

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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17 January 2014

SUPPLEMENTARY PACK 1

**ARGYLL AND BUTE COUNCIL - COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on
THURSDAY, 23 JANUARY 2014 at 10:00 AM**

I enclose herewith item 12 (Accounts Commission Statutory Report) which was marked to follow on the Agenda and 14 (Amended Policy Lead Profile for Sustainable Environment, Renewables and Strategic Tourism) and additional items 24 (Scottish Police Authority Scrutiny Consultation) and 25 (Hermitage Park, Hermitage Lottery Fund Offer of Award) which were not included on the Agenda for the above Meeting.

Douglas Hendry
Executive Director – Customer Services

COPY TO FOLLOW AND ADDITIONAL ITEMS

- 12. ACCOUNTS COMMISSION STATUTORY REPORT**
Report by Chief Executive (Pages 1 - 14)
- 14. SHORT LIFE WORKING GROUP - POLITICAL MANAGEMENT
ARRANGEMENTS**
Amended Profile Lead Profile (Pages 15 - 16)
- 24. SCOTTISH POLICE AUTHORITY SCRUTINY CONSULTATION**
Report by Executive Director of Customer Services (Pages 17 - 22)
- 25. HERMITAGE PARK, HERMITAGE LOTTERY FUND OFFER OF AWARD**
Report by Acting Executive Director of Development and Infrastructure (Pages 23 - 34)

ARGYLL AND BUTE COUNCIL

Contact: Sandra McGlynn Tel: 01546 604401

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ARGYLL AND BUTE COUNCIL**COUNCIL****CHIEF EXECUTIVE****23 JANUARY 2014**

**AUDIT SCOTLAND/ACCOUNTS COMMISSION
ACTION PLAN**

1.0 SUMMARY

- 1.1 A report was tabled at Council on 28 November 2013 advising members of the Accounts Commission Findings on the Controller of Audit's Statutory Report, and the Council agreed the development of an action plan in relation to the findings, which would be submitted to Council for approval, prior to being issued to the Accounts Commission within the 3 month timescale of end January 2014. The draft action plan is attached for consideration at **Appendix 1**.

2.0 RECOMMENDATIONS

- 2.1 The Council agree the content of the action plan at Appendix 1.
- 2.1 The Council agree that the action plan is submitted to the Accounts Commission within the three months' timescale

3.0 DETAIL

- 3.1 The action plan has been prepared to take account of the findings and provides details of the various actions that the Council is going to take forward, the timescales associated with these actions, who the responsible officer(s) are, and how these link to/address each of the recommendations within the Statutory Report. The detail of the plan has been developed in consultation with Members, building on the first workshop held on 18 November 2013 and a further seminar held on 13 January 2014.
- 3.2 The action plan focuses on 4 key areas of improvement as follows;
1. Standards
 2. Governance, Structures and Process
 3. Training and Development
 4. Policy Development Support
- 3.3 A number of actions have been identified to ensure that there is effective political leadership and culture, which will allow the Council to balance strategic, corporate, operational and local objectives effectively. Key to this will be putting in place a new, effective committee structure/governance and ensuring that there is adequate support for elected members to fulfil their

roles and responsibilities. In addition, a variety of actions propose putting in place appropriate training and development for elected members. This will ensure that councillors have the tools and knowledge to allow them to effectively scrutinise progress on strategic objectives and policy, and performance at a strategic level.

- 3.3 Full details of all the actions and how these address the findings of the Statutory Report can be found within Appendix 1, which is attached. Progress against each action will be reviewed, alongside an assessment of impact and whether any further improvements are required.

4.0 CONCLUSION

- 4.1 As agreed at the Council meeting held on 28 November 2013, the Council are required to develop an action plan to take account of the Accounts Commission findings and submit within the three months' time scale (end January 2014). The draft action plan is attached at Appendix 1 for consideration and approval.

5.0 IMPLICATIONS

- 5.1 Policy - The Council requires to have full regard to the terms of the Accounts Commission findings
- 5.2 Financial – None at this time
- 5.3 Legal – The Council requires to comply with the statutory requirements
- 5.4 HR – Additional time commitment required from Members and Officers to implement the action plan
- 5.5 Equalities - None
- 5.6 Risk – Failure to comply with the requirements could result in further action by the Accounts Commission
- 5.7 Customer Service – None

6.0 APPENDICES

- 6.1 Action Plan

Sally Loudon
Chief Executive

Summary of Audit Scotland Recommendations	
Ref	Recommendation
1.1	Effective political leadership and culture are important to ensure that councils can balance strategic, corporate, operational and local objectives effectively. They are important factors to support good accountability and continuous improvement.
1.2	Although councillors behave appropriately in public meetings, behaviours outside the chamber are described as less positive and exacerbate a sense of mistrust. Some councillors will now not engage with each other because relationships have deteriorated.
1.3	Part of the lack of mutual trust is because of the amount of discussion about council issues and derogatory remarks about councillors and officers made in local press and online forums. Councillors expressed their concern that this includes contributions from other councillors and includes apparent leaking of private papers and emails.
2.1	The council's current political management arrangements are not supporting effective working.
2.2	The scrutiny of progress on strategic objectives and policy is weak with only limited progress by the PRS Committee.
2.3	The scrutiny of performance at a strategic level is weak, with little evidence of performance information being actively scrutinised by councillors over the past year at this level.
2.4	To support good leadership in any council it is important that structures and arrangements for political business meet the needs of the council and work effectively.
2.5	Councillors do not have a shared understanding of their role in scrutiny.
3.1	Councillors are not engaging well in efforts by officers to provide support on strategic issues.
3.2	It was clear from the audit work that much of the strain on relations centres on the behaviour of individuals. The behaviours described do not meet the expectations of the respective roles and responsibilities of councillors. All councillors must take responsibility for understanding their role and responsibilities, behave accordingly and respect the role of management in operational matters.
3.3	Despite the strain on capacity and the very difficult circumstances, the senior management of the council need to consider what further it can do to ensure they are effectively supporting councillors to fulfil their roles and responsibilities.
3.4	The concerns described by both officers and councillors about the behaviours of some councillors, indicates that interventions from the chief executive and monitoring officer have not been successful.
3.5	Demanding expectations from some councillors need to be managed more effectively. Senior officers and councillors need to consider how they respond to this.
4.1	The political instability means that it is becoming increasingly difficult for the council to progress strategic planning. This planning is important if the council is to respond to the challenges facing Argyll and Bute and deliver services within reducing budgets.
4.2	Staff morale was not raised as a specific problem during audit interviews, but was recognised as an issue for on-going management by officers. There is a risk to the council that staff morale and confidence is affected if the current difficulties at a strategic level are not improved.

