 Previously considered by:</b>	None	

**Contact Details:**

Maggie Sandison, Director of Infrastructure Services,

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17 November 2017

**Appendices:**

Appendix A – Progress on the Directorate Projects and Actions

Appendix B- Key Directorate Indicators and Council Wide Indicators

Appendix C – Complaints Summary

Appendix D – Tingwall Airport CAA Audit

Appendix E – Risk Register

**Background Documents:**

[Infrastructure Services Directorate Plan 2017/18](#)






# Appendix A - Projects and Actions - Infrastructure Directorate Plan


Generated on: 24 November 2017

## OUR PLAN 2016-2020

### A) YOUNG PEOPLE

2) Vulnerable Children and young people's opportunities Children and young people, particularly those from vulnerable backgrounds, will be accessing the learning and development opportunities that allow them to best fulfil their potential.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP137 Promote Apprenticeships through Procurement	Review Infrastructure procurement contracts to promote modern apprenticeships	Support the Shetland Learning Partnership to provide opportunities - young people need to get jobs.	Planned Start	01-Apr-2017		New Contracts which are issued with Apprentice conditions. Work ongoing with several initiatives currently being reviewed.	Infrastructure Services Directorate
			Actual Start	03-Aug-2017	<div><div>50%</div></div>		
			Original Due Date	31-Dec-2019	Expected success		
			Due Date	31-Dec-2019			
			Completed Date		Likely to meet or exceed target		

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP211 Promote apprenticeships through employment.	Provide apprenticeships, vocational training and work experience placements to support the Shetland Learning Partnership in providing opportunities for young people to get jobs	Younger workforce, reduced problems with succession planning, retaining more local talent	Planned Start	01-Apr-2017		The Directorate aims to increase apprentice placements to fill vacancies and skills gaps identified through workforce planning. This is the first cycle and provides a baseline to assess progress. Currently we have 11 apprentices across the department with two having successfully completed in 17/18.	Infrastructure Services Directorate
			Actual Start	01-Apr-2017	<div><div>25%</div></div>		
			Original Due Date	31-Mar-2020	Expected success		
			Due Date	31-Mar-2020			
			Completed Date		Likely to meet or exceed target		

6) Physical and cultural activities More children will be taking part in physical and cultural activities – developing healthy lifestyles for playing a full and active part in Shetland community life.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP212 Expand Safe Cycle Routes	Secure external funding to expand safe cycle routes and walking routes to schools to encourage children to take part in healthy lifestyles to help them play a full and active part in Shetland community life.	Increased activity throughout life, lower carbon emissions.	Planned Start	01-Apr-2017		A group has been formed from interested parties to action schemes via Participatory Budgeting. Initial meetings held and currently collating ideas of potential schemes. Likely that due to time constraints that a full PB exercise will not be undertaken until 2018/19 but schemes will be actioned by the group this year to make best use of the Cycling, Walking Safer Streets grant. <u>19 Oct 2017</u> Continuing to collate further potential schemes.	Infrastructure Services Directorate
			Actual Start	17-Apr-2017			
			Original Due Date	31-Mar-2020	Expected success		
			Due Date	31-Mar-2020			
			Completed Date		Likely to meet or exceed target		

## C) ECONOMY & HOUSING

### 2) Diverse businesses



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.


Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP067 Develop the Scalloway Harbour business plan	Investigate options for developing Scalloway Harbour and present reports to members	Effective operations and financial planning	Planned Start	02-Mar-2015		Outline business case for refurbished / extended Scalloway Fishmarket approved by Council October 2016. Full Business Case approved by Council October 2017. This action has now been superceded by actions PH-17-20 to PH17-22.	Harbour Master & Port Operations
			Actual Start	02-Mar-2015			
			Original Due Date	31-Mar-2016	Expected success		
			Due Date	07-Feb-2017			
			Completed Date	20-Jan-2017	Likely to meet or exceed target		

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
PH-17-20 Scalloway Fishmarket Redevelopment	Agree redevelopment option, obtain permissions, procure works, implement and commission	Determine and implement the preferred option for the future of Scalloway Fishmarket	Planned Start	01-Apr-2017		Outline Business Case approved by Council in October 2016. Full Business Case to be completed with support from Finance / Capital Programme / Procurement and approved by Council in October 2017. Implementation being planned with target completion end 2019.	Harbour Master & Port Operations
			Actual Start	30-May-2017			
			Original Due Date	31-Oct-2019	Expected success		
			Due Date	31-Dec-2019			
			Completed Date		Likely to meet or exceed target		

## 6) Sullom Voe future

We will have made the council's future role in the port of Sullom Voe clear and we will be seeing the best possible returns from our investments.




Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP097 Sullom Voe Harbour future	Achieve a sustainable future for Sullom Voe Harbour in partnership with Government and the Oil industry	Corporate Plan outcome of the Council's future role in the port of Sullom Voe being clear	Planned Start	01-May-2016		Harbour Board and Policy and Resources Committee have considered the strategic options generated in the outline business case and confirmed that further analysis and market testing should be undertaken to establish the economic, commercial and financial information to support these options. A Member's seminar was held on 11 May with PWC presenting the results of market testing. Further study has been undertaken to understand shuttle tanker economics and the opportunities for the Port of Sullom Voe. The report has been received and presented to Harbour Board members at a seminar. Superseded by PH-17-01 to PH-17-15.	Infrastructure Services Directorate
			Actual Start	12-May-2016	<div><div>100%</div></div>		
			Original Due Date	31-Mar-2016	Expected success		
			Due Date	30-Apr-2017	 Likely to meet or exceed target		
			Completed Date	30-May-2017			

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP107 VTS Radar at Sullom Voe	Replace VTS Radar at Sullom Voe to maintain safe operations	A modern, fully equipped harbour able to adapt to changes in use and legislation	Planned Start	01-Apr-2015		Tenders were back December 2016. Award March 2017. Supersceded by PH-17-12.	Infrastructure Services Directorate
			Actual Start	01-Apr-2015	<div><div>100%</div></div>		
			Original Due Date	31-Mar-2016	Expected success		
			Due Date	30-Jun-2017	 Likely to meet or exceed target		
			Completed Date	30-May-2017			

## E) CONNECTION & ACCESS




### 1) Community transport solutions


There will be transport arrangements in place that meet people's needs and that we can afford to maintain in the medium term.


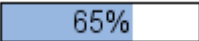

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP068 Small ports development/main tenance plan	Small ports development/maintenance plan developed to decide future of these assets A small ports condition survey and major maintenance works report was submitted to the Harbour Board on the 18th August 2014	Effective operations and financial planning Small Ports Maintenance / Development plan sufficiently complete to allow individual projects to be timetabled and / or implemented for next year and future years as far as possible.	Planned Start	02-Mar-2015		2016/17 works being carried out. Anticipated expenditure in 2017/18 and future years approved in October 2017 for Capital Programme and Revenue budget development. Action taken: 2016/17 works confirmed in asset investment plan approved by Council on 10th February 2016 and completed. This action has now been superceded by PH-17-17.	Harbour Master & Port Operations
			Actual Start	02-Mar-2015			
			Original Due Date	31-Mar-2016	Expected success		
			Due Date	31-Mar-2017	 Experiencing issues, risk of failure to meet target		
			Completed Date	30-May-2017			


## 5) Sustainable transport arrangements

Our communities will feel better connected using new community transport solutions developed by communities themselves.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP089 Ferry Replacement	Develop a Ferry Replacement Programme	Ongoing discussions with the Scottish Government. It is anticipated that a decision will be made in the coming weeks rather than months	Planned Start	10-Jan-2016		Ferry assets and terminal assets assessed as part of Inter Island Project. The draft report is due to go to public consultation on the 22nd august 2016. Capital options from SIITS report to be presented to Council by Transport Planning. It is anticipated that we will have a decision on revenue costs by the 4th Quarter 2016/17. Capital costs will not be agreed until 2017 Discussions are still ongoing with Transport Scotland on the provision of funding	Infrastructure Services Directorate
			Actual Start	10-Jan-2016			
			Original Due Date	30-Jun-2016	Expected success		
			Due Date	31-Jan-2018			
			Completed Date				
					Significant issues, likely failure to meet target		




Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP098 Secure external funding for ferry terminals	Secure external funding to deliver the accessibility improvements to ferry terminals	Sufficient funds are available to maintain, repair and develop Ferry Terminal Infrastructure	Planned Start	01-Feb-2016		Funding secured for DDA improvements to Terminals. Overall funding by Ferry Operations. Laxo & Bressay ferry terminal completed to a high standard. Roll out of remainder to be scheduled. Additional funding secured from Transport Scotland	Infrastructure Services Directorate
			Actual Start	17-Feb-2016	<div><div>85%</div></div>		
			Original Due Date	31-Mar-2016	Expected success		
			Due Date	31-Dec-2017			
			Completed Date				
					Likely to meet or exceed target		


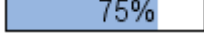

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
SP605 Leirna life extension	Inspect / repair steelwork, improvements to vessel, equipment, navigation equipment and lighting; to increase life expectancy of vessel.	Maximum life from existing assets	Planned Start	29-May-2017		Completed works to date - Renew forward and aft ballast tanks, hull plating and frames. Shot blast and paint out both both ballast tanks. Passenger saloon seating renewed. Passenger saloon floor covering renewal, upper, lower and stairway. Vehicle loading ramps to be removed and main hinges renewed. External ladders to passenger saloon x 2 and bridge x 3, steps under non slip to renew. Hydraulic ram replacement - part complete. No more life extension works will take place on the Leirna until June 2018	Ferry Operations
			Actual Start	03-Mar-2017			
			Original Due Date	31-Dec-2018	Expected success		
			Due Date	31-Dec-2018			
			Completed Date		Likely to meet or exceed target		

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
SP606 Geira life extension	Inspect / repair steelwork, improvements to vessel, equipment, navigation equipment and lighting; to increase life expectancy of vessel.	Maximum life from existing assets	Planned Start	01-Nov-2018		Planned start date is 1 November 2018. Planning works are underway.	Ferry Operations
			Actual Start				
			Original Due Date	31-Mar-2020	Expected success		
			Due Date	31-Mar-2020			
			Completed Date		Likely to meet or exceed target		

## 6) Internal transport investment

We will have a clearer understanding of the options and the investment needed to create a sustainable internal transport system over the next 50 years.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
SP350 Progress the Business case for the complete replacement of the current street lighting with LED	Reduce the running costs and carbon footprint from the street lighting asset whilst improving the asset	Ensure Shetland's public road network is maintained and improve. This will support the Council's Aim under Connection and Access to "Provide quality transport services within Shetland," and "There will be transport arrangements in place that meet people's needs and that we can afford to maintain in the medium term." Also 20 by 20 "We will have reduced the effect we have on the local environment, particularly reducing carbon emissions from our work and buildings."	Planned Start	01-Apr-2016		Column assessment took longer than expected as it was undertaken in house to reduce costs due to high tender prices but is now complete. Business case now in draft and will be submitted to CPS in November 2017.	Roads
			Actual Start	04-Apr-2016			
			Original Due Date	31-Mar-2017	Expected success		
			Due Date	31-Mar-2018			
			Completed Date		Likely to meet or exceed target		

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
SP662 Promote the new 20 mph speed limits required at the new AHS and Lerwick's north crescents.	Safe routes to school for pupils and improved environment for residents and other members of the public.	Relevant traffic orders made if Council in agreement.	Planned Start	01-Apr-2016		AHS 20mph order has been made. Works to install on site underway. Lerwick crescents to follow depending on Private Member bill.	Roads
			Actual Start	26-May-2017			
			Original Due Date	31-Mar-2018	Expected success		
			Due Date	31-Mar-2018			
			Completed Date		Likely to meet or exceed target		

## F) OUR "20 BY '20"

### 02) Staff value & motivation

Our staff will feel valued for their efforts and want to stay with us because they feel motivated to do their very best every time they come to work.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP103 Employee review & development	Undertake 100% of the employee review development plans	All staff to receive ERD to improve staff engagement and enable training analysis.	Planned Start	01-Jan-2017		The new policy was rolled out in June 2017 and therefore the due date for this has been extended to June 2018 and review meetings with staff are underway.	Infrastructure Services Directorate
			Actual Start	01-Jan-2017	<div><div>21%</div></div>		
			Original Due Date	31-Dec-2017	Expected success		
			Due Date	30-Jun-2018			
			Completed Date		Likely to meet or exceed target		

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP210 "Making a Difference" Staff Training	Training programme for Infrastructure staff on "Making a Difference" to address loneliness and stigma	Employees recognise their role in addressing inequalities and supporting the most vulnerable.	Planned Start	01-Jun-2017		3% of staff have booked on this course to date - managers have been asked to organise area based training for their teams.	Infrastructure Services Directorate
			Actual Start	16-Aug-2017	<div><div>3%</div></div>		
			Original Due Date	31-Dec-2019	Expected success		
			Due Date	31-Dec-2019			
			Completed Date		Likely to meet or exceed target		

## 05) Standards of governance



High standards of governance, that is, the rules on how we are governed, will mean that the council is operating effectively and the decisions we take are based on evidence and supported by effective assessments of options and potential effects.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP104 Regulators	Positive audits from our regulators with no serious non-conformances identified	Continued adherence to all current standards applicable to our operations.	Planned Start	01-Apr-2017		Target met year to date.	Infrastructure Services Directorate
			Actual Start	01-Apr-2017	<div><div>50%</div></div>		
			Original Due Date	31-Mar-2018	Expected success		
			Due Date	31-Mar-2018			
			Completed Date		Likely to meet or exceed target		

## 06) Financial management



Excellent financial management arrangements will make sure we are continuing to keep to a balanced and sustainable budget, and are living within our means.



Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP213 New Financial Restrictions	Develop 18-19 sustainable budget to assist in meeting £20m by 2020 target	Long-term financial stability.	Planned Start	01-Apr-2017		Executive Managers tasked to develop no growth budget and identify changes to deliver efficiency and savings.	Infrastructure Services Directorate
			Actual Start	01-Apr-2017	<div><div>50%</div></div>		
			Original Due Date	31-Dec-2017	Expected success		
			Due Date	31-Dec-2017			
			Completed Date		Likely to meet or exceed target		



## 07) Procurement

Our arrangements for buying goods and services will be considered to be efficient and provide ongoing savings.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
SP213.4 Fleet Replacement Programme 2017/18	Put in place a fit for purpose vehicle and plant fleet which is correctly sized to meet current operational needs.	Reduce the average age of the fleet and revenue running costs associated with the age and obsolescence of a significant portion of the current vehicle fleet while minimising disruption and downtime due to an increased incidence of breakdown.	Planned Start	01-Apr-2017		See <b>Appendix D - Replacement Schedule 2017/18</b> of the Service Need Case – Vehicle and Plant Replacement Programme. Budget expended with vehicles coming into service.	Estate Operations
			Actual Start	03-Aug-2017	<div><div>90%</div></div>		
			Original Due Date	31-Mar-2018	Expected success		
			Due Date	31-Mar-2018			
			Completed Date		Likely to meet or exceed target		

## 15) Assets


We will have a better understanding of the number of assets we can afford with the resources we have available, and will have reduced the number of buildings we have staff in.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
SP215.6 Building Maintenance Capital Works Programme 2017/18	Deliver the projects set out on Service Need Case "Building Maintenance Capital Works" itemised in Appendix 1 of the report.	Customers happy, programme delivered on time, on budget and to a high quality.	Planned Start	01-Apr-2017		Works delivered as part of normal maintenance delivery. On site and on programme to deliver. Some minor slippage.	Estate Operations
			Actual Start	01-Mar-2016	<div><div>50%</div></div>		
			Original Due Date	31-Mar-2018	Expected success		
			Due Date	31-Mar-2018			
			Completed Date		Likely to meet or exceed target		

## 16) Prioritise spending


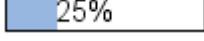

We will have prioritised spending on building and maintaining assets and be clear on the whole-of-life costs of those activities, to make sure funding is being targeted in the best way to help achieve the outcomes set out in this plan and the community plan.


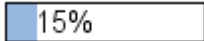




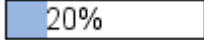

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
SP219 FM Review - Phase 1	Phase 1 will analyse current Facilities Management operations and option appraise choices for the future. The primary aim is to avoid duplication of both effort and resources (management & supervision) while identifying both financial and operational efficiency savings. Phase 2 would see the implementation of the recommended option.	Revised Facilities Management arrangements that meet Best Value objectives and the needs of both customers and employees.	Planned Start	03-Apr-2017		Budget now in place following successful BJC bid and Council report. Moving to implementation in January 2018. Scope as appended to this action item.	Estate Operations
			Actual Start	12-Jan-2018			
			Original Due Date	31-Mar-2018	Expected success		
			Due Date	31-Mar-2021			
			Completed Date		Likely to meet or exceed target		



## 17) Carbon reduction

We will have reduced the effect we make on the local environment, particularly reducing carbon emissions from our work and buildings.

Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP109 Local climate impacts report	Local climate impacts report to assess the impact and risk of extreme weather events and develop a climate change adaption plan	Help protect Shetland's natural environment while embedding climate change mitigation into all relevant Council policies and procedures.	Planned Start	18-Jan-2016		Collaborative leadership project to capture climate change impacts is being facilitated. Part of this work has been included in the SEEP2 project (See SP217.04D) and the collaborative leadership programme. The original due date was too ambitious given the scope and scale of the overall Carbon Management Plan and the training needs which have become apparent during rollout. SEEP2 rollout ongoing. Both SEEP1 and SEEP2 outputs will substantially inform this project.	Infrastructure Services Directorate
			Actual Start	15-Aug-2016			
			Original Due Date	31-Mar-2018	Expected success		
			Due Date	31-Mar-2019			
			Completed Date		Experiencing issues, risk of failure to meet target		

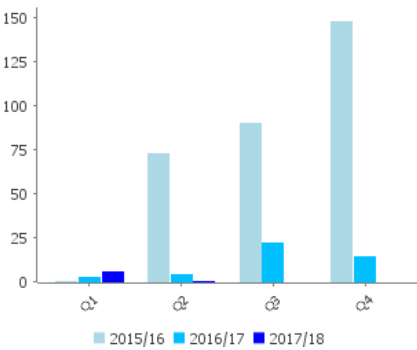
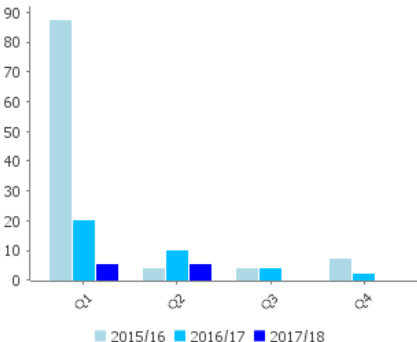
Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP111 Waste Strategy & Recycling Collection	Implement recycling collection across Shetland and redesign the waste service to prepare for further legislative changes	Because of the current waste strategy in Shetland with generating heat from waste burn the recycling waste collection is unlikely to change in the immediate future.	Planned Start	01-Apr-2015		Committee approval for adoption of Waste Charter received on 3 October 2016. Funding has been provided by ZWS to provide recycling containers for all households in Shetland along with funding for efficiency studies and the provision of a contractor to assist with delivery of a communications strategy. Communication engagement officers have carried out a door knocking exercise in Brae and Muckle Roe to give householders a brief overview of the new service. Brae and Muckle Roe will be the first area to have the new service provided in March 2018.	Infrastructure Services Directorate
			Actual Start	14-Nov-2016			
			Original Due Date	31-Mar-2016	Expected success		
			Due Date	31-Mar-2019			
			Completed Date		Likely to meet or exceed target		

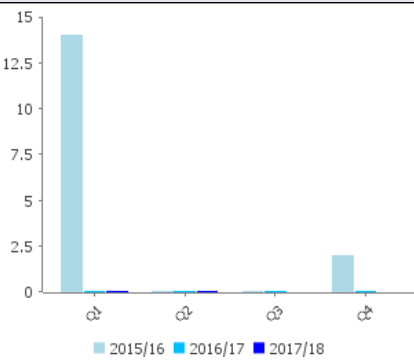
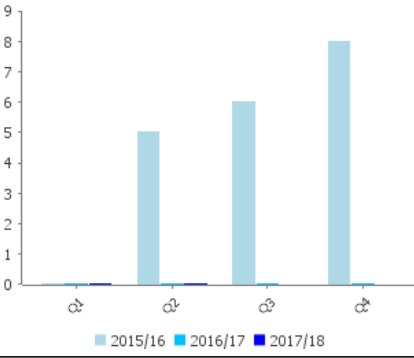
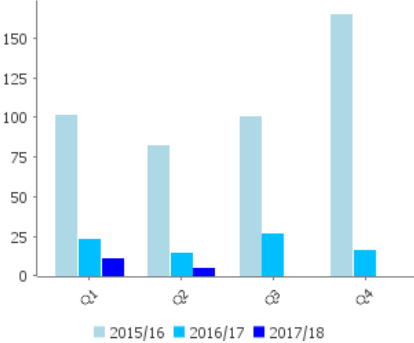
Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP138 Increase Contactor's Energy Efficiency capacity	Increase capacity of certified contractors able to deliver energy efficiency works	Maximise draw down of grant schemes and retrofit works to address poverty.	Planned Start	01-May-2017		Training course being developed to increase skill base within Shetland. A meeting of small contractors revealed that the inherent bureaucracy of the grant funding system was the single greatest barrier to certification. Additionally, changes to Scottish Government funding and their decision to make HES:ABS and Warm Works funding mutually exclusive are compounding this issue. It is envisioned that some form of overarching ALEO who can manage the bureaucracy is the preferred local delivery model.	Estate Operations
			Actual Start	03-Aug-2017			
			Original Due Date	31-Dec-2019	Expected success		
			Due Date	31-Dec-2019			
			Completed Date		Experiencing issues, risk of failure to meet target		

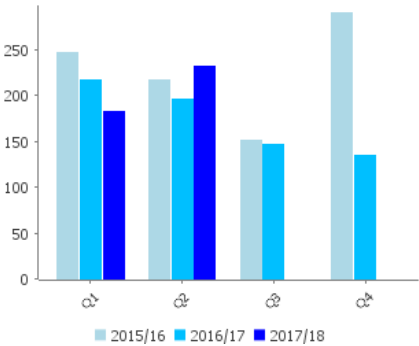
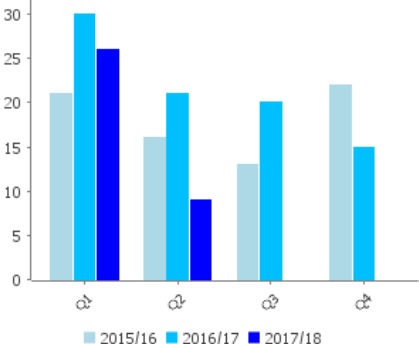
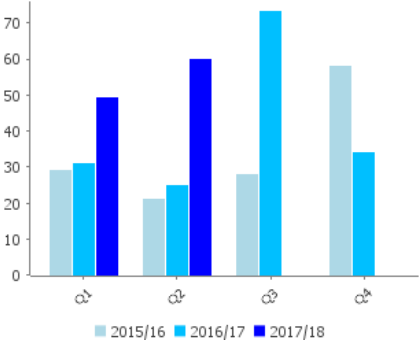
Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
SP217 Carbon Management Plan – Implementation	To implement the actions, programmes and projects set out in the Carbon Management Plan	To work in partnership with Community Planning partners to reduce costs and share best practice in carbon and climate change management, specifically - Efficiencies - Better use of resources - Legislative compliance.	Planned Start	01-Apr-2015		The items listed on the action plan are in the process of being put in place. The Project Board met in August and agreed action plan priorities. Various projects under the CMP heading have been initiated and are ongoing. The 2017 CMP Update and Highlight Reports are now available which show progress to date.	Estate Operations
			Actual Start	04-May-2015	<div><div>88%</div></div>		
			Original Due Date	31-Mar-2016	Expected success		
			Due Date	31-Mar-2020	 Likely to meet or exceed target		
			Completed Date				
					Our funding bid submissions have been particularly successful, hence the high completion rate. However, this hasn't fully translated to significant carbon savings at this point in time. The next tranche of projects in support of the CMP2015-20 need to be developed and resourced.		

