

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Customer Services  
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT  
Tel: 01546 602127 Fax: 01546 604435  
DX 599700 LOCHGILPHEAD  
e.mail –douglas.hendry@argyll-bute.gov.uk

8 May 2014

## NOTICE OF MEETING

A meeting of the **POLICY AND RESOURCES COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 15 MAY 2014** at **10:00 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **TERMS OF REFERENCE/DEVELOPMENT DAY**  
Report by Executive Director – Customer Services (Pages 1 - 6)
4. **FINANCIAL REPORTING FOR 2014-15**  
Report by Head of Strategic Finance (Pages 7 - 10)
5. **SIX MONTHLY REPORT ON CASH FLOW SUPPORT LOANS**  
Report by Head of Strategic Finance (Pages 11 - 12)
6. **CAFE PAVEMENT LICENCES**  
Report by Executive Director – Development and Infrastructure Services and extract from Minute of meeting of Environment, Development and Infrastructure Committee held on 10 April 2014 (Pages 13 - 40)
7. **GAELIC LANGUAGE PLAN**  
Recommendation from the Community Services Committee held on 8 May 2014 (to follow)

**8. IMPLEMENTATION OF MODERN APPRENTICESHIP SCHEME AND WORK PLACEMENTS**

Report by Executive Director – Customer Services (Pages 41 - 44)

**E1 9. CASTLE TOWARD - VALUATION UNDER COMMUNITY RIGHT TO BUY**

Report by Executive Director – Customer Services (Pages 45 - 48)

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an “E” on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

**E1 Paragraph 9** Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

**POLICY AND RESOURCES COMMITTEE**

Councillor Robin Currie  
Councillor Donald Kelly  
Councillor Duncan MacIntyre  
Councillor Aileen Morton  
Councillor Gary Mulvaney  
Councillor James Robb  
Councillor John Semple  
Councillor Dick Walsh

Councillor Vivien Dance  
Councillor Bruce Marshall  
Councillor Roderick McCuish  
Councillor Ellen Morton  
Councillor Douglas Philand  
Councillor Len Scoullar  
Councillor Isobel Strong

Contact: Hazel MacInnes Tel: 01546 604269

---

**ARGYLL AND BUTE COUNCIL****POLICY AND RESOURCES  
COMMITTEE****CUSTOMER SERVICES****15 MAY 2014**

---

---

**POLICY AND RESOURCES COMMITTEE TERMS OF REFERENCE /  
DEVELOPMENT DAY**

---

**1. SUMMARY**

- 1.1 The Committee is invited to note the draft terms of reference for the Policy and Resources Committee which has been presented to Council for incorporation into a revised Constitution and Standing Orders.
- 1.2 The report also sets out proposals on the content of a development day for the Committee and seeks Members views in this regard.

**2. RECOMMENDATIONS**

- 2.1 It is recommended that the Committee -
  - a) notes the draft terms of reference which have been presented to Council for incorporation into a revised Constitution and Standing Orders.
  - b) considers the proposed agenda for the Development Day and approves or amends the agenda accordingly.
  - c) identifies preferred dates for the Development Day

**3. DETAIL**

- 3.1 In January 2014 the Council considered a report and recommendations arising from the Short Life Working Group on Political Management Arrangements. It agreed to establish 3 new committees including the Policy and Resources Committee with a proposed remit as follows:-
  - Finance and HR
  - Policy Development /overview
  - General competence for matters not otherwise delegated
  - Economic Development (advised by the service Committee)
  - Strategic Projects

3.2 Council endorsed the amended structure and a revised programme of Council meetings was agreed whereby the Policy and Resources Committee would meet on alternate months to Council with an additional pre-budget meeting on the dates as follows:

- Thursday 15th May 2014
- Thursday 21<sup>st</sup> August 2014
- Thursday 30<sup>th</sup> October 2014
- Thursday 18<sup>th</sup> December 2014
- Thursday 5<sup>th</sup> February 2015
- Thursday 19<sup>th</sup> March 2015

3.3 The SLWG also considered proposals that each of the new committees would have a work programme linked to key strategic priorities and outcomes, the Single Outcome Agreement, Corporate and Community Plans and that a Policy Development and Overview progress report would be submitted from each Central Committee to the Policy and Resources Committee for noting every six months.

3.4.1 In considering the recommendations of the SLWG Council agreed to delegate power to the Executive Director of Customer Services to make the minor and consequential amendments to the Constitution as required by adoption of the new committee structures and associated arrangements. A report in this regard was presented to Council in April 2014 and it is proposed that the Terms of Reference for the Policy and Resources Committee are as follows:

### **General**

- (1) To determine strategic policy objectives and priorities for the Council.
- (2) To determine and implement the Council's policies in relation to communication.
- (3) To consider matters arising from or in connection with any local government associations.
- (4) To exercise the functions of the Council in relation to Community Councils.
- (5) To exercise the functions of the Council as local Registration Authority for the purposes of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, and all associated legislation.

**Voluntary Organisations**

To develop co-operation between the Council and the voluntary sector and to assist and promote the work undertaken by the voluntary sector.

**Financial Assistance**

To consider requests from external bodies and implement the Code of Guidance on External Bodies and Following the Public Pound.

**Equalities & Diversity**

To determine and implement the Council's policies in relation to the promotion of equality of opportunity, in relation to both the functions of the Council and the wider community in Argyll and Bute and to promote initiatives to combat discrimination.

**Financial Resources**

- (1) To oversee the management of the Council's financial resources.
- (2) To advise the Council on the Revenue Budget, Capital Plan and Council Tax.
- (3) To consider the draft version of the Council's accounts.
- (4) To approve adjustments to Management budgets in so far as not delegated to officers within the terms of the financial regulations
- (5) To ensure effective supervision of Treasury Management activities, strategy and policies.
- (6) To make arrangements for the collection of the Council Tax and other monies due to the Council.
- (7) To oversee the arrangements for all insurances.
- (8) To oversee the arrangements for risk management.

**Corporate Asset Management**

- (1) To determine and implement the Council's policies in relation to the strategic management of its asset streams in relation to Property, Greenspace, Roads, Fleet and Information systems and Technology.
- (2) To develop and implement the Council's Corporate Asset Management Plan.
- (3) To oversee the management of the Council's Property, Fleet and Information Systems and Technology Assets.
- (4) To consider the acquisition and disposal of the Council's assets, in so far as not delegated to area committees.

**Human Resources**

To oversee the management of the Council's human resources.

**Civic Services**

To deal with all policy matters relating to civic heritage and ceremony (including town twinning).

**Community Planning**

To determine and implement the Council's policies in relation to its statutory role in relation to Community Planning.

**Continuous Improvement**

(1) To determine and implement the Council's policies in relation to the achievement of Best Value.

(2) To consider the Best Value Review and Inspection Programme.

(3) To consider Best Value Reviews from Services as appropriate.

(4) Without prejudice to the duties and responsibilities and delegated authority of other Committees, to review the performance and effectiveness of all the Council's work and the standards and level of service provided, to review the need to retain existing services, and to co-ordinate where necessary all the matters referred to in this sub-paragraph in respect of the Committees and Services of the Council.

(5) To ensure that the organisation and management processes of the Council make the most effective contribution to the achievement of the Council's objectives, to keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the Committee or management structure, or the distribution of functions and responsibilities.

and to determine any matter not delegated to another Strategic Committee or reserved to the Council in terms of this Constitution.