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ARGYLL AND BUTE COUNCIL - ACTION PLAN - AUDIT SCOTLAND STATUTORY REPORT - SUBMITTED TO COUNCIL 23 JANUARY FOR CONSIDERATION									
Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref
	This is the main heading for improvement		This is what we are going to do	This is when it will be completed	This is how we will decide if we have been successful	This is what we will use to decide if we have been successful	These are the people responsible for leading this	This is what we have achieved to date	These are the recommendations from the statutory report that are addressed by the action
1	Standards	1	Refresh Standards Commission training with input from Commissioners Office	Mar-14	Refresh training on standards and behaviour input from Commissioner's office	Training Programme and record of attendance	C Reppke	Discussions underway with Standards Commission	1.3, 3.1, 3.2, 3.4
1	Standards	2	Monitoring Officer revised operating protocol	Jan-14	Develop protocol for Monitoring officer / Elected Members adhere to Code of Conduct	Protocol/ related documentation approved by Council and available for use	D Hendry	Tabled at SLWG PMAs Dec 2013	1.3, 3.1, 3.2, 3.4
1	Standards	3	Revised guidance/training to officers on responding to unacceptable behaviours	Mar-14	Successful delivery of training for officers on identifying and reporting unacceptable behaviours	Training course materials and record of attendance	C Reppke		3.1

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref
1	Standards	4	Reinforce the roles and responsibilities of Elected Members	Mar-14	Seminar to ensure all elected members understand their roles and responsibilities as a member, in line with Code of Conduct	Seminar Programme and record of attendance	C Reppke		3.2
1	Standards	5	Reinforce the processes/procedures for dealing with private and confidential correspondence	Mar-14	Seminar to ensure all elected members deal appropriately with private and confidential correspondence and do not release to the press/others	Seminar Programme and record of attendance	C Reppke		3.2
1	Standards	6	Group discipline and leadership	Ongoing	Group leaders and groups collectively ensure proper conduct of their respective group members	Regular review at Group Leaders meetings	Group Leaders/All members		3.4, 3.5
1	Standards	7	Reinforce the role of officers as professional advisors	Mar-14	Seminar to ensure members recognise and understand the role of officers as professional advisors	Seminar Programme and record of attendance	C Reppke		3.2

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref
1	Standards	8	Revised guidance from Monitoring Officer for Senior Officers on managing expectations	Apr-14	Senior Officers are better informed and clearly understand their role and responsibilities	Guidance note prepared and issued	D Hendry	3.5	
1	Standards	9	Review progress, assess impact and identify further improvements	Dec-14	Review completed	Report summarising outcome of review and setting out impact and further improvements	S Loudon		All
2	Governance structures & process	10	Revise Political Management Arrangements to Improve scrutiny and decision making	Apr -14 -	Committee structure set out by SLWG	Council approve new Political Management Arrangements	D Hendry		2.1, 2.3, 2.4, 3.3, 4.1
2	Governance structures & process	11	Clarity on roles of area committees and central committees and clear statement on terms of reference for each	Apr-14	Successful implementation of new Political Management Arrangements	Copy of terms of reference for each committee as approved by Council	C Reppke		2.1, 2.4, 3.3, 4.1
2	Governance structures & process	12	Align members knowledge, experience, and interests with senior members roles	Oct/Dec -13	Develop criteria and introduce process for nominations to senior roles and committees	Audit trail of returns from councillors	Leader of Council	Complete	1.3

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref
2	Governance structures & process		13 Establish staffing resources and operating procedures to support new PMA	Apr-14	New staffing structure operational	New structure implemented	D Hendry	2.1, 2.4	
2	Governance structures & process		14 Development day for membership of each committee	Jun-14	Shared understanding of the key issues to be considered by each committee over the next year	Development day held and plan in place	C Reppke/ Policy Leads		2.1, 2.4, 3.3, 4.1
2	Governance structures & process		15 Develop work plan / forward agenda planning to try and identify key issues to be dealt with by each committee	Jun-14	Work plan and forward agenda planner agreed	Copy of work plan and forward agenda planner	C Reppke/ Policy Leads		2.1, 2.4, 3.3, 4.1
2	Governance structures & process		16 Development day for PRS Committee members	Jun-14	Shared understanding of the key issues to be considered by PRS Committee over the next year	Development day held and plan in place	C Reppke, J Fowler & PRSC Chair		2.2, 2.3
2	Governance structures & process		17 PRS Committee Work plan agreed	Jun-14	Work plan and forward agenda planner agreed	Committee minutes	PRS Committee/C Reppke/J Fowler		2.2, 2.3