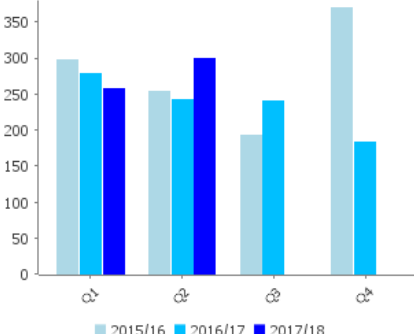
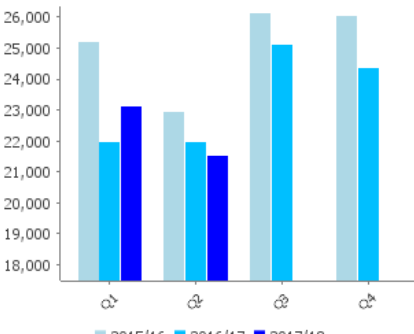
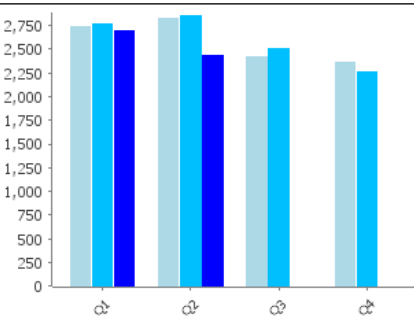
## Appendix B Performance Indicators (Seasonal - Quarterly)- Infrastructure Services Directorate

Generated on: 24 November 2017

	Previous Years			2 years ago	1 year ago	This Year			
Code & Short Name	2014/15	2015/16	2016/17	Q2 2015/16	Q2 2016/17	Q2 2017/18		Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Target		
HF10a Lost sailings by cause - Adverse Weather	313	311	43	73	4	0	5		<b>Performance:</b> Weather effected cancellation are continuing to reduce <b>Improvement:</b> Continue dialogue in relation to contingency planning
HF10b Lost sailings by cause - Breakdown	106	102	36	4	10	5	5		<b>Performance:</b> Reduce the number of service related breakdowns <b>Improvement:</b> This target is getting harder to achieve due to the age of the fleet and key component parts reaching a "life expired" stage. We will however continue to work with our engineers, supplier and contractor to minimise service disruption

	Previous Years			2 years ago	1 year ago	This Year			
Code & Short Name	2014/15	2015/16	2016/17	Q2 2015/16	Q2 2016/17	Q2 2017/18		Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Target		
HF10c Lost sailings by cause - Crew	22	16	0	0	0	0	5		<b>Performance:</b> It would be difficult to achieve 100% compliance <b>Improvement:</b> continue with a robust approach to absence management and ensure that the relief panel is updated and maintained at an effective level
HF10d Lost sailings by cause - Other	145	24	0	5	0	0	0		<b>Improvement :</b> We will continue work closely with our crews, contractors and suppliers
HF10T Lost sailings - TOTAL	586	453	79	82	14	5			<b>Improvement</b> Continue to monitor reasons for lost sailing and identify trends where possible. Additional focus on key systems and components due to the age profile of the fleet

	Previous Years			2 years ago	1 year ago	This Year			
Code & Short Name	2014/15	2015/16	2016/17	Q2 2015/16	Q2 2016/17	Q2 2017/18		Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Target		
HH01a Tingwall Airport Landings - Islanders	649	905	694	217	196	231			<b>Performance:</b> Scheduled delivery of service unless weather disruption. Data only no target. <b>Improvement:</b> Continued dialogue with operators to keep them appraised of the airport's services and availability.
HH01b Tingwall Airport Landings - Air Ambulance	40	72	86	16	21	9			<b>Performance:</b> Improved dialogue with operators highlighting the range and quality of the services available at the airport and about the airport's flexible working arrangements. Data only no target <b>Improvement:</b> Continued dialogue with operators to keep them appraised of the airport's services and availability.
HH01c Tingwall Airport Landings - Other	105	136	163	21	25	60			<b>Performance:</b> Improved dialogue with both commercial operators and the General Aviation community highlighting the range and quality of the services available at the airport. Data only no target. <b>Improvement:</b> Continue to improve the dialogue with all parties and keep them appraised of the airport's services and availability.

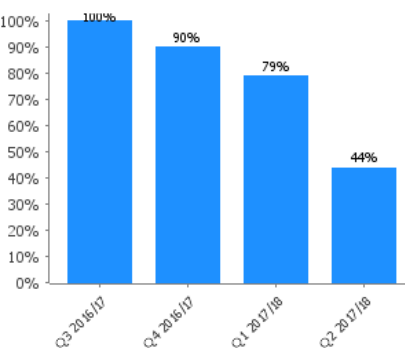
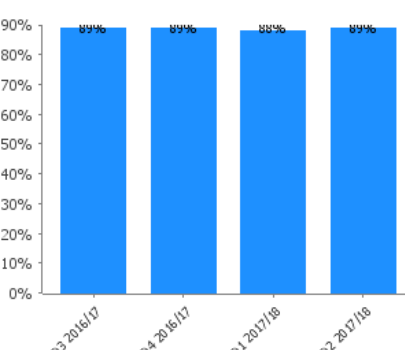
	Previous Years			2 years ago	1 year ago	This Year			
Code & Short Name	2014/15	2015/16	2016/17	Q2 2015/16	Q2 2016/17	Q2 2017/18		Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Target		
HH01T Tingwall Airport Landings - TOTAL	794	1,113	943	254	242	300			<b>Performance:</b> A number of factors outwith the control of the airport, i.e. weather conditions - impacts o landings overall. Data only no target <b>Improvement:</b> The airport will use new and established means to promote the services available to increase landings.
HH02 Council Energy Consumption (MWh)	98,514	100,242	93,340	22,935	21,959	21,484	18,881		<b>Performance:</b> Reducing energy usage saves Council budgets and reduces CO2 (Quarterly). Cold winter impact compared to mild winter. <b>Improvement:</b> Action plan to reduce energy usage is being implemented using spend to save funding and green loans.
HN04 Amount of household waste collected (tonnes)	10,027	10,326	10,378	2,826	2,857	2,430	2,857		<b>Performance:</b> Reduced workforce at Gas Plant reducing waste collected. <b>Improvement:</b> New vehicles have reduced breakdown down time making service more efficient

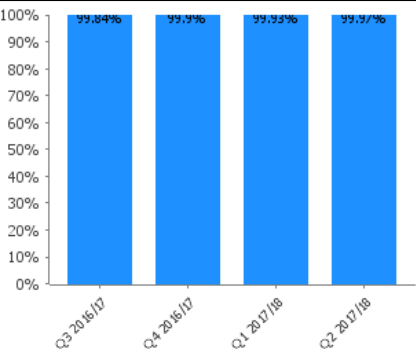
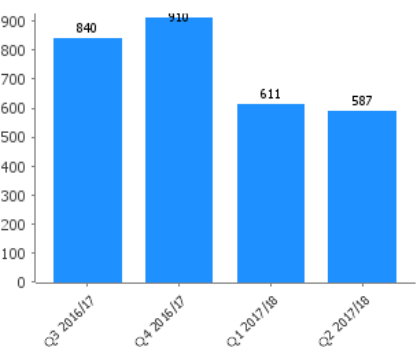
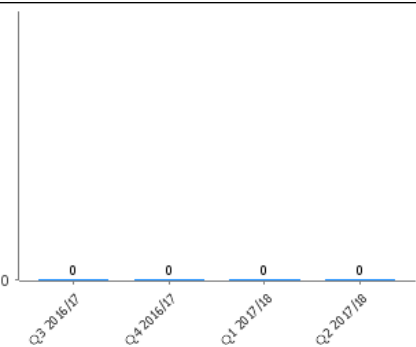
	Previous Years			2 years ago	1 year ago	This Year			
Code & Short Name	2014/15	2015/16	2016/17	Q2 2015/16	Q2 2016/17	Q2 2017/18		Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Target		
OPI-4C-H Sick %age - Infrastructure Directorate	4.0%	3.8%	2.4%	3.8%	2.2%	2.8%	4.0%	 2015/16 2016/17 2017/18	<b>Performance:</b> Infrastructure Services absence levels are lower than Council percentage showing management attention to absence and return to work discussions. <b>Improvement:</b> The department continues to apply the Council's "Promoting Attendance" policy and procedures to ensure that absences are minimised. Annual trend shows reduction year on year.
OPI-4E-H Overtime Hours - Infrastructure Directorate	67,440	77,950	74,814	15,923	18,281	20,299		 2015/16 2016/17 2017/18	<b>Performance:</b> Overtime levels support seasonal nature of work and there is also a reliance on overtime to deliver core services, due to recruitment problems in some areas. <b>Improvement:</b> Overtime is always done as a best-value option after consideration of alternatives, the workforce planning exercise will help minimise reliance on overtime in the future.
OPI-4G-H Employee Miles Claimed - Infrastructure Directorate	185,738	180,162	184,812	41,893	46,345	45,587		 2015/16 2016/17 2017/18	<b>Performance:</b> As work can be seasonal and responsive variation in miles claimed is to be expected. <b>Improvement:</b> The Council's carbon management plan is promoting green transport, reducing travel and using electric vehicles to reduce the impact of services on the environment.

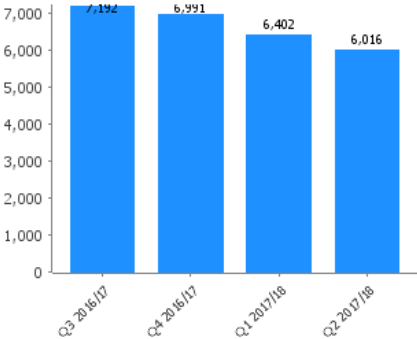
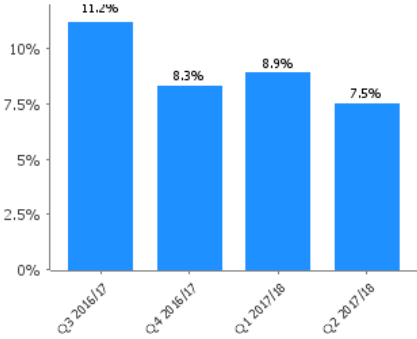
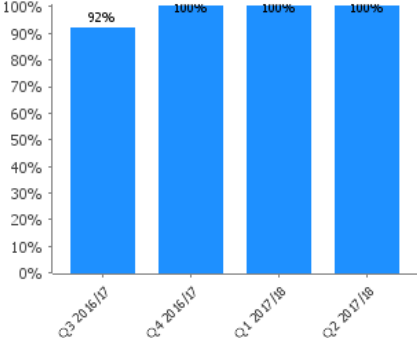


## Appendix B Performance Indicators (Non-seasonal - Quarterly)- Infrastructure Services Directorate

Generated on: 24 November 2017

Code & Short Name	Previous Years		Quarters				Q2 2017/18	Graphs	(past) Performance & (future) Improvement Statements
	2015/16	2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18			
	Value	Value	Value	Value	Value	Value	Target		
HN02 Food Hygiene Inspection Programme completed	88%	90%	100%	90%	79%	44%	100%		<p><b>Performance:</b> The figures show that we have not achieved our target, which was anticipated due to the increase in demand for the service, increase in statutory functions and staff illness.</p> <p><b>Improvement:</b> The increase in demand for other areas of the service mean that improvement will be a challenge. Two staff are now in different stages of study towards an MSc in Environmental Health via distance learning to qualify as EHO's. The overall process takes approximately four years each not including professional examinations. This adds a further load to our small team in terms of study time and appropriate training.</p>
HN03 Premises achieving PASS standard in Food Hygiene Information Scheme	82%	88%	89%	89%	88%	89%	95%		<p><b>Performance</b> <b>Performance:</b> The figures show that we have not achieved our target, which was anticipated due to the increase in demand for the service, increase in statutory functions and staff illness.</p> <p><b>Improvement:</b> The increase in demand for other areas of the service mean that improvement will be a challenge. Two staff are now in different stages of study towards an MSc in Environmental Health via distance learning to qualify as EHO's. The overall process takes approximately four years each not including professional examinations. This adds a further load to our small team in terms of study time and appropriate training.</p>

Code & Short Name	Previous Years		Quarters				Q2 2017/18	Graphs	(past) Performance & (future) Improvement Statements
	2015/16	2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18			
	Value	Value	Value	Value	Value	Value			
HF11 Overall Ferry Availability	99.32%	99.72%	99.84%	99.9%	99.93%	99.97%	100%		Continue to work with crews & suppliers to identify and rectify any issues that may have an impact on availability
HS01 Reactive jobs completed by Building Services	3,389	3,327	840	910	611	587	870		<p><b>Performance:</b> Our planned maintenance budget has reduced and this is an indicator of whether this is resulting in more reactive workload due to less planned maintenance (Quarterly)</p> <p><b>Improvement:</b> This indicator is helping us to establish a trend in reactive maintenance as the budget provision for proactive and planned work reduces to reduce revenue expenditure in services. A higher proportion of planned works with correspondingly lower number of reactive works is the target. Due to staff absence the figures for July are estimates.</p>
HH04 Non-compliance ("Serious" audit comments) with Audit regimes - CAA, FSA, MCA	0	0	0	0	0	0	0		<p><b>Performance:</b> Achieving no major non-conformities at audit demonstrates good management practice and systems</p> <p><b>Improvement:</b> Management systems are in place to ensure our service meet the compliance standards for our external auditors</p>

	Previous Years		Quarters						
Code & Short Name	2015/16	2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q2 2017/18	Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value	Target		
SP-HS-022 Tonnes of CO2 from council operations	29,404	26,961	7,192	6,991	6,402	6,016	5,754		<b>Performance:</b> The Council has a statutory duty to reduce CO2 (Quarterly) <b>Improvement:</b> Action plan to reduce CO2 is being developed and implemented
HN05 Percentage of household Waste recycled	9.7%	10.23%	11.2%	8.3%	8.9%	7.5%	10.5%		<b>Performance:</b> A decrease in percentage recycled due to materials being stockpiled before shipping in bulk and also slightly less being collected from bring sites during the quarter. <b>Improvement:</b> Continue to encourage public to make better use of bring sites.
H01 FOISA responded to within 20 day limit - Infrastructure Services	96.25%	98%	92%	100%	100%	100%	95%		<b>Performance:</b> FOISA response rate within Directorate is excellent and above Council average. <b>Improvement:</b> Aim to have more information made public so there is less need for the public to make FOI requests.