3.5 Development Day

As part of its response to the Accounts Commission Statutory Report Council also agreed at its meeting in January that there would be a Development Day for members of each new Committee to facilitate shared understanding of the key issues to be considered by each committee and to facilitate good governance. It was also agreed that each Committee would develop a work plan and forward agenda.

An outline programme is attached at Appendix 1 to facilitate this process. The purpose of the Development Day is to support Members in their role as a member of the Policy and Resources Committee, to give them background on the role and function of the Committee, to help them develop skills that allow the Committee to fulfil its role, to identify key issues for the Committee to consider and to plan out the work of the Committee over the course of a year.

**4. CONCLUSION**

4.1 This reports sets out proposed terms of reference and an associated development plan for the Policy and Resources Committee. These seek to ensure clarity and sound governance arrangements are in place to support the work of the Committee and Members are invited to provide feedback on the proposed arrangements.

**5. IMPLICATIONS**

Policy -	Clarity on the role and function of the Committee is essential to Policy Development.
Financial –	None.
Legal -	None.
HR -	None.
Equalities -	These proposals have no adverse impact on equal opportunities
Risk -	Lack of clarity could impede effectiveness of Committee.
Customer	None
Service -	

**Executive Director of Customer Services**

For further information contact: Charles Reppke 01546 604192

**DRAFT AGENDA  
POLICY AND RESOURCES COMMITTEE DEVELOPMENT DAY  
DAY AND DATE & VENUE TO BE CONFIRMED**

**10.00 Welcome and introductions**

**10.15 Strategic Policy Context (60 mins)**

- National Policy Framework
- Single Outcome Agreement
- Health & Social Care Integration
- External Partnerships
- Vision and Strategic Direction

**11.15 Tea/Coffee**

**11.30 The Role of the Policy and Resources Committee (45 mins)**

- What is the Committee seeking to achieve?
- What are the performance measures?
- How do you assess effectiveness?
- What level of engagement internal/external does there need to be?

**12.15 Working with other Committees (45 mins)**

- How does Committee work in conjunction with:
  - Council
  - Community Services Committee
  - EDI Committee
  - PRS
  - Audit
  - PPSL
  - Area Committees
  - Community Planning
  - LNCT

**13.00 Lunch (45 mins)**

**13.45 The 2014-15 Committee Plan (45 mins)**

- Approach to Policy Development
  - Strategic policy objectives and priorities
  - Voluntary Organisations
  - External Financial Assistance
  - Equalities and Diversity
  - Financial Resources
  - Corporate Asset Management
  - Human Resources
  - Civic Services
  - Community Planning
  - Continuous Improvement
  - Other areas of work

**14.00 Working together as the Policy and Resources Committee (45 mins)**

- How do you operate?
- Collective responsibility to reach a view on effectiveness
- Your skills and your development needs

**15.15 Tea/Coffee**

**15.30 A Year In the Life of the Policy and Resources Committee (30 mins)**

- What do you expect to see at each meeting?



---

**ARGYLL AND BUTE COUNCIL****POLICY AND RESOURCES****STRATEGIC FINANCE****COMMITTEE****15 MAY 2014**

---

**FINANCIAL REPORTING 2014-15**

---

**1 SUMMARY**

- 1.1 This report sets out the proposed arrangements for financial reporting to the Policy and Resources Committee during 2014-15. The report also sets out some proposals to consider changes to the format, content and timing of financial reports.

**2 RECOMMENDATIONS**

- 2.1 The arrangements for financial reporting during 2014-15 are approved.
- 2.2 The proposals to review the format and content of the financial reports are noted and the Head of Strategic Finance is authorised to investigate these changes further.

**3 DETAIL****Introduction and Timescale**

- 3.1 Following the changes to the Councils political management arrangements most of the financial reports will now be submitted to the Policy and Resources Committee rather than the full Council. With this in mind it was thought useful to report to Policy and Resources Committee details of the proposed financial reporting regime for 2014-15. During 2014-15 regular financial reports monitoring the ongoing position in relation to revenue budget, capital plan, reserves and treasury management will be reported to Policy and Resources Committee. A timetable for reporting is set out later in this report. The 6 monthly reports in relation to cash flow support loans granted under delegated powers will be reported to Policy and Resources Committee in May 2014 and December 2014.
- 3.2 The unaudited accounts, audited accounts and external auditors annual report will be reported to full Council and Audit Committee. The treasury management monitoring reports, treasury and investment strategy and treasury annual report will also be reported to the Performance Review and Scrutiny Committee in its role as Scrutiny Committee for treasury matters. The treasury and investment strategy and treasury annual report also require to be reported to the full Council.
- 3.3 Traditionally financial reports have been prepared and submitted to members on a quarterly basis as at end of June, September and

December. Routine financial reports have covered revenue budget monitoring, capital plan monitoring and treasury management monitoring. A comprehensive pack of budget papers is submitted to Council in February. During 2013 a revenue budget outlook report was submitted to the Council periodically.

- 3.4 It is proposed to submit financial reports to the Policy and Resources Committee on what is roughly a 2 monthly basis. The table below sets out the reporting timescale:

Date of P&R Committee	Report at end of
21 August 2014	June
30 October 2014	August
18 December 2014	October
5 February 2015	December
19 March 2015	January

- 3.5 The first full set of reports will be submitted to the Policy and Resources Committee on 21 August 2014. These will be based on the position as at 30 June 2014.

- 3.6 There is a reasonable period of time available to develop and review the format and content of the various financial reports. The intention is to have the templates for the revised financial reports finalised by the end of June 2014/early July 2014. This allows sufficient time for staff to work with these in preparing the financial reports as at 30 June 2014 for submission to the Policy and Resources Committee in August 2014.

- 3.7 It is proposed to develop a set of draft templates for the financial reports in early to mid June 2014. Once the draft templates are available they will be circulated to all members for comment. If it was helpful a separate online (Lync) or face to face meeting with those members who wished to participate could be held to discuss the draft templates. The templates would then be finalised after considering feedback. Any comments that members wished to submit in advance of drafting the templates would be welcome and those received by 31 May 2014 would be taken into account in preparing the first draft of the templates.

**Revenue Budget**

- 3.9 Reports in relation to the revenue budget will cover:
- Monitoring of the current years revenue budget to ensure net expenditure is contained within budget.
  - Monitoring of savings proposals for 2014-15 and 2015-16 revenue budgets.

- Monitoring changes to the 2015-16 budget.
- Monitoring of financial risks.

- 3.10 The format and content of the revenue budget monitoring report will be reviewed. The focus of this will be to combine the corporate and departmental reports into a single report and to eliminate any duplication. The reports will still include comparisons with budget on a forecast outturn and year to date basis. The main report will seek to identify key issues/points with any detailed cost centre explanations moved to an Appendix. A review of the thresholds for detailing what a significant variation is will also be carried out. The use of tables and graphs/charts will be reviewed.
- 3.11 Members agreed an approach to the budget for 2014-15 and 2015-16 that required departments to achieve 1% saving. Proposals for these have been developed for 2014-15 and will be developed during 2014-15 for 2015-16. It is planned to develop a separate report on these to set out progress with achievement of the savings. The format has still to be developed but the principles behind the approach would be to have a Council wide overview followed by a summary for each department with detailed information only provided where required.
- 3.12 The Council set a 2 year budget in February 2014. This effectively set the budget for 2015-16. It will however be necessary to monitor the budget prior to the council tax being set in February 2015. Regular reports on this will be submitted to Policy and Resources Committee. The format of these reports has still to be developed but will include a comparison between the budget assumptions approved in February 2014 and current/updated budget assumptions with an assessment of impact and explanation of any changes This will allow any changes up and down to be identified in relation to the base budget, pay costs, inflation, cost/demand pressures and funding etc.
- 3.13 The Council has monitored financial risks for the last couple of years. The current approach and report is cumbersome and would benefit from a review. It is planned to carry out this review as part of the review of financial reporting. The principles to be adopted in looking at how we report on financial risks in the future will be to have a high level council wide overview followed by departmental summaries setting out an overall financial risk assessment for the department and the key financial risks for each department. Any detailed information would only be included in reports on an exception basis.