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref
	2 Governance structures & process		18 Revise report format to address Members feedback (e.g. including justification for recommendations)	Mar-14	Extend executive summary in report to assist Members understanding	New report template and sample of reports	D Hendry		2.1, 2.4
	2 Governance structures & process		19 Chief Executive Appraisal process annualised	Dec-13	Appraisal completed annually	Sign off by Leader/ Depute Leader / Leader of Opposition	D Walsh/S Loudon	Complete	1.1
	2 Governance structures & process		20 Monitor impact on staff morale via staff survey	Nov-14	Assess current levels of and trend in staff morale	Survey issued in June 14 with results/ analysis available November 14	J Fowler		4.2

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref
2	Governance structures & process		21 Explore opportunities to broaden/improve engagement with local communities via media platforms	Dec-14	Increase number of followers on Council Social Media sites by 20% / Corporate Facebook page developed to enable interactive engagement with Council (Jun-14) and Revised Social Media Policy approved (Dec-14)	Update report to Policy and Resources Committee 30/10/14	J Fowler		2.1, 2.4, 3.1, 4.1
2	Governance structures & process		22 Further scrutiny/review of local community planning processes and area community planning groups/ partnerships	Oct-14	Review undertaken and outcome considered by CPP and Council	Report on outcome of review and proposed changes	D MacVicar		2.1, 2.4, 3.1, 4.1
2	Governance structures & process		23 Report to Council on member training undertaken and attendance	Ongoing	Implement a new format of report on elected member training	Report to Policy and Resources Committee	C Reppke/ J Fowler		3.1, 3.3

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref
2	Governance structures & process		24 Review progress, assess impact and identify further improvements	Dec-14	Review completed	Report summarising outcome of review and setting out impact and further improvements	S Loudon		All
3	Training & Development		25 Full participation/ Implementation of Elected Member Development Programme, including; Improvement Service Programme, Peer Mentoring Programme, competency based training, scrutiny role training, masterclasses on key leadership/strategic issues	Nov-14	Members engaged in Elected Member Development Programme	Training Plans signed off by all members	Group Leaders/All members		1.1, 2.5
3	Training & Development		26 Review progress, assess impact and identify further improvements	Dec-15	Review completed	Report summarising outcome of review and setting out impact and further improvements	S Loudon		All

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref
4	Policy Development Support		27 Seminar programme to address key policy areas - to be delivered centrally and at area committees where appropriate	Aug-14	Deliver seminar programme with full member participation as appropriate	Seminar Programme and record of attendance	T O'Neill		3.1, 3.3, 4.1
4	Policy Development Support		28 Council create working groups to examine long term challenges and strategic issues facing Argyll and Bute as and when required	Ongoing	Regular review of need for working groups by Council (or other committees)	Minute of Council (or other committees)	C Reppke		3.1, 3.3, 4.1
4	Policy Development Support		29 SOA Delivery Plans to be finalised	Jun-14	Clear Strategic planning/ direction	SOA delivery plans	J Fowler / D MacVicar		4.1
4	Policy Development Support		30 Align resources and services to SOA outcomes and delivery plans.	Ongoing but review March 15	Clear links drawn between SOA delivery plans and Council services and resources	Reports in relation to SOA progress, service planning and budget	J Fowler/D MacVicar/B West		4.1

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref
4	Policy Development Support		31 Corporate priorities and service plans updated to reflect alignment of resources and service to SOA outcomes and delivery plans.	Ongoing but review March 15	Clear links drawn between SOA delivery plans and Council services and resources	Reports in relation to SOA progress, service planning and budget	J Fowler/D MacVicar/B West	4.1	
4	Policy Development Support		32 Chief Executive Leaders Briefing	On going	Meeting with Leader/Depute Leader and Opposition Leader	Confirmation that meeting takes place	S Loudon		2.4, 3.3, 3.5
4	Policy Development Support		33 Review progress, assess impact and identify further improvements	Dec-15	Review completed	Report summarising outcome of review and setting out impact and further improvements	S Loudon		All

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Elected Member Policy Lead - Role Profile

Title	Policy Lead: Sustainable Environment, Renewables and Strategic Tourism
Accountable to: Reports to:	Full Council Leader /Deputy Leader of Council
Portfolio Responsibilities	<ul style="list-style-type: none"> • Strategic oversight of policy and direction in relation to Sustainable Environment, Renewables and Strategic Tourism. • To articulate and support achievement of corporate priorities and the Single Outcome Agreement within portfolio. • Ensure decisions made by Council are fully informed in relation to key elements of portfolio.
Portfolio focus:	<ul style="list-style-type: none"> • To ensure development of renewable energy in line with government legislation. • To ensure that the Council makes robust decisions that take account of the need to protect and sustain the natural environment. • To promote policies and activities that have a positive impact on the natural environment. • To facilitate provision of infrastructure to support long term sustainable supplies of electricity, gas and renewable sources of fuel, including the development of low-impact power sources. • To represent the Council's strategic interests in respect of gas, wood, electricity and oil infrastructure. • To promote reduction of carbon footprint within the Council and the transition to a low carbon economy across Argyll and Bute. • To encourage attraction of European and other resources to support development and growth of the renewable energy industry. • To focus on strategic development and promotion of tourism as a key industry for Argyll & Bute. • To ensure strategy is in place to add value and increase the number of people who visit Argyll & Bute and the length of the Tourism season, including development of events and festivals.
Key activities	<ul style="list-style-type: none"> • Undertake a strong and confident figurehead role to represent the portfolio of services at Council, regional and national levels. • Provide strategic vision and leadership in development of portfolio. • Ensure regular communication and reporting on activities to members of Council and Strategic Management Team to provide clarity on political direction and assist in working through strategies and plans within the portfolio. • Promote the policies of the Council to the media and wider community. • Work collaboratively with Elected Member Policy Leads and Chief Officers across areas of responsibility. • To identify implications for the policy remit that require effective partnership working. • Develop and support effective partnering with organisations which