## Appendix B (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: 24 November 2017

Short Name	Previous Years				Last year	This year
	2013/14	2014/15	2015/16	2016/17	Q2 2016/17	Q2 2017/18
	Value	Value	Value	Value	Value	Value
Sickness Percentage - Whole Council	3.6%	4.2%	3.7%	3.1%	2.6%	3.2%
Sick %age - Chief Executive's "Directorate"	1.4%	2.4%	3.6%	1.2%	1.5%	2.2%
Sick %age - Children's Services Directorate	2.8%	3.7%	2.9%	2.5%	1.8%	2.2%
Sick %age - Community Health & Social Care Directorate	6.0%	6.0%	5.6%	5.2%	4.1%	5.4%
Sick %age - Corporate Services Directorate	1.6%	2.4%	1.8%	1.9%	1.8%	2.1%
Sick %age - Development Directorate	2.7%	4.2%	3.5%	3.0%	3.0%	2.7%
Sick %age - Infrastructure Directorate	3.4%	4.0%	3.8%	2.4%	2.2%	2.8%

## Appendix C - Complaints - Infrastructure 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: 24 November 2017

### Standard of service received

ID	Stage Title	Received Date	Status	Closed Date	Service/Directorate	Days Elapsed	Complaint Upheld?
COM-17/18-633	Frontline	23-May-2017	Closed	04-Aug-2017	Roads	53	Partially Upheld

### Dissatisfaction with Council policy

ID	Stage Title	Received Date	Status	Closed Date	Service/Directorate	Days Elapsed	Complaint Upheld?
COM-17/18-658	Frontline	02-Aug-2017	Closed	04-Aug-2017	Environmental Services	4	Not Upheld
COM-17/18-666	Frontline	29-Aug-2017	Closed	29-Aug-2017	Infrastructure Services Directorate	0	Not Upheld

### Behaviour/Attitude of staff

ID	Stage Title	Received Date	Status	Closed Date	Service/Directorate	Days Elapsed	Complaint Upheld?
COM-17/18-647	Frontline	12-Jul-2017	Closed	12-Jul-2017	Environmental Services	5	Upheld
COM-17/18-671	Frontline	18-Aug-2017	Closed	08-Sep-2017	Ferry Operations	15	Not Upheld



# Oversight Report

Report Date:  
12 October 2017



## Details

**Audit Reference Number**

OOOE.184

**Organisation Name**

Tingwall (Shetland Islands Council)

**Lead Auditor**

Ray Woods

**Audit Type**

AAA\ATM\Ongoing Oversight ATM\Operations & Engineering

## Dates

**Start Date**

27/07/2017

**End Date**

27/07/2017

**Closed Date**

12/10/2017

## Overview

The unit is well managed by a small, but dedicated and enthusiastic workforce. It is pleasing to note the active measures that are routinely undertaken in order to achieve continuous improvements in a number of safety areas. It was also encouraging to hear that serious consideration is being given to the development of a new control tower facility, which would provide the FISO with a continuous view of the 02 Approach. Whilst mitigation is provided in the form of an additional observer when aircraft are making approaches to this runway, it is not the ideal solution.

Staff in new roles were interviewed during the audit and performed well.

The CAA commends the new initiative of periodically reviewing 'Policies' during team meetings, in response to local concerns that they were not well known or understood.

Tingwall had identified the following top risks:

- Vehicles in the manoeuvring area causing collision risk;
- Various hazards to aircraft, including birds, debris, animals, obstructions;
- Meeting CAA licence conditions for AFISO and Fire resources;
- Terrorist threat due to proximity to Sullom Voe;
- Loss of CAA licence due to management/staff failure & not addressing AFISO tower visibility;

Engineering systems appeared in good working order with excellent maintenance records. Tait introduced their newest engineer during the inspection.

The audit team thank the Tingwall team for their positive contributions to the audit and their hospitality.

## Audit Scope

1035 Annex I CR 1 Technical and Operational Competence and Capability including CAP 670 ATC 01 ATC Support Systems and Facilities

1035 Annex I CR 2.1 Organisation Structure and Management. Organisational Structure

1035 Annex I CR 3.2 Safety and Quality Management. Quality Management System

1035 Annex I CR 3.3 Safety and Quality Management. Operations Manuals

1035 Annex I CR 4 Security

1035 Annex I CR 5 Human Resources

1035 Annex I CR 8.2 Quality of Service Contingency Plans

1035 Annex II CR 3.1.1 Safety Management System. General Safety Requirements

1035 Annex II CR 3.1.2 Safety Management System. Requirements for Safety Achievement

## **Audit Scope**

1035 Annex II CR 3.2.1 Safety Requirements for Risk Assessments and Mitigation with regard to Changes. Section 1

1035 Annex II CR 3.2.2 Safety Requirements for Risk Assessments and Mitigation with regard to Changes. Section 2

1035 Annex II CR 3.2.3 Safety Requirements for Risk Assessments and Mitigation with regard to Changes. Section 3

1035 Annex II CR 3.2.4 Safety Requirements for Risk Assessments and Mitigation with regard to Changes. Section 4

1035 Annex II CR 3.2.5 Software Safety Assurance

1035 Annex II CR 3.3 Safety Requirements for Engineering and Technical Personnel Undertaking Operational Safety Related Tasks Includes PTC or ATSEP training

1035 Annex II CR 4 Working Methods and Operating Procedures

1035 Annex V CR 1 Technical and Operational Competence and Capability

1035 Annex V CR 3 Working Methods and Operating Procedures

376/2014 Art 13.1 Occurrence Analysis

376/2014 Art 13.2 Safety Action Monitoring

376/2014 Art 13.3 Safety Action Feedback

376/2014 Art 13.4 Update of Analysis Results

376/2014 Art 15.1 Confidentiality

376/2014 Art 15.2 Use of Occurrence Information

376/2014 Art 16.2 Personal Details

376/2014 Art 16.9 Just Culture

376/2014 Art 4.1 Classification of Mandatory Occurrences

376/2014 Art 4.2 Mandatory Reporting System

376/2014 Art 4.7 Reporting Within 72 hours - Individual

376/2014 Art 5.1 Voluntary Reporting System

376/2014 Art 6.1 Independence of Occurrence Processing

376/2014 Art 7.1 Common Mandatory Data Fields

376/2014 Art 7.3 and 7.4 Data Format and Quality

376/2014 Art 4.8 Reporting Within 72 hours - Organisation

376/2014 Art 5.6 Submitting Voluntary Reports to the CAA

376/2014 Art 6.5 Occurrence Database

376/2014 Art 7.2 Safety Risk Classification

## **CAA Audit Team**

Mike Howell



Ann Robertson

Ray Woods

## Auditees

Fiona Farquhar

Brian Halcrow

Craig Robertson

Steve Rosie

## Findings

Number	ATM.791	Requirement	1035 Annex II CR 3.2.1 Safety Requirements for Risk Assessments and Mitigation with regard to Changes. Section 1	
Details				
Change management documentation incomplete.				
Tingwall have a change management process contained within their SMS documentation which confirms a change management initiation document is raised for each identified change at the airport. Each change document ascertains mitigating actions for the change and identifies if updates are required to a number of documents including manuals, procedures and risk assessments. During the audit the Inspectors carried out a review of the existing change management initiation documents, which identified the process is not followed through to closure. Amendments to any identified documentation is annotated as required on the change management initiation document, but is not being carried out at present. As a result an audit trail of the complete change management process is not available and it is difficult to track the current stage of the change.				
FF Email 02/10/17: Included SWP ADMIN 011 covering the Change Management, tracking and sign-off of changes. RW 04/10/17: Finding closed based on the supplied document. Typos in it notified by Email.				
Level	Status	Target Date	Closure Date	Raised By
2	Closed	30/10/2017	04/10/2017	Ann Robertson

Number	ATM.822	Requirement	376/2014 Art 6.1 Independence of Occurrence Processing		
Details					
Internal Investigation Procedure.					
The Tingwall Aerodrome Manual Part 4 Issue 9 (01/01/17) contains a reference in AOI 19 (para 10) relating to the investigation of accidents, incidents and occurrences.					
The procedure does not identify who is responsible for conducting the investigation process, the process to be followed, storage and confidentiality of the reports, or the method of risk classification, all of which are requirements of EU 376/2014. The unit is required to review and document accurately its procedures for incident investigation, in line with the comments above.					
Unit response 04/10/17 : A Temporary Airport Operating instruction to the Tingwall Airport Manual has been issued. This addresses the outstanding issues raised in the above non-conformance. MH 12/10/17.					
Level	Status	Target Date	Closure Date	Raised By	
2	Closed	30/10/2017	12/10/2017	Mike Howell	

## Findings

Number	ATM.823	Requirement	1035 Annex I CR 4 Security		
<b>Details</b>					
ANSP Security Provisions Lacking.					
Running through the ANSP Security requirements, it was evident that some efforts had been made to document procedures in Appendix 1 of the MAFIS. However this appeared incomplete and evidence that the documented procedures were carried out was lacking. The unit is requested to consult the CAA Guidance Material for Annex I CR 4 'Security' found at the following link, and review this to ensure all provisions are documented and actioned as necessary.					
<a href="http://www.caa.co.uk/WorkArea/DownloadAsset.aspx?id=4294976487">http://www.caa.co.uk/WorkArea/DownloadAsset.aspx?id=4294976487</a>					
During the inspection, the following provisions were of particular concern:					
<ul style="list-style-type: none"><li>- Defined Security Accountabilities and Responsibilities;</li><li>- Security Risk Assessments;</li><li>- Security breach detection methods and actions to take;</li><li>- Auditing of Security provisions;</li><li>- Security meetings;</li></ul>					
The unit is advised to be proportionate with their security provisions and look for synergies with their existing Safety related processes and practices, as discussed with the Quality & Assurance Officer (08/08/17).					
FF Email 02/10/17: Contained a comprehensive response including Security Action Plan, Police Scotland inspection report with many recommendations and the Security Manager's accountabilities.					
RW 04/10/17: The unit is commended on the comprehensive response to this finding and the proactive actions taken. This finding is CLOSED based on the significant progress that has been made.					
Level	Status	Target Date	Closure Date	Raised By	
2	Closed	30/10/2017	04/10/2017	Ray Woods	

## Observations

Number	1	Raised By	Mike Howell
Details			
CLOSED CR An1 3.2: FISO Competence Records.			
<p>It was encouraging to note the approach the unit takes towards FISO competence assessment and emergency training. All FISOs are subject to six monthly competence assessments, however this requirement is not actually documented anywhere and a number of assessment reports could not be located during the visit. It was also found that a number of these report forms had not been signed by the FISO. The administration of the competence records was also found to be somewhat inconsistent.</p> <p>It is recommended that the requirements for FISO competence are appropriately documented and a review of the administration of these records is undertaken, to ensure they are complete and orderly.</p> <p>( EU 1035 An1, CR 3.2 refers)</p> <p>Unit response 02/10/17</p> <p>Quality and Assurance Officer undertook an Audit of the AFISO Records and actions have now been closed out. FISO 6 monthly competence assessments will now be formally logged within the Aerodrome Manual. Quality and Assurance Officer will undertake frequent Audits of these files.</p> <p>CAA response. Unit response addresses the issues raised. The observation is now closed.</p>			

Observations			
Number	2	Raised By	Ray Woods
<b>Details</b>			
CLOSED CR An2 3.1.1: Document The Best Practice			
<p>The unit exhibits best practice in its regime of local internal audits and the definition, recording and presentation of Safety Objectives/Safety Performance Indicators. The unit needs to formalise these processes within the Safety Management System procedures.</p> <p>FF Email 02/10/17: Included an action table stating: Added to Tingwall Aerodrome Manual Proposed Amendments for Issue 10. To be updated 01/01/2018.</p> <p>RW 04/10/17: Commitment noted and considered sufficient to CLOSE this observation. May be subject to review at the next audit.</p>			

## Definition of Findings

### Level 1

Any serious/significant non-compliance detected with the applicable requirements of Regulation (EC) No 216/2008 and its implementing rules as well as Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004, and (EC) No 552/2004 and their implementing rules, with applicable national requirements, with the service provider's/training organisation's procedures and manuals, types of training and with the terms of conditions of certification or designation, if applicable, which lowers or poses a significant risk to flight safety and/or results in a significant degradation of training or otherwise calls into question the service provider's capability to continue operations.

In the case of level 1 findings the competent authority shall take immediate and appropriate action to prohibit or limit activities, and if appropriate, it shall take action to revoke the certificate or to limit or suspend it in whole or in part, depending upon the extent of the finding, until successful corrective action has been taken.

### Level 2

A non-compliance with the applicable requirements of Regulation (EC) No 216/2008 and its implementing rules as well as Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004, and (EC) No 552/2004 and their implementing rules, with applicable national requirements, with the service provider's/training organisation's procedures and manuals, types of training or with the terms of conditions or certificate, which could lower or endanger safety and/or could result in a degradation of the training provided

In the case of level 2 findings the competent authority shall:

- grant the service provider/ training organisation a corrective action implementation period included in an action plan appropriate to the nature of the finding; and
- assess the corrective action and implementation plan proposed by the service provider/ training organisation and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.