### **Capital Plan**

- 3.14 The format and content of the capital plan will be reviewed. The capital plan monitoring report has a number of different aspects – financial in terms of monitoring year to date budget, current full year budget, future years total budget and funding and non financial in terms of project

performance. As a result the current report is very long and complex. Consideration will be given to reducing the length of the report and also trying to simplify or present the information in an easier to understand way. This may include providing an overall Council summary and then departmental summaries with key points and explanations but detailed information and explanations would be in Appendices.

### **Reserves**

- 3.15 It is planned to develop a regular financial report on reserves. This will primarily focus on monitoring the spending of earmarked reserves but it will also look at the overall level of reserves.

### **Treasury Monitoring**

- 3.16 A review will be undertaken of the format and content of the treasury monitoring reports. The current report has been in place for a few years and would benefit from a refresh. The report gives information on the current levels and recent transactions in relation to the capital financing limit, total borrowing, temporary borrowing, long term borrowing and investments along with an economic commentary. Much of the information is presented in tables of numbers. Most of this information is important in understanding the treasury position of the Council and consideration will be given to presenting it in a more user friendly manner. The report could be enhanced by providing more of a general overview of overall portfolio of borrowing and adding commentary to explain the link between the information contained in the report and the agreed treasury and investment strategies.

## **4 CONCLUSION**

- 4.1 This report sets out proposals for financial reporting during 2014-15.

## **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

For further information please contact Bruce West, Head of Strategic Finance  
01546-604220

Bruce West,  
Head of Strategic Finance  
25 April 2014

---

**ARGYLL AND BUTE COUNCIL**
**POLICY AND RESOURCES**
**STRATEGIC FINANCE**
**COMMITTEE**
**15 MAY 2014**


---



---

**SIX MONTHLY REPORT ON CASH FLOW SUPPORT LOANS**


---

**1 SUMMARY**

- 1.1 This report sets out a summary of the cash flow support loans dealt with through delegated powers. There have been no loans granted since the delegation was agreed.

**2 RECOMMENDATIONS**

- 2.1 This report is for noting.

**3 DETAIL**

- 3.1 The Council on 23 January 2014 agreed a delegation to the Head of Strategic Finance to approve cash flow support loans to voluntary organisations. The report submitted to the Council on 23 January 2014 set out a number of conditions that require to be met in order for the cash flow support loans to be approved by the Head of Strategic Finance.
- 3.2 One of the conditions of the delegation was that a 6 monthly report be submitted to the Council setting out the loans approved, payments advanced, repayments made and the balance outstanding. It is assumed this now falls within the remit of the Policy and Resources Committee rather than Council.
- 3.3 Reports will be made as far as possible in or around May/June and November/December each year. This is the first report and covers the period from 24 January 2014 to 30 April 2014. During this period no loans have been approved. Accordingly no payments or repayments have taken place and there is no balance outstanding.
- 3.4 Future reports will set out the following information in an Appendix:

Borrower	Date Approved	Amount Advanced	Amount Repaid	Balance Outstanding

**4 CONCLUSION**

- 4.1 No cash flow support loans have been allocated by delegation power since delegated authority was approved on 23 January 2014.

**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

For further information please contact Bruce West, Head of Strategic Finance  
01546-604220

Bruce West,  
Head of Strategic Finance  
24 April 2014

---

**ARGYLL & BUTE COUNCIL****POLICY AND RESOURCES COMMITTEE****DEVELOPMENT &  
INFRASTRUCTURE SERVICES****15 MAY 2014**

---

---

**GUIDANCE POLICY FOR USE OF PAVEMENTS – CAFÉ CULTURE**

---

**1. SUMMARY**

- 1.1 This report is a covering report to a policy document that proposes guidance and rules for the occupation of areas of footways by Pavement Cafés.

**2. RECOMMENDATION**

- 2.1 Members are asked to:

- Note the decision of the Environment Development and Infrastructure Committee.
- Note that the policy has been the subject of a public consultation and the comments that have been received.
- Approve the Pavement Café Policy.

**3. BACKGROUND**

- 3.1 The demand for pavement cafés and display of goods is increasing across Argyll & Bute, in particular in the towns that have had public realm improvements.
- 3.2 There is a need to regularise and control the superficial use of public footways to ensure that the purpose of the footway, i.e. a pedestrian thoroughfare, is not compromised. There are many different users of footways with varied and sometimes conflicting needs. Visually impaired, wheel chair users, people pushing prams, small children, the elderly and individuals going about their day to day travels.
- 3.3 The Council has a number of responsibilities to all users of the public realm. As Roads Authority there is a liability to maintain safe and unhindered passage for all. As Planning Authority there is a liability to ensure that any development is appropriate and sensitive to its surroundings. As a licencing authority to ensure by-laws and liquor control is not infringed.
- 3.4 Charges are applicable for obtaining the necessary consents that are required. Planning Approval is statutory and fees are set nationally at £382 whilst a Pavement Café License is a Council controlled standard charge which will be set at £165. This report proposes that the Pavement Café Licence fee of £165 shall be waived for the

first year following the introduction of the policy. The proposal to waive this fee is to help stimulate economic activity and to actively promote an alternative culture which should add diversity to our towns.

- 3.5 Scottish Government is currently considering alterations to Permitted Development Rights which may mean in some scenarios 'Pavement Cafés' shall not require planning consent. The change in legislation is not likely to be enacted until late summer 2014 and shall only apply to Cafés / Restaurants where there remains 3 metres worth of unobstructed pavements. Public houses and larger pavement cafes will still require full planning consent.
- 3.6 It is proposed that this Policy is implemented by August 2014 with the Pavement Licence Fee being waived until August 2015 across the whole of Argyll and Bute. This will provide a transitional period allowing individual businesses time to adjust and work to the policy.
- 3.7 It is not intended that the policy would be applied to business premises such as fruit and veg businesses where a narrow display of goods is provided at the front of the building and where this does not impact on the free flow of pedestrian movements. Such examples are considered not to be significant and are out with the scope of this policy.
- 3.8 By 7th May, immediately prior to the agenda pack being finalised for this committee 5 comments had been received to the consultation. In general the comments received are seeking further clarification of the proposals but do not, in the view of officers, necessitate further amendments to the policy. These have been attached at Appendix 4 to this report. A verbal update will be given to the Committee regarding any further comments received.

#### **4. PROPOSALS**

- 4.1 The attached document details the information required, the management rules, the application process and the costs involved in the application.

#### **5. CONCLUSION**

- 5.1 By setting out the Council's position and a clear management strategy traders will be able to consider the viability, and practicality of considering setting up pavement cafés and external displays.
- 5.2 A uniform process will be in place across Argyll & Bute for management of pavement occupation by cafés and product displays.