	<p>support and assist in the delivery of strategies, plans and services within portfolio.</p> <ul style="list-style-type: none"> • Chair meetings, sub groups and committees as required ensuring the agenda of the business is properly dealt with; that the opinions of other participants and the advice of officers, are allowed to be expressed: ensure the proper and timely conduct of the meeting in compliance with the Council Constitution and that clear decisions are reached. • Bring forward effectively issues and business for consideration to ensure Council is focused on the right issues at the right time and that decisions are made in light of overall Council policy. • Identify any crosscutting issues which may require corporate or joint working across portfolios, services and/or partnerships. • Participate in wider corporate agenda to support effective functioning of Council i.e. contribute to budget working group, participate in appointment panels.
Committee and Partnership Working Responsibilities:	<p>Membership of Other Bodies:</p> <p>Argyll, Lomond and the Islands Energy Agency (ALIEnergy) management board Argyll and the Isles Strategic Tourism Partnership.</p>
<p><i>This role profile does not supersede the Role of Lead Councillors and associated responsibilities as set out in Appendix 1 of the Argyll and Bute Council Constitution. It has been drawn up to complement this documentation and provide further support and direction in fulfilling the role of Policy Lead.</i></p>	

ARGYLL AND BUTE COUNCIL**Customer Services****23 January 2014**

**Scottish Police Authority
Scrutiny Consultation**

1. SUMMARY

- 1.1 On 26 June 2013 the Scottish Police Authority (SPA) approved an approach where policing related topics would be identified for in-depth scrutiny and they have asked stakeholders including local authorities to identify up to three topics which they would consider it appropriate for scrutiny by the SPA.

2. RECOMMENDATIONS

- 2.1 That the Council agree which of the topics (up to a maximum of 3) submitted as a result of the discussions at the Area Committee Business Days should make up the Council's response to the consultation and delegate authority to the Executive Director of Customer Services to finalise the consultation submission to the SPA.

3. DETAIL

- 3.1 The SPA has undertaken a consultation process of its stakeholders asking that they identify policing related topics which they would consider as appropriate topics for in-depth scrutiny by the SPA during 2014/15. A copy the letter requesting a response to the consultation is attached at Appendix 1.
- 3.2 The letter requesting a response to the consultation was discussed at the Area Committee Business Days on 7th, 8th, 14th and 15th January respectively and as a result of these discussions four topics have been submitted for consideration.
- 3.3 The topics submitted were (a) impact of closure of public counters in rural locations, (b) speeding and its impact on road safety, (c) analysis of level of underage drinking and (d) violence against women/domestic abuse

4. CONCLUSION

- 4.1 It is important that the Council respond to this consultation with suggestions which reflect the concerns of Members within Argyll and Bute Council.

5. IMPLICATIONS

- 5.1 Policy None
5.2 Financial None

5.3	Legal	None
5.4	HR	None
5.5	Equalities	None
5.6	Risk	None
5.7	Customer Service	None

6. APPENDICES

6.1 Scottish Police Authority letter dated 25 November 2013

Douglas Hendry

Executive Director of Customer Services

16 January 2014

For further information contact: Iain Jackson 01546 604188

SCOTTISH POLICE AUTHORITY

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Tel: 0141 585 8300
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Email: enquiries@spa.pnn.police.uk
www.spa.police.uk

LETTER SENT BY E-MAIL

25th November 2013

Dear Sir or Madam,

CONSULTATION ON TOPICS FOR FUTURE SCRUTINY BY THE SCOTTISH POLICE AUTHORITY (SPA)

We are inviting written responses to this consultation paper by Wednesday 15 January 2014.

Responding to the Consultation Paper

Please send your response(s) to:

SPAScrutinyConsultation@spa.pnn.police.uk

or

Scottish Police Authority
Strategy and Governance Directorate
Elphinstone House
65 West Regent Street
Glasgow
G2 2AF

If you have any queries, please send an email to the address above.

About this Consultation Process

At a meeting of the Scottish Police Authority on the 26th June 2013 members approved an approach whereby policing-related topics would be identified for in-depth scrutiny, supplementary to that carried out through the Authority's on-going series of public meetings. Such an approach allows the Authority to fulfil its statutory obligations by contributing to continuous improvement and holding both the Chief Executive of the Authority and Chief Constable of Police Scotland to account.

The selection of specific topics for future scrutiny will ultimately be the responsibility of members. However, one of the principles of good governance is that public and partner voices are heard prominently in the decision-making process. There is, therefore, a

strong desire from the Authority to engage with key stakeholders within and beyond policing to inform our thinking around this area of our business.

We would invite stakeholders to complete the accompanying consultation form if they have a topic they believe to be a pressing and appropriate one for scrutiny by the Scottish Police Authority within the next 12-18 months. The topic must be directly related to policing. Whilst there is no prescriptive criteria for the proposal of a topic, organisations might wish to consider issues in which policing-related activities involve:

- the potential for improvements for the public, partners, officers and staff.
- consequences for relationships with citizens, communities and partners.
- significant impacts on levels of public satisfaction, confidence and trust.
- implications for consistent levels of service or the long-term sustainability of services.
- evidence of best practice or innovation.
- significant best value, equality, human rights or sustainability implications.