Where a service provider/ training organisation fails to submit an acceptable corrective action plan or to perform the corrective action within the time period accepted or extended by the competent authority, the finding shall be raised to a level 1 finding.

### Observations

An Observation may be raised where there is potential for future non-compliance if no action is taken, or where we wish to indicate an opportunity for safety improvement or something that is not good practice. Corrective action is not obligatory for an observation, but acknowledgment and the identification of any intended action is expected. If you reject an observation, please justify your rationale.

## Report issue

Issued to	Original Report Issue Date
Fiona Farquhar	09/08/2017

## Risk Register - Infrastructure Services

Risk & Details	Likelihood	Current Impact	Risk Profile	Current and Planned Control Measures	Probability	Target Impact	Risk Profile	Responsible Officer
Category	Directorate							
Corporate Plan	F1. Our "20 by '20" - Leadership & Management							
Infra delivers front line services across Shetland, employing 467 FTE delivering a range of heavy engineering and transport services, including ferries. Trigger : Poorly managed systems, staff error, oversight or actions poor training of staff equipment or facilities not maintained lack of budget for maintenance of assets Consequences : injury or death, regulator (e.g. HSE, CAA or MCA) investigation time andf costs, legal action, reputational damage fines, prison- corporate manslaughter Risk type : Accidents /Injuries - Staff/Pupils/ Clients/Others Reference - F0021	Likely	Major	High	• Systems in place e.g. Risk Assessments, staff trained and competent to deliver duties. Managers trained in Health & Safety.PIN forms reviewed regularly. Safety culture to flag concerns.	Unlikely	Significant	Medium	Maggie Sandison Infrastructure Services
Pollution incident at Port, Landfill/Waste to Energy Plant/ Airport Trigger : Poor staff training and supervision, failure of systems, failure of equipment, poor maintenance of equipment, staff actions, Consequences : Legal action, death/injury to plants/animals/humans, Prosecution Risk type : Escape of pollutant Reference - F0022	Possible	Extreme	High	• Management systems in place, regular audit, staff trained and competent, maintenance plans in place.	Unlikely	Extreme	High	Maggie Sandison Infrastructure Services

<p>Failure to deliver a statutory duty or comply with legislation</p> <p>Trigger : Poor training, unqualified staff, poor supervision,</p> <p>Consequences : Prosecution, contracts failed due to failure to follow EU legislation, Legal action, Financial costs, failure to meet requirements for external auditors, reputational damage, political embarrassment,</p> <p>Risk type : Breach of Legislation - Data Protection, Human Rights, Employment Practice, Health and Safety etc</p> <p>Reference - F0023</p>	Possible	Significant	Medium	<p>• Policies and procedures applied to ensure compliance. Effective risk assessments with suitable control measures. Staff trained and suitably experience and competent to fulfill duties.</p>				Maggie Sandison Infrastructure Services
<p>Loss of key staff, failure to recruit to key roles (Airport/Harbour/Ferries/Roads/Estates) means service cannot continue.</p> <p>Trigger : Recruitment by other industries age profile of staff no workforce planning recruitment and retention issues</p> <p>Consequences : Services stop financial loss at port impact on community reputational damage</p> <p>Risk type : Key staff - loss of</p> <p>Reference - F0024</p>	Likely	Significant	High	<p>• Workforce planning undertaken, key roles identified and training plans to build resilience. Career grades developed.</p>	Unlikely	Significant	Medium	Maggie Sandison Infrastructure Services
<p>Budget target is not delivered due to loss of income, uncontrolled spending or failure to deliver savings</p> <p>Trigger : Poor budget management, optimism about savings and change, unexpected demands on budget, loss of income or key customer,</p> <p>Consequences : Financial sustainability of Council impacted, reputational and political damage</p> <p>Risk type : Loss of revenue/income</p> <p>Reference - F0025</p>	Possible	Significant	Medium	<p>• Contingency Budget built into budget setting for extraordinary, regular budget monitoring to establish and respond to trends. Management trained and regular communications to finance staff.</p>	Unlikely	Significant	Medium	Maggie Sandison Infrastructure Services

<p>Failure to plan for the future investment required in infrastructure replacement, repairs or maintenance</p> <p>Trigger : Poor financial planning failure to reduce estate</p> <p>Failure to invest in maintenance of roads, transport infrastructure</p> <p>Consequences : Withdrawal of key transport services, closure of roads, communities unable to access work, health, closure of offices and schools</p> <p>Risk type : Policies - effect of</p> <p>Reference - F0028</p>	Likely	Significant	High	<p>• Developing maintenance programme, long term financial plan, Asset/Investment Plan - contingency budgets for breakdowns.</p>	Possible	Significant	Medium	Maggie Sandison Infrastructure Services
<b>Corporate Plan</b> <b>F3. Our "20 By '20" - Shetlands "Voice"</b>								
<p>Changes in legislation for Fuel, waste, Carbon, emissions levels.</p> <p>Trigger : Government legislation or Significant technological change which alters the best practicable means of managing a risk</p> <p>Consequences : Additional costs, services must be changed to comply, new technology or equipment required. If action isn't taken there is a risk of enforcement action or fines for non-compliance with new legislation.</p> <p>Risk type : Legislation changes</p> <p>Reference - F0030</p>	Possible	Significant	Medium	<p>• Contingency plans in place, Island proofing under OUR ISLANDS OUR FUTURE, effective lobbying via COSLA and professional groups</p>	Possible	Significant	Medium	Maggie Sandison Infrastructure Services
<b>Corporate Plan</b> <b>F5. Our "20 by '20" - Standards of Governance</b>								
<p>Extreme weather events cause flooding, coastal erosion, loss of key infrastructure lost sailings, increased snow conditions, additional repairs</p> <p>Trigger : Severe weather,</p> <p>Consequences : Loss of service, environmental damage/ impact, damage to property, loss of communications, loss of key infrastructure, financial burden for repairs, reputational damage.</p> <p>Risk type : Storm, Flood, other weather related, burst pipes etc</p> <p>Reference - F0026</p>	Likely	Major	High	<p>• Contingency budget for weather events</p>	Likely	Significant	High	Maggie Sandison Infrastructure Services

Service has to manage response to Animal or infectious disease outbreak , management of the response fails to prevent further damage to public health or animal health Trigger : Outbreak of disease poorly managed by service Consequences : reputational damage external investigation political scrutiny government/agency sanctions claims and legal action Risk type : Publicity - bad	Unlikely	Extreme	High	• Emergency plans exercisedstaff well trained and supported by professional groups and agencies. Communication plans in place for emergencies.	Rare	Significant	Low	Maggie Sandison Infrastructure Services
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# Shetland Islands Council

Agenda Item

# 2

<b>Meeting(s):</b>	<b>Development Committee Environment and Transport Committee Shetland College Board</b>	<b>4 December 2017 5 December 2017 5 December 2017</b>
<b>Report Title:</b>	<b>Development Services Directorate Performance Report – 6 Month/2nd Quarter 2017/18</b>	
<b>Reference Number:</b>	<b>DV-53-17-F</b>	
<b>Author / Job Title:</b>	<b>Neil Grant - Director of Development Services</b>	

## **1.0 Decisions/Action Required:**

- 1.1 The Committee/Board should discuss the contents of this report as appropriate to their remit and make any relevant comments on progress against priorities to inform further activity within the remainder of this year, and the planning process for next and future years.

## **2.0 High Level Summary:**

- 2.1 Highlights of progress against Council priorities from the Council's Corporate Plan by the Development Services Directorate are set out in Appendix 1. The Annual Investment report is being presented to the Development Committee this cycle. Further detail on Actions, Indicators and Risks are contained in appendices to this report.
- 2.2 The Committee/Board is invited to comment on any issues which they see as significant to sustaining and improving service delivery.

## **3.0 Corporate Priorities and Joint Working:**

- 3.1 The Council's Corporate Priorities are set out in "Our Plan". This report reviews progress against these.

## **4.0 Key Issues:**

- 4.1 The three priority outcomes identified in Our Plan, which the Development Directorate leads on are:

- Increasing Supply of Housing of all Tenures in Shetland
- Improve High Speed Broadband and Mobile Coverage
- Improve Transport Connections Internally and Externally

Progress in achieving outcomes in these areas are noted in the attached appendices.

- 4.2 The Governance arrangements for the Shetland Partnership and the Local Outcome Improvement Plan priority outcomes are being reviewed in the context of the Community Empowerment Act with a target completion of March 2018
- 4.3 We are progressing a plan along with other community partners to increase the number of young people in Shetland, attracting young people to study is a key part of that being the “10 Year Plan to Attract People to Live, Study, Work and Invest in Shetland”. This also forms the key strand of the developing Islands Deal.
- 4.4 Engagement with the Scottish Government and Transport Scotland on Specification and Fair Funding of Inter-Island Transport continues to be a priority and dialogue is continuing with the Scottish Government at a political level regarding funding for 2018/19.
- 4.5 The University of Highlands and Islands (UHI) is now leading on the project to merge the local tertiary organisations and a business case report is expected to be presented in February 2018.

## **5.0 Exempt and/or Confidential Information:**

5.1 None.

## **6.0 Implications :**

<b>6.1 Service Users, Patients and Communities:</b>	Effective performance management and continuous improvement are important duties for all statutory and voluntary sector partners in maintaining appropriate services for the public. The Development Directorate has been leading a public engagement process using the Place Standard tool to gather the views of communities on aspects of the place they live in, which will be used as an evidence base for strategic planning, and will also feed into the Locality Profiles.
<b>6.2 Human Resources and Organisational Development:</b>	Recruitment of professional staff particularly in Planning Services remains challenging.  Workforce development, attracting people to live work and study in Shetland and skills development plans are noted in the appendices to this report.
<b>6.3 Equality, Diversity and Human Rights:</b>	The Development Service, through Community Planning and Development, has a role in supporting all Council services and partner organisations to promote Equalities, Diversity and Human Rights, as well as ensuring the Government’s drive to reduce inequalities is forefront in service planning and delivery. All projects within the Development Service are monitored and assessed to understand and ensure negative impacts are mitigated and positive impacts are optimised.

<b>6.4 Legal:</b>	There are a number of projects and key actions within the Performance Report that have legal implications. Legal advice will be sought as matters progress to ensure that Shetland Islands Council complies with all statutory requirements.	
<b>6.5 Finance:</b>	There are no direct financial implications arising from this report. The actions, measures and risk management described in this report are projected to be delivered within existing approved budgets, further details of the projected outturn position are detailed in the Quarter 2 Management Accounts reports for Development Committee, Environment & Transport Committee and Shetland College Board, also presented this cycle."	
<b>6.6 Assets and Property:</b>	The Business Case for the Council investing further in broadband infrastructure is noted in this report.	
<b>6.7 ICT and new technologies:</b>	None.	
<b>6.8 Environmental:</b>	None.	
<b>6.9 Risk Management:</b>	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 further negative external scrutiny.	
<b>6.10 Policy and Delegated Authority:</b>	<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> <ul style="list-style-type: none"> <li>(a) Appropriate performance measures are in place, and to monitor the relevant Planning and Performance Management Framework.</li> <li>(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." </li></ul>	
<b>6.11 Previously considered by:</b>	N/A	

**Contact Details:**

Neil Grant, Director of Development Services

01595 744968, [nrj.grant@shetland.gov.uk](mailto:nrj.grant@shetland.gov.uk)

28 November 2017

**Appendices:**

- Appendix A - Progress on the Directorate Projects and Actions (Development Committee, Environment and Transport Committee, Shetland College Board)
- Appendix B - Key Directorate Indicators and Council Wide Indicators (Development Committee, Environment and Transport Committee, Shetland College Board)
- Appendix C - Complaints Summary (Development Committee Only)
- Appendix D - Risk Register (Development Committee Only)

**Background Documents:**

[Our Plan 2016-20](#)

[Development Directorate Plan 2017-20](#)

# DV-53-17 Appendix A - Projects and Actions - Development ->Environment & Transport Committee



Generated on: 28 November 2017

## OUR PLAN 2016-2020

### E) CONNECTION & ACCESS

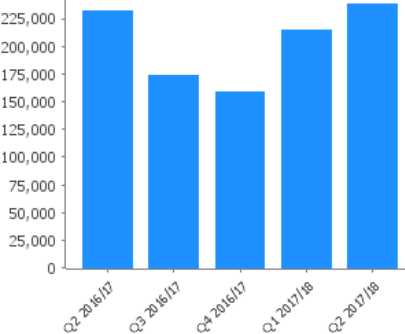
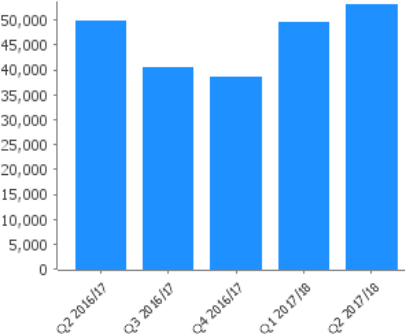
#### 1) Community transport solutions

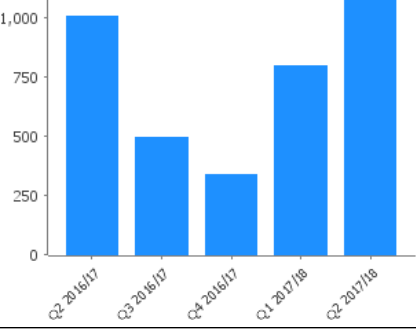
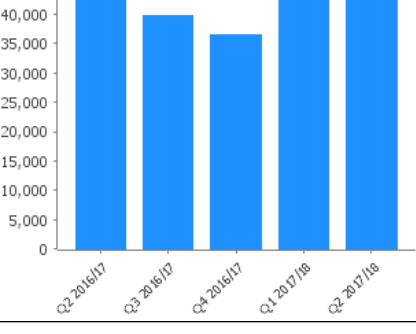
There will be transport arrangements in place that meet people's needs and that we can afford to maintain in the medium term.