#### **6. IMPLICATIONS**

- 6.1 Policy – Promotes management and control of occupation of areas of pavement for the benefit of the majority of users and can help town centre regeneration.



- 6.2 Financial – Can help with town centre regeneration. Direct income to the Council is negligible.
- 6.3 Personnel – Not significant.
- 6.4 Equal Opportunities – Policy ensures sufficient space is maintained for all pedestrian users.
- 6.5 Legal – regularises use of footways and avoids contravention of (Roads Scotland) Act 1984.

## **7. APPENDICES**

Appendix1 – Extract of Minute of Environment, Development and Infrastructure Committee held on 10 April 2014

Appendix 2 – Report to Environment, Development and Infrastructure Committee held on 10 April 2014

Appendix 3 - Development and Infrastructure Services Guidance Policy For Use Of Pavements – Café Culture

Appendix 4 – Comments received on online policy consultation

**Executive Director of Development and Infrastructure**  
March 2014

**For further information contact:** Jim Smith – Head of Roads and Amenity Services

---

**ARGYLL & BUTE COUNCIL**

**POLICY AND RESOURCES COMMITTEE**

**DEVELOPMENT &  
INFRASTRUCTURE SERVICES**

**15 MAY 2014**

---

**EXTRACT OF MINUTE OF THE ENVIRONMENT, DEVELOPMENT AND  
INFRASTRUCTURE COMMITTEE HELD ON 10 APRIL 2014**

---

**6. CAFE PAVEMENT LICENCES**

The Committee considered a report proposing guidance and rules for the occupation of footways by pavement cafes and the display of goods for sale in Argyll and Bute.

**Decision**

The Committee –

1. Noted and endorsed the report subject to the addition of -
  - a paragraph highlighting the liquor licensing requirements as part of any application;
  - a paragraph making it explicitly clear that the Council has the right to withdraw permission of a pavement café licence if so advised.
2. Approved that the Pavement Café Licence Policy be taken to the Policy and Resources Committee for approval as a Council Policy.
3. Approved that in the interim, prior to the Policy and Resources Committee that the Policy is posted on the website seeking comments from stakeholders highlighting the statutory obligations that must be adhered to as part of any pavement café licence.

(Reference: Report by Executive Director – Development and Infrastructure dated March 2014, submitted)

---

**ARGYLL & BUTE COUNCIL**

**ENVIRONMENT, DEVELOPMENT AND  
INFRASTRUCTURE COMMITTEE**

**DEVELOPMENT &  
INFRASTRUCTURE SERVICES**

**10 APRIL 2014**

---

**GUIDANCE POLICY FOR USE OF PAVEMENTS – CAFÉ CULTURE**

---

**1. SUMMARY**

- 1.1 This report is a covering report to a policy document that proposes guidance and rules for the occupation of areas of footways by Pavement Cafés and The Display of Goods for Sale in Argyll & Bute.

**2. RECOMMENDATION**

- 2.1 Members are asked to:

- Note and endorse the report.
- Approve that the Pavement Café Licence Policy be taken to the Policy and Resources Committee for approval as Council policy.
- Approve that in the interim, prior to the P&R committee that the policy is posted on the website seeking comments from stakeholders.

**3. BACKGROUND**

- 3.1 The demand for pavement cafés and display of goods is increasing across Argyll & Bute, in particular in the towns that have had public realm improvements.

- 3.9 There is a need to regularise and control the superficial use of public footways to ensure that the purpose of the footway, i.e. a pedestrian thoroughfare, is not compromised. There are many different users of footways with varied and sometimes conflicting needs. Visually impaired, wheel chair users, people pushing prams, small children, the elderly and individuals going about their day to day travels.

- 3.10 The Council has a number of responsibilities to all users of the public realm. As Roads Authority there is a liability to maintain safe and unhindered passage for all. As Planning Authority there is a liability to ensure that any development is appropriate and sensitive to its surroundings. As a licencing authority to ensure by-laws and liquor control is not infringed.

- 3.11 There is a desire to encourage “pavement café culture” in our town centres as it adds to the vibrancy of the townscape, provided it is done well. Displaying goods for sale can also add to the diversity and dynamics of town centres. There is a need to set limits and rules for what is acceptable and what is not.
- 3.12 Charges are applicable for obtaining the necessary consents that are required. Planning Approval is statutory and fee set nationally at £382 whilst a Pavement Café License cost £165 which is a Council controlled standard charge. This report proposes that the Pavement Café Licence fee of £165 shall be waived for the first year following the introduction of the policy. The proposal to waive this fee is to help stimulate economic activity and to actively promote an alternative culture which should add diversity to our towns.
- 3.13 Scottish Government is currently considering alterations to Permitted Development Rights which may mean in some scenarios ‘Pavement Cafés’ shall not require planning consent. The change in legislation is not likely to be enacted until late summer 2014 and shall only apply to Cafés / Restaurants where there remains 3 metres worth of unobstructed pavements. Public houses and larger pavement cafes will still require full planning consent.
- 3.14 It is proposed that this Policy is implemented by August 2014 with the Pavement Licence Fee being waived until August 2015 across the whole of Argyll and Bute. This will provide a transitional period allowing individual businesses time to adjust and work to the policy.
- 3.15 It is not intended that the policy would be applied to business premises such as fruit and veg businesses where a narrow display of goods is provided at the front of the building and where this does not impact on the free flow of pedestrian movements. Such examples are considered not to be significant and are out with the scope of this policy.
- 3.16 It is proposed that Members agree for the draft policy document being made available through the Council’s web site and that stakeholders are actively encouraged to comment on the draft policy. Any comments received are to be considered by the Policy and Resources Committee prior to approval of the policy document.

#### **4. PROPOSALS**

- 4.1 The attached document details the information required, the management rules, the application process and the costs involved in the application.

#### **5. CONCLUSION**

- 5.1 By setting out the Council’s position and a clear management strategy traders will be able to consider the viability, and practicality of considering setting up pavement cafés and external displays.

- 5.2 A uniform process will be in place across Argyll & Bute for management of pavement occupation by cafés and product displays.

## **6. IMPLICATIONS**

- 6.2 Policy – Promotes management and control of occupation of areas of pavement for the benefit of the majority of users and can help town centre regeneration.
- 6.2 Financial – Can help with town centre regeneration. Direct income to the Council is negligible.
- 6.3 Personnel – Not significant.
- 6.6 Equal Opportunities – Policy ensures sufficient space is maintained for all pedestrian users.
- 6.7 Legal – regularises use of footways and avoids contravention of (Roads Scotland) Act 1984.