Respondents may return more than one form, however to ease the administrative burden we would be grateful if organisations could *limit the number of topics identified to three*.

Next Steps in the Process

Once officers of the Authority have collated all the responses, they will be analysed and the results disseminated to Authority members. Topics will be proposed and selected by members, with consultation responses informing their thinking and understanding of key issues. However, a range of other factors will also likely be taken into account, including other available information and evidence.

Once topics are selected, a forward work plan for scrutiny will be developed for the year ahead, allowing both the Chief Executive of the Authority and Chief Constable of Police Scotland to know in advance what will be required of their respective organisations. Topics will be subject to either a *Scrutiny Discussion* or *Scrutiny Review*, depending on the nature of the issue and available resources.

Scrutiny Discussion: This is intended to be a standing item on the agenda of each Authority meeting and taken in public or private depending on any need for confidentiality around the particular topic. Members will normally be presented with a paper in advance of the meeting and/or a presentation at the meeting, often but not exclusively by Police Scotland. Members will have the opportunity to discuss the topic and ask questions. The discussion and any actions arising will be recorded in the minute of the meeting.

Scrutiny Review: A short term task group will be established. The scope, brief and terms of the review will be approved by members on the task group after advice from officers of the Authority. The group will be able to consult with stakeholders and client groups, take evidence and commission external advice and support. A final report, along with any recommendations, will normally be presented to the full Authority. Other stakeholders and interested parties will also be provided with a copy of any report produced.

Key stakeholder organisations will be provided with feedback on the results of the consultation exercise and details of the programme of scrutiny work to be carried out by the Scottish Police Authority.

This formal scrutiny process does not inhibit organisations from continuing to raise any issues with the Authority either directly or via established networks and relationships. Policing is undergoing a considerable period of change – a process which is likely to

continue for several years to come. It is the Authority's intention that stakeholders will be consulted again on issues for potential scrutiny in the latter part of reporting year 2014-15.

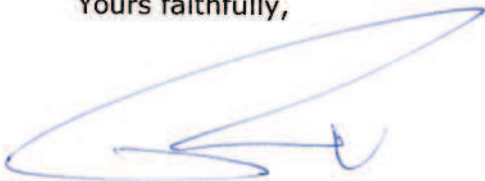
Handling Your Response

We need to know how you wish your organisation's response to be handled and, in particular, whether you are happy for your response to be made public. On the consultation form please indicate whether or not you wish your response to be made public and we will treat your response accordingly.

Comments

If you have any comments about how this consultation exercise has been conducted, please send them to the contact details provided.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'John Foley', with a large, sweeping loop at the end.

John Foley
Interim CEO

ARGYLL & BUTE COUNCIL**COUNCIL MEETING****DEVELOPMENT &
INFRASTRUCTURE****23rd January 2014**

HERMITAGE PARK, HERITAGE LOTTERY FUND OFFER OF AWARD

1. SUMMARY

- 1.1 This report asks Members to approve the Heritage Lottery Fund (HLF) Terms of Grant for the grant awarded for the development of Hermitage Park in Helensburgh, and to delegate authority for the Chief Executive of the council to sign this aforementioned document. This is for the stage one award of funding from HLF and allows us to begin the necessary work for our stage two application.

2. RECOMMENDATIONS

- 2.1 The council agrees to the HLF Terms of Grant and delegates authority to the Chief Executive to intimate agreement to the terms to HLF.

3. BACKGROUND

- 3.1 The draft stage one application to HLF was approved by the council in principle on 15th January 2012.
- 3.2 The budget for match funding the HLF grant was approved as part of the 2013/14 budget process and was as follows; £20,000 from the council towards the development budget of £189,700, and £280,000 towards the delivery budget spread over five years and totalling £2,537,500 (the remainder of this is made up of £1,917,500 from HLF, £260,000 from other funders and £80,000 volunteer contribution in-kind).
- 3.3 Following a number of Area Committee and Business Day reports, and an unsuccessful bid which was submitted in February 2013, the HLF Board met on the 17th December 2013 and the Hermitage Park bid was awarded a first round pass and development grant.
- 3.4 The development phase is necessary to provide funding for a wide ranging consultation on Hermitage Park, and detailed plans, drawings and costs for the completion of the stage two application.

Proposed works to Hermitage Park include;

3.3.1 Restoration of historic fabric including walled memorial garden,

pond and gates, old mill remains, Hermitage Well and the Millig Burn paths, bridges and walls,

3.3.2 Restoration/reinterpretation of historic planting, including open up lines of site to improve safety of visitors,

3.3.3 Celebration of heritage through interpretation and community involvement – and upgrading of the paths and drainage to increase access to the Park,

3.3.4 Reconsideration of the recreational elements which include the children's play park, bowling green, tennis courts, putting green and recreational pavilion, shelter and toilets.