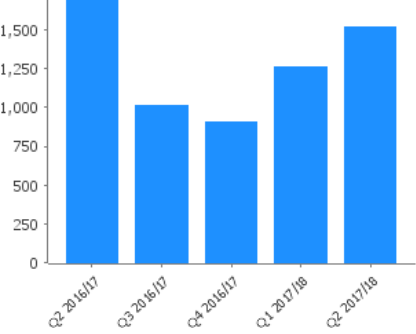
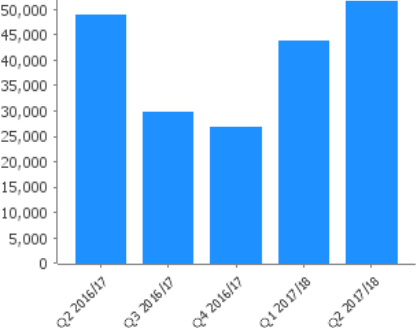
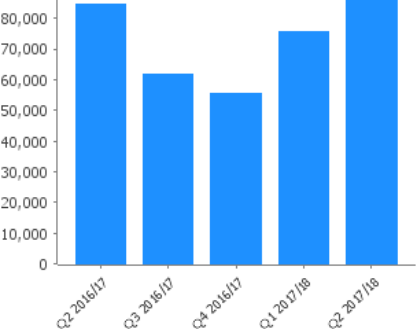
Code & Title	Description	Desired Outcome	Dates		Progress	Progress statement	Lead
DP205 Achieve sustainable and affordable internal and external transport links	Work with Scottish Government and Transport Scotland to achieve appropriate level of internal and external transport, and achieve fair funding for inter-island transport services, by 2017/2018.	Sustainable and affordable transport services	Planned Start	01-Apr-2017		Case for fare funding of internal ferries has been put to Scottish Government. Discussions are currently taking place at a political level with ministers. Business case analysis of internal air service options has commenced Consultation response has been provided to Scottish Government on procurement of external ferry services. Shetland Transport Strategy, consultation draft has been issued.	Development Services Directorate
			Actual Start	17-Aug-2017	<div><div>50%</div></div>		
			Original Due Date	01-Apr-2020	Expected success		
			Due Date	01-Apr-2020			
			Completed Date				

# DV-53-17 Appendix B Performance Indicators (Quarterly)- Development Directorate -> Environment & Transport Committee

Generated on: 28 November 2017

	Previous Year	Quarters						
Code & Short Name	2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value		
HF-TOT-P All Ferries Total - Passengers	773,998	231,780	173,440	158,394	214,815	238,441		<b>Performance</b> In comparison to Quarter 1, in Quarter 2, there have been increases in ferry passenger numbers to all routes except Fair Isle where there was a very minor reduction.
HF-BRE-P Bressay Service Total - Passengers	175,480	49,715	40,561	38,524	49,452	53,041		

	Previous Year	Quarters						
Code & Short Name	2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value		
HF-FRI-P Fair Isle Service Total - Passengers	703	421	11	26	287	280		
HF-PAP-P Papa Stour Service Total - Passengers	2,635	1,003	492	337	799	1,097		
HF-WHA-P Whalsay Service Total - Passengers	167,325	45,264	39,691	36,497	43,811	44,984		

	Previous Year	Quarters						
Code & Short Name	2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Graphs	(past) Performance & (future) Improvement Statements
	Value	Value	Value	Value	Value	Value		
HF-SWM-P Skerries/Whalsay Skerries/Mainland total - Passengers	4,877	1,694	1,010	908	1,262	1,513		
HF-UYF-P Unst/Yell/Fetlar triangle Total - Passengers	147,465	48,993	29,836	26,656	43,705	51,562		
HF-YEL-P Yell/Mainland Service Total - Passengers	275,513	84,690	61,839	55,446	75,499	85,964		





<b>Meeting(s):</b>	Environment & Transport Committee	6 December 2017
<b>Report Title:</b>	Management Accounts for Environment & Transport Committee: 2017/18 – Projected Outturn at Quarter 2	
<b>Reference Number:</b>	F-087-F	
<b>Author / Job Title:</b>	Jonathan Belford, Executive Manager - Finance	

## 1.0 Decisions / Action required:

- 1.1 The Environment & Transport Committee RESOLVES to review the Management Accounts showing the projected outturn position at Quarter 2.

## 2.0 High Level Summary:

- 2.1 The purpose of this report is to enable the Environment & Transport Committee to monitor the financial performance of services within its remit to ensure that Members are aware of the forecast income and expenditure and the impact that this will have with regard to delivering the approved budget. This report shows the projected financial consequence of the service performance detailed in the Infrastructure and Development Directorates' performance reports, and allows the Committee the opportunity to provide early instruction to officers to address any forecast overspends in order that the budget is delivered by year-end.
- 2.2 On 15 February 2017 (SIC Min Ref: 7/17) the Council approved the 2017/18 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 £12.252m. 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.
- 2.3 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.
- 2.4 Since the approval of the 2017/18 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.

## 3.0 Corporate Priorities and Joint Working:

- 3.1 There is a specific objective in the Corporate Plan that the Council will have excellent financial management arrangements to ensure that it continues to keep a

balanced and sustainable budget, and is living within its means; and that 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.

#### **4.0 Key Issues:**

- 4.1 This report presents the projected outturn position for 2017/18 as at the end of the second quarter for revenue and capital. The forecasts have been determined by Finance Services after consultation with the relevant budget responsible officers.
- 4.2 The projected revenue outturn position for the Environment & Transport Committee is an underspend of £199k, which means the services in this Committee area are collectively projected to spend less than their approved revenue budget. The projected outturn includes £45k of recurring savings.
- 4.3 The projected capital outturn position for the Environment & Transport Committee is an underspend of £587k in 2017/18, with a requirement for slippage of £660k to 2018/19, resulting in an outturn overspend of £73k, which means the services in this Committee area are collectively projected to spend more than their Council approved capital budget.
- 4.4 The projected revenue outturn position of the collective Council budgets for energy, metered water, building maintenance, grasscutting and fleet maintenance are highlighted in this report for review by the Environment & Transport Committee. Although these budgets are dispersed throughout all service areas of the Council, including the Harbour Account and HRA, they are budgeted, monitored, and the outturn projected by the Estate Operations Service.
- 4.5 See appendices 1 and 2 attached for detailed information on the revenue and capital outturn positions.
- 4.6 Provision was made in the Council's 2017/18 Budget for cost pressures and contingencies. It is held centrally by the Executive Manager - Finance.
- 4.7 Cost pressures are recurring in nature and increase the base cost of the service being delivered, eg pay awards, whereas contingency items are deemed non-recurring and likely to vary year on year, eg ferry breakdown costs.
- 4.8 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.
- 4.9 A budget allocation of £183k has been applied to Ferry Operations to meet ferry vessel fuel costs, and £353k has been applied across Infrastructure Services and Transport Planning Service for pay inflation and pension increase costs from the cost pressure & contingency budget to date.

#### **5.0 Exempt and/or confidential information:**

- 5.1 None.

#### **6.0 Implications :**

<b>6.1 Service Users, Patients and Communities:</b>	Any implications in relation to the actions and service provision in this report will be included in the Director of Infrastructure and Director of Development Performance Management reports also presented at this meeting.
<b>6.2 Human Resources and Organisational Development:</b>	Any implications in relation to the actions and service provision in this report will be included in the Director of Infrastructure and Director of Development Performance Management reports also presented at this meeting.
<b>6.3 Equality, Diversity and Human Rights:</b>	Any implications in relation to the actions and service provision in this report will be included in the Director of Infrastructure and Director of Development Performance Management reports also presented at this meeting.
<b>6.4 Legal:</b>	Any implications in relation to the actions and service provision in this report will be included in the Director of Infrastructure and Director of Development Performance Management reports also presented at this meeting.
<b>6.5 Finance:</b>	<p>The 2017/18 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 2016/17 budget has been used to balance the General Fund. This is a one-off solution for 2017/18.</p> <p>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>It is therefore vital that the Council delivers its 2017/18 budget. This report demonstrates that the services under the remit of the Environment &amp; Transport Committee are collectively projecting to spend less than their Council approved budget.</p>
<b>6.6 Assets and Property:</b>	Any implications in relation to the actions and service provision in this report will be included in the Director of Infrastructure and Director of Development Performance Management reports also presented at this meeting.
<b>6.7 ICT and new technologies:</b>	Any implications in relation to the actions and service provision in this report will be included in the Director of Infrastructure and Director of Development Performance Management reports also presented at this meeting.
<b>6.8 Environmental:</b>	Any implications in relation to the actions and service provision in this report will be included in the Director of Infrastructure and Director of Development Performance Management reports also presented at this meeting.

<p><b>6.9 Risk Management:</b></p>	<p>There are numerous risks involved in the delivery of services and the awareness of these risks is critical to successful financial management.</p> <p>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>The most significant financial risk for services reporting to this Committee are ferry vessel and other major plant breakdown, mainly due to ageing infrastructure, resulting in substantial additional costs for remedial works.</p> <p>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>The Council makes provision within its budget for cost pressures and contingencies that may arise. This approach provides additional confidence for the Council to be able to mitigate any adverse financial circumstances.</p> <p>A strong balance sheet and the availability of usable reserves ensure that the Council is prepared for significant unforeseen events.</p> <p>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><b>6.10 Policy and Delegated Authority:</b></p>	<p>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 both revenue and capital budgets for the 2017/18 financial year. This report provides information to enable the Committee to ensure that the services within its remit are operating within the approved budgets.</p> <p>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.</p>	
<p><b>6.11</b></p>	<p><i>n/a</i></p>	<p><i>n/a</i></p>

<b>Previously considered by:</b>		
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**Contact Details:**

Brenda Robb, Management Accountant, [brenda.robbs@shetland.gov.uk](mailto:brenda.robbs@shetland.gov.uk), 21 Nov 2017

**Appendices:**

Appendix 1 – Environment & Transport Committee Projected Revenue Outturn Position for 2017/18

Appendix 2 – Environment & Transport Committee Projected Capital Outturn Position for 2017/18

**Background Documents:**

SIC Budget Book 2017/18, SIC 15 February 2017

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=20520>



## Environment &amp; Transport Committee

## 1. Projected Revenue Outturn Position 2017/18

Budget v Projected Outturn Variance Quarter 1 (Adv)/Pos £000	Service	Revised Annual Budget at Quarter 2 (Adv)/Pos £000	Projected Outturn at Quarter 2 (Adv)/Pos £000	Budget v Projected Outturn Variance Quarter 2 (Adv)/Pos £000
3	Director of Infrastructure Services	620	617	3
41	Environmental Services	2,166	2,121	45
1	Estate Operations	695	728	(33)
(23)	Ferry & Air Services	11,604	11,519	85
14	Roads Service	3,551	3,561	(10)
(45)	Transport Planning	6,038	6,025	13
	<b>Collective Council Budgets:</b>			
(5)	Energy	2,838	2,818	20
0	Water	324	321	3
7	Building Maintenance	2,385	2,309	76
0	Grasscutting	174	174	0
1	Fleet Maintenance	776	740	36
	<b>Less: Collective Council Budgets</b>			
6	recharged to Harbour Account, HRA, Capital & VJB	(623)	(584)	(39)
<b>0</b>	<b>Total Controllable Costs</b>	<b>30,548</b>	<b>30,349</b>	<b>199</b>

The projected outturn variance figures at quarter 1 are included above for reference.

An explanation of the significant projected outturn variances by service at quarter 2 are set out below.

#### 1.1 Director of Infrastructure Services - projected outturn underspend of £3k (0.5%)

There are no significant variances in this service area.