## **7. APPENDIX**

Development And Infrastructure Services Guidance Policy For Use Of Pavements – Café Culture

**Executive Director of Development and Infrastructure**  
March 2014

**For further information contact:** Jim Smith – Head of Roads and Amenity Services

This page is intentionally left blank



# DEVELOPMENT AND INFRASTRUCTURE SERVICES GUIDANCE POLICY FOR USE OF PAVEMENTS – CAFÉ CULTURE

<b>Authors</b>	Bill Weston, Ross McLaughlin, Helen Ford and Susan Mair
<b>Owner</b>	Head of Roads and Amenity Services
<b>Date</b>	March 2014
<b>Version</b>	1.2

# CONTENTS

---

Guidance for Use of Pavements – Flow Chart	3
Policy Context	4
Appendix A – Things to Consider	7
Appendix B – Standard Conditions For Pavement Café Licences And The Display Of Goods For Sale On The Public Highway	10
Appendix C - Information Required When Submitting a Planning Application	13
Appendix D - Public Realm Areas Used For Outdoor Cafés	14

# INTRODUCTION

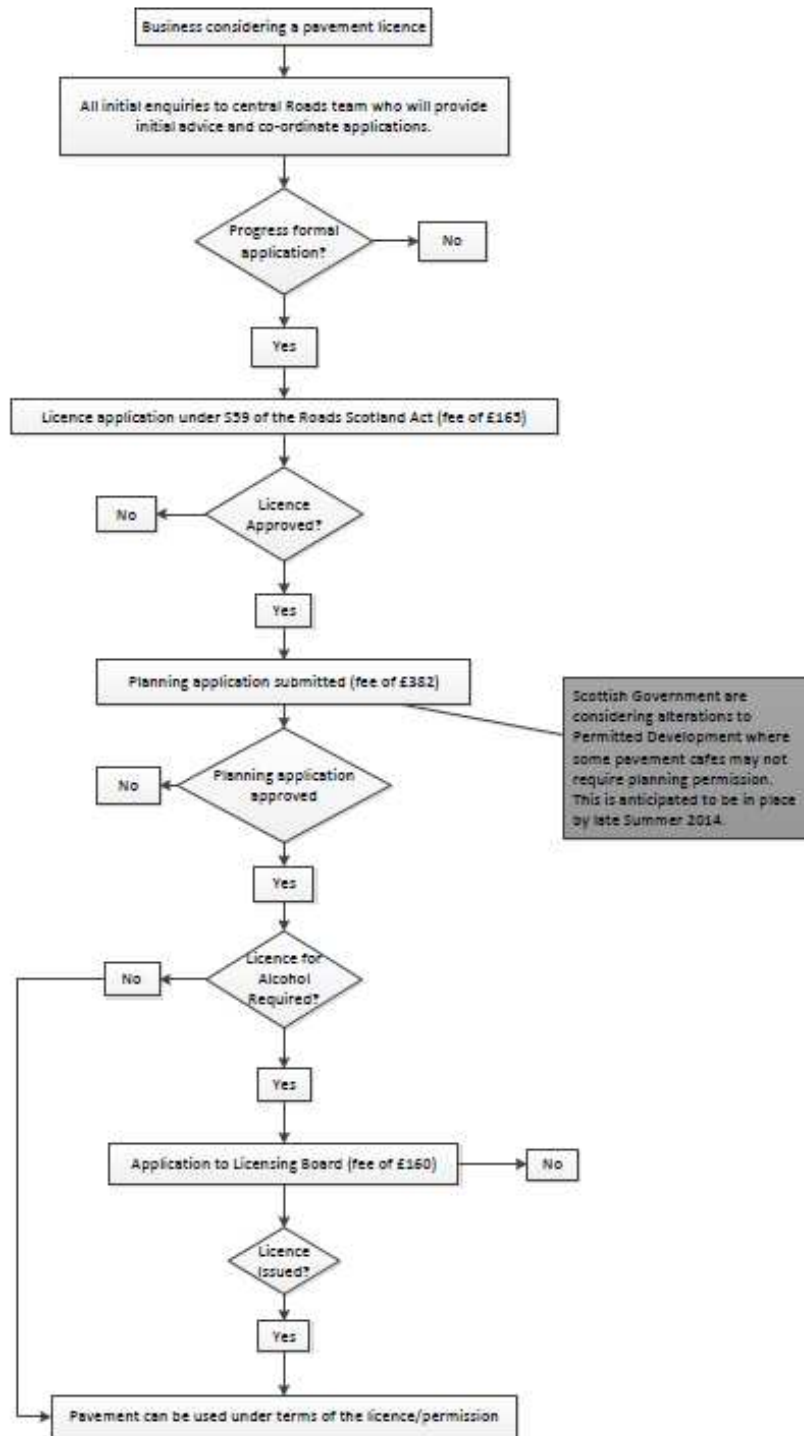
---

This policy has been developed holistically to enable consideration to be given to road/footway use, planning matters and licencing for establishments serving alcohol. The pre-application engagement has been designed to make the process as straight forward as possible for business seeking to provide facilities within open public areas.

This policy has also been designed with a view to encouraging economic activity and improving experience for residents and visitors alike.



# GUIDANCE FOR USE OF PAVEMENTS



# Guidance for Use of Pavements - Café Culture

---

## Policy Context

The Council seeks to protect and enhance the vitality and viability of Argyll and Bute's town centres by working positively with retailers / traders and encouraging the development of a mix of retail and other related uses in our core shopping areas.

If appropriately managed, the provision of outdoor tables and chairs or display of goods on the pavement adjacent to shop fronts can add life and vibrancy and can be a real asset to a town centre. It can also assist in the overall creation of a more social setting by attracting visitors and economic spend (Café Culture).

The Council supports the development of Café Culture through the Local Plan and provisions of footpath widening and improvements to public realm as part of the CHORD Project in our towns. Notwithstanding this, certain consents and authorisations must be obtained to allow individual retailers / traders to use the footpaths for their activities.

## Consents

Tables, chairs or display of goods on Council controlled pavements can add character to an area however if they are not carefully managed pedestrians may be put in danger. People with impaired vision, in wheelchairs or with prams can be particularly disadvantaged. In some places, people eating or drinking outdoors can also cause considerable noise nuisance for residents and impede access for emergency vehicles. The visual appearance and size (no. of tables) must also be taken into consideration on a case by case basis.

Most retailers / traders will be responsible and shall be very well aware of the capacity of the pavement outside their property for diversification so will quickly identify the most suitable solution and obtain the necessary consents. The traders will also need to consider how they will monitor, manage and insure their goods, customers or furniture outside of their premises. **Please see 'Things to Consider at Appendix A.' and 'Public Realm Areas used for Outdoor Cafés at Appendix' D**

To ensure the safe and efficient management of pavement uses 3 consents are likely to be required from the Council prior to the commencement of trade:-

1. Roads Authority Consent
2. Planning Consent – Change of Use
3. Licence / Amendment to Licence (where sale of alcohol involved)

The Council offers free pre-application service on all of these matters and it is strongly advised that early contact is made with the relevant service. The Council shall endeavour to deal with requests and application for consent as quickly as possible.

## 1 - Roads Authority Consent

The first step in the process is to obtain a Roads Authority Consent (sometimes referred to as a pavement licence).

### Roads (Scotland) Act 1984

Section 59 of the above Act states:

*“...nothing shall be placed or deposited in a road so as to cause an obstruction except with the roads authority’s consent...”*

In considering an application the Council must ensure that sufficient footway width is retained for pedestrians to move about safely and will require indemnity against liability for injury to third parties caused by the presence of the tables, chairs and related items.

The Council will usually stipulate that at least 1.8m of footway is retained unobstructed for pedestrians.

Suitable boundary enclosure, opening hours and statement of management shall also be requested as part of the Road Authority Consent Process.

You will be required to submit:-

- Plan at 1:500 & a location plan at 1:1250
- Application Fee of £165
- Proof of Indemnity Insurance
- Statement of Management Arrangements
- Risk Assessment

All Licences shall be subject of an annual review at a charge of £56 and be required to operate under the Councils Conditions as set out in **Appendix B**.

We recommend early engagement prior to the submission of your application with your local Roads Officer which is free of charge. The application process usually takes between 2 and 3 weeks to process.