- 3.5 These works will meet the wider social needs of the community, allowing for traditional leisure needs, whilst encouraging use of the Park as a location for education and learning. The vision includes a greater heritage and environmental aspect to the Park, interpreting the heritage and exploring the potential of community gardens, sensory gardens, increasing the habitat for wildlife, birds, etc and minimising future maintenance requirements.
- 3.6 From an economic perspective, skills and training opportunities will be developed for both council staff and the Friends of Hermitage Park Association (FoHPA) and other volunteers, designed to improve the maintenance of the Park. The application also aims to explore opportunities for income streams for maintenance through the redevelopment of the Pavilion and recreational areas which may include a café and improved offer aiming to increase visitor numbers.
- 3.7 There is also a need to increase/improve car parking and hard standing areas in and around the Park to serve the needs of users, and to consider how this can benefit the Victoria Halls, given its heritage importance and proximity to the Park. It is thought that a closer link between the Victoria Halls and the Park would help the sustainability of both venues.
- 3.8 Consultation with groups using the Park has taken place and the application has been driven by (FoHPA). FoHPA also carried out a survey of users of Hermitage Park. Further consultation on Helensburgh's resident's vision will be carried out as part of the stage 2 HLF bid. The project is truly a 'ground up' development with Argyll and Bute Council supporting and enabling.

4. DETAIL

- 4.1 The HLF Parks for People is a two stage application process. The first stage includes a development phase to take the project to RIBA Work Stage D for the second stage application, for which an outline of proposed activities and costs was provided at stage one. The proposed final costs in stage two should not differ greatly from those we proposed in stage one.
- 4.2 The draft timeline for the application is as follows:

- 4.2.1 Final stage one application submitted – Completed
- 4.2.2 Notification of development award – Completed
- 4.2.3 Development phase - appoint development officer and consultants– April 2014
- 4.2.4 Second stage application prepared – February 2015
- 4.2.5 Notification of second stage – June 2015
- 4.2.6 Works commence on the ground – March 2016
- 4.2.7 Project completes (revenue/interpretation/training) – 2019/2020

5. CONCLUSION

- 5.1** The HLF award contributes to the ground up development and sustainability of Hermitage Park, and provides an opportunity for heritage and environmental improvements. The project has approval in principle from the council. The council is therefore invited to agree to the terms and conditions of grant and delegate authority to sign this to the Chief Executive, in order to begin the stage one development of the Park.

6. IMPLICATIONS

- 6.1** Policy – None.
- 6.2** Financial – Council match funding of £300,000 for the period of the project was approved at the February 2013 council meeting.
- 6.3** Personnel – One new member of staff will be appointed within Development and Infrastructure Services. Time commitment from Amenity Services and Projects and Renewables staff which will be met within existing resources.
- 6.4** Equal Opportunities – None but the proposed improvements increases accessibility of the Park to those with mobility problems and visitors with pushchairs.
- 6.5** Legal – As per the HLF terms of grant attached.

Attachments

- 1. HLF Terms of Grant

For further information, please contact: Tom Murphy, Streetscene Manager (01436 658908) or Arlene Cullum (01436 658727).

Angus Gilmour
Executive Director
23rd January 2014

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Parks for People

Grants from £100,000 to £5,000,000

Standard terms of grant

Definitions:

'we', 'us', 'our' – the Trustees of the National Heritage Memorial Fund (who administer the Heritage Lottery Fund).

'you', 'your' – the organisation(s) awarded the Grant as set out in the Grant Notification Letter.

Application – any documents or information you send us to support your request for a grant, or submit to us from your Development Work.

Approved Purposes – the purposes for which you applied for a grant and how you intend to carry out those purposes as set out in your Application, but taking account of any changes we and you agree in writing, or that are required by us at any time before we release any of the Grant. These purposes include you getting and using partnership funding as set out in your Application.

Approved Usage – how you said you would use the Property in your Application (allowing for any changes that we may have agreed up to the release of any of the Grant).

Development Work – the work involved in progressing your project to your second-round Application, including the production of designs, plans, and other documents.

Digital Outputs – all material with heritage content created in or copied into a digital format by or for you in connection with the Project.

Evaluation Report – the report you must send us before we pay the last 10% of the Grant telling the story of your Project, its achievements and lessons learned.

First-Round Pass Letter - our letter confirming that you can proceed to the second-round Application. This will identify any Development Work you need to do before you send in a second-round Application.

Grant – the amount set out in the Grant Notification Letter.

Grant Expiry Date – the date by which you must achieve the Approved Purposes as set out in the Grant Notification Letter and by which you will make the final drawdown of the Grant.

Grant Notification Letter – our letter confirming our Grant award to you after a second-round Application.

How to acknowledge your grant – the booklet that explains how we require you to acknowledge the Grant and which gives details of the acknowledgement materials we will provide.

Photography of HLF-funded projects: A guide for grantees – guidance on how to submit images to us, how we use these, and how to source consents.

Project – the project referred to in your Application that consists of, or includes, the Approved Purposes.

Project Completion Date – the date that we make our final payment and are satisfied that the Approved Purposes of the Grant have been met.

Programme Application guidance – the document setting out the scope of the programme and how to apply.

Property – any property that you buy, create, receive or restore, or property that is otherwise funded by the Grant including Digital properties, intellectual property rights and any documents that you produce or order as part of the Approved Purposes.

Receiving a grant – the guidance we publish to explain how we will pay the Grant, monitor your Project and agree changes to the Grant.

Achieving the Approved Purposes

1. You must use the Grant only for the Approved Purposes, unless you get our approval beforehand.
2. You must not start work to achieve the Approved Purposes without our approval beforehand.
3. You must achieve the Approved Purposes and make your final Grant drawdown by the Grant Expiry Date.
4. You must use the Property, or allow it to be used, only for the Approved Usage.
5. As well as these terms of grant, you must follow the conditions (if any) set out in the First-Round Pass Letter and Grant Notification Letter, address any issues we identify in the course of monitoring, and meet the requirements set out in the Programme Application guidance, *Receiving a grant*, the *How to acknowledge your grant* guidance, and *Photography of HLF-funded projects: A guide for grantees*.
6. You must carry out the Approved Purposes in line with current best practice in your area of heritage and to a standard that is appropriate to a project of importance to the national heritage. You must follow all legislation and regulations that apply.