#### 1.2 Environmental Services – projected outturn underspend of £45k (2%)

The main variance in this service area is the reduction in contractor waste to Landfill relating to the downturn in major projects (£117k) offset by minor underspending across the service area.

There is a recurring saving of £25k for the reduction in rates after the Assessor's 2017 valuation review.

**1.3 Estate Operations – projected outturn overspend of (£33k) (5%)**

There are no significant variances in this service area.

**1.4 Ferry & Air Services – projected outturn underspend of £85k (1%)**

There are no significant variances in this service area.

The outturn position includes a contingency allocation of £183k, which has been added to Ferry Operations' budgets for the increased cost of ferry fuel.

**1.5 Roads Service – projected outturn overspend of (£10k) (0.3%)**

There are no significant variances in this service area.

There is a recurring saving of £20k for the reduction in fuel costs following the implementation of vehicle telematics to the Roads' fleet.

**1.6 Transport Planning - projected outturn underspend £13k (0.3%)**

The main variance in this service is the increased requirement for school transport (£66k) offset by other minor variances across the Service area.

**1.7 Energy - projected outturn underspend £20k (1%)**

There are no significant variances in this service area.

**1.8 Water - projected outturn underspend £3k (1%)**

There are no significant variances in this service area.

**1.9 Building Maintenance - projected outturn underspend £76k (3%)**

There are no significant variances in this service area.

**1.10 Grasscutting - projected outturn breakeven**

There are no significant variances in this service area.

**1.11 Fleet Management Unit - projected outturn underspend £36k (5%)**

There are no significant variances in this service area.



## Environment &amp; Transport Committee

## 2. Projected Capital Outturn Position 2017/18

Overall Budget v Projected Outturn Variance at Quarter 1 (Adv)/Pos £000	Service	Revised Annual Budget at Quarter 2 (Adv)/Pos £000	Projected Outturn at Quarter 2 (Adv)/Pos £000	Budget v Projected Outturn Variance at Quarter 2 (Adv)/ Pos £000	Less: Slippage Required in 2018/19 £000	Overall Budget v Projected Outturn Variance at Quarter 2 (Adv)/Pos £000
0	Environmental Services	181	191	(10)		(10)
0	Estate Operations	2,517	2,535	(18)		(18)
0	Ferry & Air Services	1,224	614	610	(660)	(50)
0	Roads Service	1,955	1,950	5		5
0	<b>Total Controllable Costs</b>	<b>5,877</b>	<b>5,290</b>	<b>587</b>	<b>(660)</b>	<b>(73)</b>

The projected outturn variance figures at quarter 1 are included above for reference.

An explanation of the significant projected outturn variances by service at quarter 2 are set out below.

### 2.1 Environmental Services - projected outturn overspend (£10k) (6%)

There are no significant variances in this service area.

### 2.2 Estate Operations - projected outturn overspend (£18k) (1%)

The main variance in this service area is for unexpected additional mechanical works for Bells Brae refurbishment (£57k)

### 2.3 Ferry Operations - projected outturn overspend (£50k) (9%)

The main variance in this service area is for unanticipated additional steelworks and replacement capstans on the Fivla life extension project (£50k)

#### Slippage

There will be project slippage into 2018/19 for Leirna life extension works due to prior year project slippage reducing capacity in 2017/18 of £610k and £50k slippage for the Dagalien radar replacement which is awaiting completion of a business case with works proposed to start in May 2018.

### 2.4 Roads Service - projected outturn underspend £5k (0.3%)

There are no significant variances in this service area.



<b>Meeting(s):</b>	<b>Environment and Transport Committee Policy and Resources Committee</b>	<b>5 December 2017 6 December 2017</b>
<b>Report Title:</b>	<b>Environmental Health Service Enforcement Policy</b>	
<b>Reference Number:</b>	<b>ES-04-17-F</b>	
<b>Author / Job Title:</b>	<b>Patti Dinsdale Team Leader – Environmental Health</b>	

## 1.0 Decisions / Action required:

- 1.1 That the Environment & Transport Committee RECOMMEND that the Policy & Resources Committee APPROVE the updated Enforcement Policy attached as Appendix 1 to this report.

## 2.0 High Level Summary:

- 2.1 Environmental Health enforce a wide range of legislation that seeks to protect and improve the environment and the health, safety and well-being of the community. Members are asked to consider and approve an updated and amended enforcement policy for Environmental Health. The Policy was last approved by committee in 2011.

## 3.0 Corporate Priorities and Joint Working:

- 3.1 Environmental Health delivers on Safety, Health and environmental outcomes in the Single Outcome Agreements. The Council must publish its Enforcement Policy, which must be approved by members.

## 4.0 Key Issues:

- 4.1 Council last approved the Enforcement Policy, setting out how Environmental Health uses its statutory powers, in March 2011 (Min. Ref. 35/11).
- 4.2 The Enforcement Policy attached as Appendix 1 has been updated to reflect new powers and revised guidance on enforcement from the HSE, UK Government Better Regulation Executive, Scottish Government Guidance and the creation of Food Standards Scotland.
- 4.3 Feedback from businesses, individuals and other stakeholders gathered using questionnaires following inspections has been taken into account in drafting this Policy.

4.4	The Policy states that officers will in the first instance attempt to resolve any issues without issuing formal notices, or referring the matter to the courts. This will usually be the first option when circumstances indicate that a minor offence may have been committed and officers are confident that appropriate corrective action will be taken.
4.5	Where there is a deliberate disregard for the law, attempts to informally resolve matters have failed or an action has seriously endangered the health, safety or wellbeing of people, animals or the environment, then formal action will be taken.
4.6	Where a business or individual has been involved in the deliberate or persistent breach of their legal obligations (disregarding advice, warnings, and/or formal notices) in circumstances which have caused or were likely to cause ill health, material loss or prejudice to others and there is sufficient evidence to secure a prosecution, a report will be made to the Procurator Fiscal recommending prosecution. This will usually be the last resort and the Service will give due regard to any statutory defences, explanations or mitigation before submitting such a report.
4.7	The impact of decisions taken by Environmental Health can be very significant on the individual or business concerned, so enforcement actions have to be carefully considered. It is important for them to understand how decisions are made about enforcement. The Enforcement Policy aims to ensure enforcement decisions are consistent, balanced, fair and transparent whilst ensuring that the public is adequately protected. It also takes into account the requirements and relevant codes of practice of other key agencies such as the UK Government Better Regulation Executive, Scottish Government 'Scottish Regulators' Strategic Code of Practice, the Health and Safety Executive (HSE) and Food Standards Scotland (FSS).
4.8	The Service strives to apply an educative approach and moves to formal action where informal action does not ensure compliance with legislation. This approach is set out in the attached Policy.
<b>5.0</b>	<b>Exempt and/or confidential information:</b>
5.1	NONE
<b>6.0</b>	<b>Implications :</b>
<b>6.1 Service Users, Patients and Communities:</b>	<p>The impact of decisions taken by Environmental Health can be very significant on the individual or business concerned, so enforcement actions have to be carefully considered. It is important for them to understand how decisions are made about enforcement.</p> <p>Where informal resolution of issues are unsuccessful or there is a risk to the public, enforcement action will be taken.</p>
<b>6.2 Human Resources and Organisational Development:</b>	NONE

<b>6.3 Equality, Diversity and Human Rights:</b>	Environmental Health are committed to achieving equal opportunities in all of our activities and responsibilities. In meeting this commitment we will aim to prevent as well as eliminate any form of unfair discrimination that occurs in the workplace, in service delivery, or within the community. We also aim to provide quality services which users (and potential users) can access freely without prejudice, discrimination or harassment. In line with the Equality Duty under the Equality Act 2010, this Enforcement Policy can be made available in Braille, alternative languages and audio formats on request.
<b>6.4 Legal:</b>	<p>In the exercise of their regulatory functions Local Authorities must have regard to the Scottish Regulators' Strategic Code of Practice made under Section 5 of the Regulatory Reform (Scotland) Act 2014.</p> <p>Under the Food Standards Scotland Food Law Framework agreement and the Health and Safety Executive (HSE) Section 18 Agreement the Council must publish its Enforcement Policy which must be approved by Members. Failure to adopt publish implement and regularly review the Enforcement Policy would leave the Council non-compliant with these Agreements.</p>
<b>6.5 Finance:</b>	As this Enforcement Policy reviews and updates an earlier Policy there are no financial implications for this report.
<b>6.6 Assets and Property:</b>	NONE
<b>6.7 ICT and new technologies:</b>	NONE
<b>6.8 Environmental:</b>	NONE
<b>6.9 Risk Management:</b>	Failure to adopt publish implement and regularly review the Enforcement Policy would leave the Council non-compliant with the aims of the Scottish Regulators' Strategic Code of Practice and Agreements with Food Standards Scotland and the HSE.
<b>6.10 Policy and Delegated Authority:</b>	Section 2.3.1 of the Scheme of Administration and Delegations, states that the Environment and Transport Committee is responsible for advising the Policy and Resources Committee in the development of its service objectives, policies and plans concerned with service delivery within its functional areas. In this regard, the report is submitted to the Policy and Resources Committee, which has delegated authority for reviewing and ensuring the overall effectiveness of the Council's standards of service in the discharge of its functions.

<b>6.11 Previously considered by:</b>	None.	

**Contact Details:**

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Report written: 10 November 2017

**Appendices:** Appendix 1 Enforcement Policy

**Background Documents:** None

END

# SHETLAND ISLANDS COUNCIL



## ENVIRONMENTAL HEALTH SERVICE

## ENFORCEMENT POLICY

Document Title	Enforcement Policy		
Version	7	Date	November 2017

Document Information			
Document Name/Description			
Version Number e.g. V1.1			
Author			
Lead Officer/Manager			
Final Approval Date			
Approved by – <i>Council/Committee/Group/Manager</i>			
Review Frequency			
Date of next planned review start			
Summary of changes to document			
Date	Version updated	New version number	Brief description of changes



## 1.0 General Principles

### 1.1 Scope and Goals

This policy applies to the Environmental Health Service of the Infrastructure Services Department. The Environmental Health Service will review the enforcement policy on a 3-yearly basis, or more frequently if circumstances dictate. Reviews will take into account statutory requirements and feedback from service users. The Environmental Health Service aims to enhance the quality of life in Shetland by protecting and improving the communities' health and environment.

The main aim of Environmental Health is:

'To protect and enhance, through the application of statute, the health, welfare, environment and safety of the people of Shetland and those using services obtained from within Shetland'.

Our goals are to:

- Ensure that regulated persons take action immediately to deal with serious risks
- Promote and achieve sustained compliance by regulated persons
- Treat all regulated persons fairly
- Be helpful to regulated persons who wish to comply
- Support those who comply by targeting those who don't, in particular by taking firm action against those who flout the law or act irresponsibly
- Protect the public in a way, which does not stifle enterprise, hinder economic progress or place unnecessary burdens on businesses.
- Communicate this policy effectively to those people who are affected by it.

### 1.2 Principles of Good Enforcement:

Shetland Islands Council has adopted the following principles of good enforcement:

- Openness – we will provide information, as far as legislation permits, and advice in plain language. We are open about how we do our work and take account of stakeholders' views, where possible.
- Helpfulness – we believe that prevention is better than cure and work with businesses, especially small and medium sized businesses, to advise and assist with compliance.
- Proportionality – We minimise the costs of compliance for businesses by ensuring that any action we require is proportionate to the risks. As far as the law allows, we take account of the circumstances of the case and the attitude of the business or individual when considering action. We take particular care to work with small businesses and voluntary/community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.
- Consistency – we carry out our duties in a fair, equitable and consistent manner. While officers are expected to exercise their professional judgement in individual cases, we have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement agencies using the 'Home Authority Principle'.
- Complaints – About Service – Shetland Islands Council has a formal corporate complaints procedure. In cases where disputes cannot be resolved, any right of

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complaint or appeal will be explained, with concise details of the process and the timescales involved.

## **2.0 Guidance Documents**

2.1 Enforcement taken by the Environmental Health Service will be in line with this policy, which has been developed taking into account the following guidance:

### **Scottish Regulators Strategic Code of Practice (January 2015 – currently under review)**

The Strategic Code of Practice has been developed with and by both regulators and stakeholders and requires regulatory functions to be exercised in accordance with the principles of better regulation. The Code is made under section 5 of the Regulatory Reform (Scotland) Act 2014 (The Act). The Code works alongside the UK Regulators' Code (April 2014)

## **2.2 Health and Safety Executive Enforcement Policy Statement (October 2015)**

Shetland Islands Council Environmental Health Service follows the Health & Safety Executive's Enforcement Policy Statement in matters of Health and Safety.

The full statement can be found at [HSE Policy Statement](#)

## **2.3 Health and Safety Enforcement Management Model (version 3.2 April amended October 2013)**

Shetland Islands Council Environmental Health Service follows the Health & Safety Executive's Enforcement Management Model in matters of Health and Safety.