### Enforcement

Traders who do not obtain the necessary consents or persistently breach the conditions outlined at **Appendix B** may have their outdoor furniture removed by Council Officers.

## 2 - Planning Consent – Change of Use

Planning consent is required for the change of use of pavement area into a seating or display of goods area. Any planning application should only be progressed **AFTER a Roads Authority Consent has been obtained**. This is because the acceptability of a proposal is heavily reliant on the views of the Council’s Road Engineers in terms of accessibility, safety and sightlines. The fee for a Change of Use application is £382 and once implemented shall be limited to a time period of 5 years.

The Local Plan generally supports the development of Class 1 (*Shops*) and Class 3 (*Food and Drink*) in our defined town centres under Policy LP RET1 and LP RET2.

The Planning Department shall also review the proposal in the context of the existing streetscape and surrounding land uses. They will take into consideration the size, boundary / enclosure treatment, appearance, proximity of residential properties, cumulative impact and views of the public following consultation. A separate Listed Building Consent may be required where tables/enclosures are proposed to be attached to a Listed Building.

The Change of Use application should be accompanied with the details outlined at **Appendix B**.

Please note that the Scottish Government are currently considering alterations to Permitted Development Rights which may mean in some scenarios 'Pavement Cafés' shall not require planning consent. The change in legislation is not likely to be enacted until late summer 2014 and shall only apply to Cafés / Restaurants where there remains 3 metres worth of unobstructed pavements. Public houses and larger pavement cafes will still require full planning consent.

### **3 - License (where sale of alcohol involved)**

Any premises that is licensed to sell alcohol and wishes to have an outside seating area will require to apply to Argyll and Bute Licensing Board for a variation to their licence. As this will result in an increase in the capacity of the premises then it falls within the category of a major variation and the fee is £160. Advice and guidance on the process can be obtained by contacting the Licensing team on 01546 604128.

It is also worth noting that there are byelaws in place in various areas throughout Argyll and Bute, including the main towns, which make it a criminal offence to consume alcohol in public places. A public place would include the pavement area. The byelaws do not apply, however, to any area that has been licensed as detailed above. Accordingly, provided the outside area/ pavement café has been licensed then anyone consuming alcohol within that area is not committing an offence. For enforcement purposes, it is important that the extent of the outside area is marked out in some way, perhaps by markers or bollards.

# APPENDIX A – THINGS TO CONSIDER

---

Before a trader or retailer comes forward to the Council with their proposal to use the pavement for seating or display of goods there are a number of things for them to consider and submit as part of their applications for planning or road authority consent.

Things to consider:-

1. **Space** - Is there room for the use as proposed and existing pavement users?
2. **Environment** - Is the quality of the furniture and immediate environment suitable for the use proposed?
3. **Neighbours** - How will the proposed use affect the neighbouring properties?
4. **Management** - Does the proposal meet the various criteria outlined in legislation and can it be operated in a safe and supervised manner?

## 1. Space

The extent of the seating or display of goods area will be agreed in each individual case, but an overriding principle is that it must not unduly impede public or private access within the street and to and from buildings.

The width of an outdoor seating area or display of goods will normally be no greater than the frontage of the premises from which it is served. The appropriate depth will be determined by its location on the highway; however a minimum width of unobstructed highway of 1.8 metres must usually be provided for safe and convenient pedestrian movement. This allows wheelchairs and prams to pass comfortably and provides a reliable, safe route for visually impaired pedestrians; however, in some cases additional width will be required in streets where there is a high level of pedestrian activity or permanent obstructions such as street furniture.

Tables and chairs should normally be placed adjacent to premises, at the back (building side) of the footway. In special areas this requirement may be waived. The positioning of tables and chairs should never discourage pedestrians from using the footway. There should generally not be a situation where trays of drinks or food are carried across thoroughfares. Any remote areas should be provided with independent facilities i.e. coffee machines, fridges and the like, this would be an exception to the norm.

## 2. Environment

The extent of the outdoor seating area must be clearly defined by an enclosure. This will ensure that a clear movement zone is retained for all users and emergency vehicles and that the pavement cafes do not expand.

The detailed design of any form of enclosure will be considered on their merits, but in all cases they must be of a temporary nature, able to be erected and demounted easily. Posts and chains/ropes and railings should not create a hazard for visually impaired people. Where screens are used, solid panels should not extend above

0.9m in height from the ground. Whatever is used to enclose an area there should be a tonal contrast with the background but should not be too visually dominant.

The external corners should provide some form of visual contrast for easy identification by partially sighted people. A low level-tapping rail should be incorporated into the enclosure. Planting in containers is acceptable where this does not extend beyond the defined area, does not stain the paving, and are free standing so they can be removed if required.

Details of any outdoor heaters / parasols for use must be included within the drawings at the time of application.

Advertising within an outdoor seating area is not permitted without obtaining consent from the Council. Requirements for this approval include the submission of photographs or brochures to identify the material, colour and design whether it is to be sited on a banner, poster, flag, umbrella or other structure.

Proposals will be considered individually on their merits in terms of design, materials and colour. Plastic garden furniture, wooden picnic benches or generic branded enclosures (ie – name of a brewery) will not normally be considered to be appropriate. Tables and chairs should be separate to allow for a variety of configurations and must be high quality and robust.

The provision of external seating or display of goods should not detract from the visual amenity of the area.

### **3. Neighbours**

It is vitally important that the needs of adjoining properties, nearby residents, pavement users and delivery/emergency services are fully considered when proposing a use on the highway. These needs will be examined closely by the authorities dealing with the formal applications made under the current legislation. It may be helpful if you have consulted with your neighbours before submitting the formal application. The hours and days of use of the tables and chairs may be restricted to prevent nuisance to local residents and businesses.

### **4. Management**

The extent of the outdoor seating area or display of goods will normally be directly in front of the premises that it serves to allow for robust surveillance and accountability. It will be the responsibility of the retailer / trader to ensure that the conditions of the road consent, planning permission and alcohol licence are adhered to along with the safe maintenance of their furniture. The trader / retailer will be responsible for the behaviour of and actions by his customers whilst in the consented pavement area.

At all times (particularly in poor weather conditions) it shall be the sole responsibility of the trader / retailer to ensure the safe use of their outdoor furniture.

Where there is already internal seating associated with the building additional toilet facilities may be required if overall occupancy figures are increased. The approved licensed area will be kept clean and litter free; and every effort should be made to ensure that litter does not stray onto neighbouring areas.

The responsibility for removing tables and chairs and other obstructions from the highway rests with the owner/operator of the premises.