Project development

7. The First-Round Pass Letter may offer to provide you with funding for Development Work. If it does these terms of grant will also apply to that funding but with the following changes:
 - a. when they refer to “Approved Purposes” this means your Development Work.
 - b. when they refer to “Approved Usage” this means you using the product of the Development work to further the Project.
 - c. when they refer to a “Grant Expiry Date” this is the date set out in the First-Round Pass Letter by which you must complete the Development Work.
 - d. when they refer to “Grant” this means the amount of funding for the Development Work set out in the First-Round Pass Letter.
 - e. when paragraphs 5, 24 and 38 refer to the “Grant Notification Letter” this means the First-Round Pass Letter.
 - f. paragraphs 9a, 9c, 16 17 and 18 will not apply.

Project monitoring

8. You must give us any financial or other information and records we may need from time to time on the Grant, the Property, the Approved Purposes (and achieving them) and the Approved Usage.
9. You must allow us (or anyone we authorise) to have any access we may need to:
 - a. inspect the Property and any work to it;
 - b. monitor the conduct and progress of the Approved Purposes; and
 - c. monitor the Approved Usage.

In these cases we will give you notice. You will report on the progress of your Project at times agreed with us.

10. We may ask you to provide proof that you have taken action to reduce the risk of fraud. We may ask you to let us examine your accounting processes and procedures to check the effectiveness of anti-fraud measures.
11. We will monitor the progress of your Project and will carry out checks at and after the end of the Project to confirm that it is delivering the outcomes expected. If we (or anyone we authorise) make any recommendations on the matters set out in paragraph 9, you must take those recommendations into account when meeting your obligations to us.
12. You must take appropriate steps to monitor your own success in achieving the Approved Purposes and in using the Property for the Approved Usage. On completing the Project, you must submit your Evaluation Report before we will release the final Grant payment.

Procurement

13. Before you start any phase of the work needed to achieve the Approved Purposes, you must put in place all necessary contracts with appropriately qualified contractors and professional advisers to allow you to finish that phase of the work. Building contracts must contain a clause which allows you to retain part of the contractors' fees on practical completion of the works. If you want any contracts to be on different terms, you must get our approval beforehand.
14. If the Approved Purposes involve buying goods or services or getting work done, you must carry out a tendering exercise in line with the requirements set out in the Programme Application guidance.

Property

15. You must continue to own the Property and keep exclusive control over what happens to it. Other than as permitted under paragraph 24, you must not sell, let or otherwise part with it or any interest in it, or give any rights over it to anyone else (or take any steps to do so) without our approval beforehand. If we give you our approval, it may depend on any of the following requirements.
 - a. that you pay us a share of the net proceeds of selling or letting the Property within one month of parting with the assets or other goods;
 - b. that you sell or let the Property at its full market value;
 - c. any other conditions we think fit.

We may claim from you an amount in the same proportion to the sale prices as the Grant is to the original cost of the Approved Purposes, or the portion of the Grant spent on the assets or goods concerned, whichever is the greater. You must pay whatever we decide is appropriate in the circumstances. We may decide not to ask you to repay the Grant (or any part of it as we think fit) for any reason but it is for us to decide that.

16.
 - a. Following completion of the capital works needed to achieve the Approved Purposes, you must maintain the Property in good repair and condition.

- b. You must apply for a Green Flag Award for the Property in the year immediately following completion of the capital works needed to achieve the Approved Purposes.

After that you must take all steps necessary to retain the Green Flag Award for at least the next six years.

- c. When requested, you must send us written confirmation of the Green Flag Award relating to the Property for the then current year.
- 17. You must insure the Property to the standard set out in (and use any proceeds of the insurance in line with) the Programme Application guidance.
 - 18. You must keep any objects or fixtures that form part of the Property in a physically secure and appropriate environment.
 - 19. You must tell us, in writing, within five working days about any significant loss or damage to the Property.
 - 20. You must arrange for the general public to have appropriate access to the Property. You must make sure that no person is unreasonably denied access to the Property.

Publicity and acknowledgement

- 21. We may make the purpose and amount of the Grant public in whatever way we think fit.
- 22. Once we have announced the Grant, you must acknowledge the Grant publicly in line with the requirements set out in our *How to acknowledge your grant* booklet. You must meet any other acknowledgement or publicity requirements we may tell you about from time to time. Before we make any public announcement of the Grant, you must not issue any public statement, press release or other publicity in relation to the Grant or which refers to us, other than in a form we have approved beforehand.
- 23. You must also provide us with digital images in electronic format of your Project – or hard-copy photographs or transparencies. You give us the right to use those you provide us with at any time, including putting them into a digital format and altering them. You must get all the permissions required for you and us to make use of them before you use them or send them to us. See *Photography of HLF-funded projects: A guide for grantees* for more information.