The full model can be found at: [Health and Safety enforcement model](#)

## **2.4 Food Standards Scotland Food Law Code of Practice (Scotland) 2015, Human Rights Act 1998 and Equality Act**

Shetland Islands Council Environmental Health Service follows the Food Standards Scotland Food Law Code of Practice (Scotland) in matters of Food Safety and Food Standards.

The full code can be found at: [Food Law Code of Practice Scotland](#)

In addition, regulatory functions must conform with the Human Rights Act 1998 and Equality Act 2010.

## **2.5 Home Authority and Primary Authority Principles**

### **Home Authority Principle**

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The principle of the Home Authority is designed to encourage efficiency, promote uniformity, reduce duplication and assist business to comply with the law. It seeks to ensure that:

- Local Authorities place special emphasis on the surveillance of goods and services originating in their areas.
- Businesses are able to depend upon specific Home Authority for preventative guidance and advice.
- Enforcing authorities liaise with the relevant Home Authority on issues, which effect the policies of an enterprise.

The service is willing to offer this type of assistance to any business to which we are the Home Authority.

### **Primary Authority Principle**

The Primary Authority Partnership principle is designed to encourage efficiency, promote uniformity, reduce duplication and assist enterprises to comply with the law. It is jointly governed by the Trading Standards Institute (TSI); Chartered Institute of Environmental Health (CIEH); Department for Business, Innovation and Skills (BIS) and Food Authorities. The Primary Authority scheme in relation to food does not extend to Scotland; however, Scottish Food Authorities should treat a Primary Authority as if they were the Home Authority as per the Food Law Code of Practice (Scotland).

## **3.0 PROCEDURES**

### **3.1 Scope**

The purpose of this Enforcement Policy is to ensure that enforcement decisions are always consistent, balanced, fair, and transparent whilst ensuring that the public is adequately protected. Each case is unique and must be considered on its own merits. This document describes the principles upon which our enforcement approach is based. This Enforcement Policy will be applied in the Council's own premises where the Environmental Health Service has responsibility for enforcement of relevant legislation.

### **3.2 Background**

Environmental Health is charged with administering a wide range of legislation under the following headings:

- Food Standards/Safety
- Private Sector Housing
- Health and Safety
- Animal Health and Welfare
- Environmental Protection
- Public Health
- Civic Government Licensing
- Alcohol Licensing Standards

### **3.3 Detailed Procedures**

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Officers are appointed and authorised to act under specified legislation, as detailed on their ID card and accompanying schedule of Regulations and legislative instruments. In some cases, an Officer's authority may be limited in scope and in others, proof of competence, in terms of relevant qualifications, experience and/or CPD, will be a pre-requisite to authorisation. The Council's Employee Review and Development process will be used to assess competency of officers and determine ongoing professional development requirements to maintain or develop their capacity for enforcement of the relevant legislation.

Environmental Health carry out planned programmes of inspections with a view to securing compliance with legislation. Businesses are liable to be visited by an Authorised Officer to determine whether the law is being complied with. Businesses will not generally be given advance notice that a visit is to take place.

Environmental Health will concentrate its efforts on high-risk premises and on issues, which adversely affect the health, safety and wellbeing of the community.

For Food Safety the visit frequencies are in accordance with the Food Law Code of Practice details in point 2.4 above.

Priority planning in relation to Health and Safety interventions is carried out in line with [Setting priorities and targeting interventions - HSE and LAs Working together - HSE](#)

### 3.4 Enforcement Principles

Wherever possible, officers will seek to find solutions that are arrived at by agreement and co-operation.

Enforcement action is only one tool in a package of measures, which the Environmental Health Services can deploy often in partnership with others, to achieve positive outcomes for Shetland Islands environment, economy and communities. Where there is non-compliance our experience is that most of those we regulate respond to our advice and guidance and come into compliance. Many are also increasingly recognizing the value of compliance and good practice in delivering outcomes not just for themselves but also for the environment, the economy and the local community. In view of this, advice and guidance will continue to be our main route to securing compliance. However, there will be circumstances where it is appropriate for us to take formal enforcement action. Where appropriate, we will also liaise with other authorities to ensure compliance and to play our part in combatting wider criminality (e.g. Police Scotland; Crown Office and Procurator Fiscal Service; Food Standards Scotland; Health & Safety Executive; SEPA, other Local Authorities; Revenue Scotland; HM Revenue & Customs; Immigration Service etc).

Authorised Officers have powers of entry, inspection and seizure under Statute. In general, an authorised officer can:

- Enter Business premises at all reasonable hours
- Enter premises where there is a reason to suspect an offence is being committed
- Inspect any premises
- Inspect any goods
- Take samples of any goods
- Purchase any goods

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- Inspect any relevant documents
- Seize and detain any goods and documents when it is believed that an offence has been committed
- Prohibit activities/processes
- Question any person in pursuance of their duties

Business and individuals should expect to:

- Be shown all due courtesy
- Be informed of the purpose of the visit
- Be shown identification if requested
- Be given advice and guidance
- Receive feedback on compliance levels
- Be given guidance on the law
- Be given advice on any action required to remedy any points of non-compliance
- Receive reasonable time to take remedial action where appropriate
- Be informed of procedures for appealing against any enforcement action where appropriate

There are a number of enforcement actions available to an officer and the appropriate action will be dependent on the circumstances. The Service applies an educative approach and only moves to formal action where informal action does not ensure compliance with legislation.

To ensure that food law enforcement is carried out in line with the relevant food safety legislation and Codes of Practice (as required by the Food Standards Agency Framework Agreement), this authority has developed procedures on Interventions. These procedures are consistent with the principles contained in this policy.

The Health and Safety Executive Enforcement Management Model will be used to assist in enforcement decisions relating to Health and Safety.

The following pages identify the actions, which can be taken by Enforcement Officers and the consideration officers take in relation to each action.

## **1. No Action required**

In exceptional circumstances, contraventions may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community.

A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade. A decision to take no action must be recorded and must take into account the overall implications of the contravention. See Appendix 1 – reasons for deviating from Enforcement Policy.

## **2. Informal Action**

Informal action includes verbal advice and advisory letters/inspection reports. This type of action will be used to resolve minor offences or technical infringements, which are capable of immediate resolution and are unlikely to be repeated.

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#### Considerations:

- The act or omission is not serious enough to warrant formal action.
- The history or risk assessment of the business does not support the need to take formal enforcement action.
- There is sufficient confidence in the proprietor, manager or other agent of the business to ensure that all matters will be corrected.
- Consequences of non-compliance do not pose a significant risk to consumers, the general public, health, and safety or the environment.

Informal action may be given by verbal instruction and the officer will indicate a reasonable timescale for corrective action. Verbal advice will be recorded on premises or complaint records. Advisory Letters/Inspection Reports will be kept on file and will be followed up to ensure that remedial action has been undertaken.

Advisory Letters/Inspection Reports will give clear and precise legislative advice to recipients and will contain timescales for compliance where appropriate.

Written information given to businesses/individuals will:

- Contain all information necessary to allow recipients to understand what is required and why it is necessary.
- Indicate the legislation, which is being contravened and give guidance on compliance with legal requirements and the timescale for rectification.
- Clearly indicate where guidance is purely recommendations, i.e. a code of practice requirement as opposed to a legal obligation.
- Indicate that other means of achieving the same effect may be chosen.

### 3. Formal Action

- Statutory Notices
- Fixed Penalty Notices
- Written Warning
- Report to the Procurator Fiscal

#### Considerations:

- Informal action has been unsuccessful or ignored
- Risk assessments suggests that formal action should be undertaken.
- There is a lack of confidence in the proprietor, manager, or other agent of the business to ensure that matters will be corrected.
- The general public, consumers, health and safety and/or the environment are at risk due to the contravention.

### Statutory Notices

Statutory Notices may be issued where:

- There is a significant and serious alleged contravention of legislation

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- The consequences of non-compliance with the legislation and the notice could potentially endanger the health, safety or well-being of people, animals or the environment.
- Guidance criteria concerning issue of Notice specified in relevant Statutory Codes of Practice is fulfilled.
- A statutory nuisance exists.
- A person has failed to respond informally to resolve a statutory nuisance.
- There are significant contraventions of legislation.
- There is lack of confidence in the individual or management to respond to an informal approach.
- There is a history of non-compliance with informal action.
- Standards are generally poor with little awareness of statutory requirements.
- The consequences of non-compliance could be potentially serious to public health.
- Although it is intended to prosecute, effective action also needs to be taken as quickly as possible to remedy conditions that are serious or deteriorating.

Enforcement Officers will place realistic timescales on Notices for rectification of the alleged breach and will ensure that the business or individual is made aware of their rights of appeal, the appeal mechanisms and the consequences of not complying with a Statutory Notice.

### **Fixed Penalty Notices**

Environmental Health can issue a range of Fixed Penalty Notices (FPNs) when an offence has been committed. FPNs for littering, dog fouling or smoking in an enclosed public space, will be issued whenever an authorised Officer witnesses an offence or has reason to believe an offence has been committed. The only exceptions will be when Officers have been tasked with an engagement activity and the issue of an FPN will be detrimental to the Officer's capacity to engage. If the offender is under 16, a Fixed Penalty Notice will not be issued but the individual will receive a formal warning letter about the offence and will be invited to attend an education programme as an alternative to the Fixed Penalty Notice. In these specific circumstances only, will an educative approach be applied. In all other circumstances, officers will respond to the offence by issue of a FPN.

Where there is evidence that there is failure to comply with an Abatement Notice to address a Statutory Nuisance under the Environmental Protection Act 1990 officers can use their powers to issue Fixed Penalty Notices. The circumstances, severity, remedy and environmental damage or public health and safety will dictate if multiple fixed penalty notices (up to three) are issued. However further breaches may be dealt with instead by preparing a Formal Written Warning or Report to the Procurator Fiscal.

### **Formal Written Warnings**

Formal Written Warnings can be used where a breach of legislation has been identified where it is not considered in the Public Interest to pursue a prosecution. The decision not to seek to prosecute will be fully documented. They will be entered on record and followed up to ensure that remedial action has been taken. Clear and precise timescales will be contained within the warning.

A Formal Written Warning regarding breaches of legislation will be issued after consultation between the Team Leader - Environmental Health and the Executive

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Manager Environmental Services. A written warning will be presented by the Team Leader Environmental Health and Officers at a face-to-face meeting with the individual or business operator.

The formal written warning will contain the following:

- The addressee (the legal person responsible for the alleged offence)
- The date, the place and nature of the alleged offence
- The alleged breach of the legislation specifying the Act, Regulation or Order with the section, Regulation or article number.

Formal Written Warnings will be used as evidence of a history of non-compliance where a report to the procurator fiscal is being prepared

### **Report to the Procurator Fiscal**

The decision to report to the Procurator Fiscal is a significant one and in general this decision will be taken where:

- There has been a blatant and/or a deliberate disregard for the law.
- There has been refusal to achieve even the basic minimum legal requirements.
- The alleged infringement could seriously endanger the health, safety or wellbeing of people, animals or the environment.
- The business or individual has been involved in the deliberate or persistent breach of their legal obligations (disregarding warnings and/or formal notices) in circumstances, which have caused or were likely to cause ill health, material loss or prejudice to others.
- It can be demonstrated that the alleged infringement caused or is likely to cause substantial loss or prejudice to others through negligence or gross carelessness. The alleged infringement is fraudulent.
- The alleged infringement involved obstruction of an Enforcement Officer carrying out his/her duties.
- Where there is a history of a similar offence.

Before a report to the Procurator Fiscal is prepared, the Investigating Officer and Team Leader – Environmental Health must be satisfied that there is relevant, admissible, corroborated and reliable evidence that an offence has been committed by an identifiable person or a company. There must be a realistic prospect of conviction.

When an Officer is preparing a Report, all relevant evidence and information will be considered and included in the Report to enable a consistent, fair and objective decision to be made.

The Crown Office document “Reports to the Procurator Fiscal – A Guide for Non-Police Reporting Agencies” (seventh edition 2006) will be followed.

Reports will be submitted within three months of the date the offence came to light, unless external factors make this impossible.

## **3.5 Alternative Strategies**

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The Service will use Alternative Strategies to reduce the burden on lower risk and better performing businesses. These will include the use of questionnaires, guidance leaflets and premises specific or themed training programmes.

### **3.6 Review**

This policy will be made widely available to trade bodies and others who may have an interest. It will be published on the Council's Internet pages. The policy will be reviewed in the light of any comments and feedback received.

DRAFT

Document Title	Enforcement Policy		
Version	7	Date	November 2017

## Appendix 1 – Reasons for deviating from Enforcement Policy

Person/Premises –
Location
Summary of matters which require enforcement action
Summary of matters including corrective actions, which would suggest the enforcement activity outlined in the Policy was inappropriate in this instance
Agreed Course of action between the Operational Officer/Team Leader – Environmental Health/Executive Manager – Environmental Services
<p>Officer.....signed.....</p> <p>..</p> <p>Job Title.....</p> <p>Manager.....signed.....</p> <p>.....</p> <p>Job Title.....</p> <p>Date.....</p>