# APPENDIX B - STANDARD CONDITIONS FOR PAVEMENT CAFÉ LICENCES AND THE DISPLAY OF GOODS FOR SALE ON THE PUBLIC HIGHWAY

---

1. The boundary and layout of the Pavement Café as defined by the plan attached to the Licence shall be adhered to at all times. A copy of the licence with this plan must be displayed at the premises at all times.
2. All activity associated with the Pavement Café shall be within the boundary. This includes tables, chairs, menu boards, advertising etc.
3. Pavement cafés will only be permitted where adequate footway width is available. Generally there must be a remaining width of thoroughfare between the proposed café and any street furniture or the kerbline of half of the width of the footway to a minimum width of 1.8 metres. Where an area of footway is to be used for the display of goods for sale, the permitted area will normally be restricted to 1 metre in depth across the frontage of the premises. i.e. extending 1 metre from the front of the building into the footway. In exceptional circumstances and where the width of the footway permits a depth of 1.5 metres may be allowed at the discretion of the local roads office .
4. Planning approval will also be required for the Pavement Café.
5. The Licensee shall comply with Food Hygiene Regulations and any other relevant regulations applying to the sale of food.
6. The Licensee shall ensure tables are immediately cleared when customers have finished eating to minimise attraction of birds and flying insects.
7. The licensee shall provide a written assessment of the risks to which their employees are exposed whilst at work and must also assess whether there are risks to members of the general public that arise out of the general conduct of their business specifically in relation to the highway. Following assessment and identification of risk, a course of action shall be implemented to either eliminate the risk or reduce it to its lowest reasonably practicable level. Reviews of risk assessments shall always be carried out when there is reason to suspect that a current assessment is no longer valid (and the result of the review must be written down).
8. No permanent obstruction will be allowed in the footways within the Pavement Café area that may cause a safety hazard to users of the public highway. No Advertisement Boards shall be allowed outside of the designated area.



9. The designated area will be delineated by barriers which present an adequate visible reference for partially sighted pedestrians, their design and nature will require to be agreed by the Council prior to use. For the display of goods for sale, an adequate toe rail must be provided, such that visually impaired cane users can identify the obstruction.
10. The licensee shall keep the area within the boundaries clean and litter free. Any litter that escapes from the inside of the licensed area to the outside of the area shall be collected by the Licensee.
11. Suitable litter/refuse bins shall be provided within the Pavement Café area at all times of operation. The Licensee shall be responsible for disposing of all waste produced at the Pavement Café.
12. The licensee shall be responsible for ensuring the immediate cleaning of spillages etc. in the Pavement Café and surrounding areas. At the end of each trading session the entire Pavement Café area shall be cleaned.
13. Standard types of crockery, i.e. china cups and saucers, used within the premises may also be used within the pavement café.
14. Outside of the permitted licence hours, all furniture must be removed from the footway and stored safely.
15. The maximum permitted hours of operation will be between 8.30 am and 9.00 pm. Note these are MAXIMUM HOURS. The Licence for particular premises may specify permitted hours that are less than the maximum.
16. The Licensee shall ensure that the Pavement Café operates in a safe and efficient manner at all times, and that there is not a safety risk or nuisance caused to other users of the public road or nearby premises.
17. The Licensee shall be responsible for the conduct of people, both patrons and employees, within the Pavement Café area. Unruly or rowdy behaviour will not be tolerated and may lead to the refusal of a renewal of licence.
18. Only patrons seated at tables should be served or permitted within the pavement café.
19. To reduce the likelihood of nuisance being caused, the playing of amplified music is not permitted within the Pavement Café area or outside of the premises without the prior written approval of the Council.
20. The licensee must take out Public Liability insurance cover for the Pavement Café and shall indemnify the Council against all claims in respect of injury, damage or loss arising out of the granting or permission, (e.g. damage to the road or street furniture) to a minimum value of £5,000,000 unless such claims arise of the Council's own negligence.
21. The Council can, with two days' notice, require the Pavement Café to cease operation to allow utility or road or footway repairs to be undertaken. Neither the Council nor any

public utility company will be liable for any loss of income attributable in any way to repair and/or maintenance of any road, footway, pavement or public services, to be laid, or already laid within the pavement.

22. The licence will be subject to annual review. Notwithstanding the foregoing, however, if the Council determine that the operation of the pavement café area is causing undue public nuisance or issues of public disorder then the licence may be terminated on 7 days' notice.
23. If the licensee wishes to serve alcohol in the pavement café area then they will require to obtain the necessary licence/ approval in terms of the Licensing (Scotland) Act 2005 from Argyll and Bute Licensing Board.

# APPENDIX C - INFORMATION REQUIRED WHEN SUBMITTING A PLANNING APPLICATION

---

In submitting your planning application for a change of use, you are required to submit the following:

- A completed application form (*available on Council website*)
- The application fee (£382)
- An advert fee (£156) – in certain circumstances where ‘*vacant land*’ is present
- **A Location plan** (1:1250 or 1:2500) showing location of premises (*available from Council*)
- **A Site plan** (1:500 or 1:200) showing boundary, kerb and building lines, points of access and street furniture, including the property, key dimensions, seating and other furniture layout.
- **Elevation plans** with supporting detail if required to show the means of enclosing the pavement – bollards, roped enclosures, banner enclosures.
- **Photos and/or brochures** showing types of furniture, planters, enclosures, umbrellas, etc to be placed on the pavement.
- **A written specification** describing details, materials, hours of operation, goods to be sold, seasons of operation and colours (these could be notes on drawing).

In certain circumstances special additional requests for further information may be added to the license or permission as and when necessary.

# APPENDIX D - PUBLIC REALM AREAS USED FOR OUTDOOR CAFÉS

---

Public realm areas can be very diverse in their structure, layout and nature. In the majority of cases the same issues that affect the establishment of individual street cafés are likely to affect the use of public realm areas as cafés.

It is necessary to regularise the use of public realm spaces in the interests of public safety, the environment and the viability of the businesses adjacent to the area. The Council cannot resource any level of daily management beyond normal street cleaning operations.

Before any organisation can establish any street café in a public realm area they must produce a management plan for the establishment and operation of the street café. In the event that several organisations wish to establish street café facilities in the same general public realm area they must work together to provide one management plan, which will be adhered to by all parties involved in the provision of the facilities. One of the organisations will be required to be the lead organisation, acting on behalf of the others and liaising with the Council. The plan must be submitted to Argyll & Bute Council and be approved by the Council in writing. The plan will be the subject of regular review to ensure it is fit for purpose and is providing the desired controls. Should the organisations providing the facilities fail to implement the plan or fail to adhere to the plan during the operation of the facilities in a manner that the Council believe is to the detriment of the public realm space or public safety authorisation to operate the facilities may be withdrawn. Should authorisation be withdrawn the organisations operating the facilities will cease to do so until further authorisation is given, after resolution of any issues.

## **Management Plan**

In preparing a management plan an organisation or group of organisations shall include measures which address the following issues;

- Public safety, as most public realm areas will also be public thoroughfares the safety of all users of the thoroughfare must be taken into consideration, the potential conflict between café users and other thoroughfare users must be managed to reduce the potential for injury from, for example, scalding with hot drinks
- Environmental issues such as litter, staining of surfaces, grease deposits on surfaces, attraction of pests such as seagulls and vermin, all must be addressed to minimise the effects of such detrimental issues
- Furniture will be required to be secured in bad weather, protected from vandalism and kept in good general appearance and well maintained
- Obstruction of the thoroughfare must be avoided, all users have the right of passage along public thoroughfares, provision must be included for able bodied and those who have additional challenges such as blindness, impaired mobility, wheelchair users and those with prams or pushchairs.
- The general conditions in appendix B should be considered and where relevant addressed when preparing the plan, specific restrictions such as minimum footway

widths need not be adhered to but adequate thoroughfares must be maintained for access by all

- Direct thoroughfare routes along the frontage of premises serving hot drinks to be consumed in areas away from the frontage must be avoided on safety grounds, adequate means of making the path way convoluted, should be explored and included in the design. Access for wheelchairs and prams being maintained