Digital outputs

- 24. You agree to:
 - a. hereby grant to us an irrevocable, perpetual and royalty-free licence to use, copy, keep and disseminate the Digital Outputs as we see fit and to grant sub-licences of the same kind;
 - b. obtain and maintain in force all authorisations of any kind required for you to use, copy, keep and disseminate the Digital Outputs and to grant such licence to us;
 - c. contract to the effect that any creation by you or on your behalf of material which forms Digital Outputs is undertaken on terms that either the copyright in the digital material is assigned to you or that the copyright owner may not commercially exploit it;
 - d. ensure that the Digital Outputs are kept up-to-date, function as intended and do not become obsolescent before the fifth anniversary of the Project Completion Date;

- e. comply with these terms of grant in relation to the digital files that make up the Digital Outputs for the period agreed in the Grant Notification Letter. For the avoidance of doubt, this includes ensuring that the digital files are held securely and are available on request to the public and to us;
- f. grant licences in respect of the Digital Outputs under the Creative Commons model licence Attribution Non-Commercial but not on other terms without our prior written consent;
- g. not otherwise exploit the Digital Outputs commercially without our prior written consent.

Grant payment and repayment

25. We will, up to the Grant Expiry Date, pay you the Grant or any instalment of it in line with these terms of grant and the procedures explained in *Receiving a grant* as long as:

- a. the National Lottery continues to operate under the National Lottery etc. Act 1993 (as amended from time to time), and enough funds are made available to us under the Act; and
- b. we are satisfied that you are achieving (and will continue to achieve) or have achieved the Approved Purposes in line with these terms of grant and that you are spending the Grant in proportion to any other funds you receive from other sources for the Approved Purposes.

26. You acknowledge that the Grant is the total amount of funds we will provide and will not be increased as the result of you overspending or for any other reason.

27. You must repay to us immediately any Grant that we have paid you (and we will stop any future instalments of the Grant) if:

- a. you no longer operate, or you are declared bankrupt or placed into receivership or liquidation;
- b. you have, in our opinion, given us fraudulent, incorrect or misleading information;
- c. you have acted negligently in any significant matter or fraudulently in connection with the Approved Purposes or the Approved Usage;
- d. any competent authority directs the repayment of the Grant;
- e. there is a significant change in your status;
- f. you knowingly withhold information that is relevant to the content of your Application; or
- g. you fail to keep to any of these terms of grant.

28. If you achieve the Approved Purposes without spending the full amount of the Grant, you must pay back the part of the Grant you have not spent. We will treat you as spending the Grant in proportion to other funds you were due to receive from other sources for the Approved Purposes.

29. If you sell or otherwise part with all or part of the Property without our permission under paragraph 15, or you receive money in some other way as a result of you not following these terms of grant, you may have to pay us immediately a share of the net proceeds if that share is more than the amount we would otherwise be entitled to under paragraph 27.

Local Authority Grantees

This paragraph is only applicable if you are a local authority

30.

- a. Within 28 days of the date of the Grant Notification Letter, you must send us a certified copy (signed to confirm it is a true copy) of the document recording your decision (or the decision of the relevant properly constituted committee, executive or authorised officer) authorising you to accept these terms of grant, together with a statement containing the information set out in paragraph b below.
- b. The statement must include the following information.
 - The power (statutory or otherwise) you have and which you have used to accept these terms of grant.
 - An extract of that part of your policy framework under which you have accepted these terms of grant
 - The executive arrangements under which your decision to accept these terms of grant was made.
 - The considerations that you took into account in using the powers and the procedure under which any consultation took place and the decision was made.
 - The authority under which the Declaration forming part of the Application has been signed on your behalf.
- c. Without affecting paragraph 32 you must (if we think it is necessary) confirm your decision in whatever way we direct. Within seven days of confirming, you must send us evidence of this.
- d. We may withdraw the Grant (after considering the matters referred to in paragraphs 30a and 30b) if we are not satisfied that these terms of grant are valid and binding on you.
- e. Within 21 days of sending us the document and information needed under paragraph 30a (or evidence of the confirmation of the decision in line with paragraph 30c), we may ask that you get the written opinion of a barrister, in a form satisfactory to us, asking for his or her opinion on whether:
 - the powers you are relying on in accepting these terms of grant do allow you to enter into these arrangements
 - you have followed correctly all procedural requirements in using those powers and have acted in a reasonable and proper way; and
 - you have taken account of only, and all, relevant considerations in using those powers.

You must send us the barrister's opinion and make sure that it is addressed to us as well as to you. You must also make sure that the barrister confirms we may rely on his or her opinion for our own purposes.
- f. You acknowledge that neither any documents or information that you send us, nor the fact that we may then have paid you part of the Grant, will affect our right to rely on the promise in paragraph g below.
- g. You promise that:

- you have the authority to accept these terms of grant;
- in using that authority you have acted in good faith, in a reasonable and proper way, for a proper purpose, without breaking any procedural requirement and in considering only (and all) relevant considerations; and
- your decision to accept these terms of grant is one that any reasonable local authority (applying the laws that are relevant to it) could have reached.

General terms

31. You may not, and must not claim to, transfer the Grant or any rights under these terms of grant.
32. You must take all steps and sign and date any documents as may be necessary to carry out your obligations under these terms of grant and to give us the rights granted to us under them.
33. If there is more than one of you, any liability under these terms of grant will apply to you all together and separately.
34. We may rely on any of our rights under these terms of grant at any time, even if we do not always choose to do so immediately. If we decide not to rely on one right, we may still rely on any of our other rights under these terms of grant.
35. If you need our approval for anything, you must write to us to ask for it. You may only rely on any approval needed under these terms of grant if we (or anyone we authorise) give it to you in writing.
36. Any notice, request or other document we or you send to each other under these terms of grant can be delivered or sent by any effective means.
37. Any documents you need to send us under these terms of grant are for our own purposes only. If we approve or accept any documents, this does not mean that we have approved or accepted them for any other purpose.
38. These terms of grant will last for the period set out in the Grant Notification Letter.
39. These terms of grant cannot be enforced by anybody other than you or us.