This page is intentionally left blank

## Appendix 4 – Comments received on online policy consultation

1	<p>How will this work for the likes of the Esplanade or Taverna or Black Bull when there is NO public drinking allowed in the town centre? I think this is 10 years too late. Guildford Square is the only place this would work as the rest of the towns pavements are too narrow, so only a few places would benefit. I will be really interested to see how this moves forward!</p>
2	<p>I suspect that there is not consistency in the use of terms within the document. I would have expected that words used in connection with roads and footways would be as defined in the Roads Scotland Act and that words not so defined should be defined for the purposes of this document. What is the definition of a "pavement café"? Is "pavement" a synonym for "footway"? Is "Council controlled pavement" the same as "public footway"?</p> <p>Page 5 – Reference is made to a minimum unobstructed width of footway of 1.8 m. This is very much a minimum, as it allows for only two way Indian file pedestrian traffic – over a short distance this is acceptable; over a longer distance it is a considerable disincentive for pedestrians.</p> <p>Page 7; 1. Space – In the second paragraph of section, on the first occasion that "width" is used it is clearly intended that it is measured parallel to the building face and that "depth" is a dimension perpendicular to that. However, the term "width" is then used in connection with the undefined term "highway" and would appear to relate to a dimension in the same direction as "depth" is used earlier in the same paragraph.</p> <p>It states that an unobstructed width of highway of 1.8 m allows wheelchairs and prams to pass "comfortably"; this last word is perhaps a bit optimistic and would be better expressed as "adequately".</p> <p>In the third paragraph of this section the word "thoroughfare" is used; what does it mean? Does it mean that drink or food is being carried across the carriageway to the opposite side of the road? Does it mean across the area of the footway designated for the passage of pedestrians past the establishment?</p> <p>Page 7; 2. Environment – It is stated that the outdoor seating area must be clearly defined by a defined enclosure. This is a common feature abroad, where it is very often the case that there marks on the footway to define the area, thus allowing the easy setting-out and checking the compliance of the area. This may be done for the relatively short term by discrete paint marks, or more permanently by some form of surface marker, eg small brass plate. If such is not provided, will Argyll and Bute Council check the accuracy of the setting out on a daily basis to avoid creep?</p> <p>Page 10; Section 1 – See note immediately above.</p> <p>Page 10; Section 6 – The inclusion of this is quite a condemnation of the current quality of service provided in catering establishments. Abroad this</p>

	<p>procedure is standard practice whether indoors or out.</p> <p>Page 10; Section 8 – The second sentence seems to be a mere repetition of what is contained in Section 2.</p> <p>Page 13; Site Plan – I would have thought that plans drawn to 1:500 and perhaps 1:200 would result in drawings being so small that the detail could not be seen and that the requirement should be of the same scales as submissions for building control.</p> <p>Page 15; final bullet point – It is not clear after "safety grounds" what is intended. Is it intended that the way for the public not using the establishment should be convoluted, or is it the route which the hot drinks will take that should be convoluted? It would seem to me that the perceived difficulties could be removed by making it a condition that any pavement café area contiguous with the associated permanent premises.</p>
<p>3</p>	<p>I appreciate the local authority giving residents the opportunity to comment on local policies. In principle I think this policy is adequate and the development of café culture should boost tourism in the area. The key points for me are that the license will define boundaries and quality of tables, furniture etc. I note that an annual review will be the norm, however I think this policy would benefit from having a section that show how complaints or issues would be dealt with. I would suggest this should be by instant review if more than 3 complaints have been received. It could be more clear about licenses being withdrawn if businesses fail to follow guidelines and/or have complaints.</p> <p>The success of this will be in the firm management of good quality, café type outlets.</p> <p>I have recently moved in to the area from London. Many of the poorer areas in London have, in my opinion, bad practice with e.g, goods on display on upturned boxes in a haphazard fashion causing the area to look like a third word jumble sale, encroachment into the main thoroughfare, drinkers taking their glasses away from roped off areas and extending out onto the main thoroughfare, rubbish left lying around, shisha cafes, inability of pedestrians to move around freely and safely, intimidating noisy crowds. I think both Licensed premises and shisha cafes bring alcohol/shisha into view and are not a good example to children who may be visiting the area and I would prefer not to see these premises allowed in busy town centre thoroughfares. Outdoor areas on licensed premises also bring smoking out in to the public areas and again, not good for children to see this as normalised behaviour, or indeed not good for the health of any of us who may have to walk past areas with a high density of smoke. For these reasons, numbers in an outdoor café should be kept small.</p>
<p>4</p>	<p>These arrangements need to be administered in an equitable manner throughout our council area. I would like to see Argyll Street, Dunoon highlighted as an area where local businesses are encouraged to improve the customer experience, and embrace the street cafe experience. It needs to be done appropriately with our staff supporting rather than demonstrating any</p>



	hindrance. I know of two similar locations but they are treated differently.
5	<p>The general content of the draft paper is clear and unambiguous; however there are a number of anomalies which may need attention.</p> <ul style="list-style-type: none"> <li>• The licence application starts off as an application under s59 of the Road (Scotland) Act 1984 however the section is only applicable to roads. If the assumption is that the footway or pavement is included in the road aspect of this guidance it should be made clear.</li> <li>• Where does the measurement of 1.8 m clearance of pavement access come from?</li> <li>• The application fee of £165 is undefined, how was this cost estimated? Is this refundable if the application is unsuccessful?</li> <li>• The planning application fee is £382; there is no explanation for this charge? The fee is limited to a 5-year period, does a similar charge occur on reapplication?</li> <li>• The licensing application fee is a further £160, subject to an annual renewal of £56. The total cost of the procedure is £707, which may be increased by a further 'Advert Fee' of £156 where vacant land is present. There is no explanation for the 'advert fee'? The overall cost bears little relation to the limited real estate available outside establishments in Helensburgh for the café culture.</li> <li>• In Appendix B of the draft policy, reference is made to Public Liability insurance cover for the pavement café. It is not clear if this insurance cover is in addition to the insurance cover the establishment must carry, or should be added to the existing cover?</li> <li>• In Appendix C of the policy draft, the possibility is held out for a number of organizations wishing to establish street cafe facilities to work together to produce a management plan. The policy says, "...several organisations wish to establish street café facilities in the same general public realm area they must (emphasis inserted) work together to provide one management plan, which will be adhered to by all parties involved in the provision of the facilities. One of the organisations will be required to be the lead organization..." There are a number of establishments in West Clyde Street Helensburgh that fall into this category. Will the A&amp;B Council organize the necessary requirements?</li> </ul>

This page is intentionally left blank

---

**ARGYLL AND BUTE COUNCIL      POLICY & RESOURCES COMMITTEE**

---

**CUSTOMER SERVICES****15 MAY 2014**

---

**IMPLEMENTATION OF MODERN APPRENTICESHIP SCHEME AND  
WORK PLACEMENTS**

---

**1.      SUMMARY**

- 1.1      A paper outlining the proposal of a Modern Apprenticeship Scheme was presented to the SMT on 7<sup>th</sup> March 2014 and additional information was requested in relation to widening the scope of this project.
- 1.2      The SMT constituted a short-term working group of officers to consider the additional requirements.
- 1.3      This paper reports how the Modern Apprenticeship Scheme will be introduced and expanded within the Council, and how this could be further developed with partners both within and outwith the Council.

**2.      RECOMMENDATIONS**

- 2.1      Note the implementation of a Modern Apprenticeship Scheme to be delivered within the Council (in addition to agreements already in place with external partners through the Argyll and Bute Employability Partnership).
- 2.2      Note the programme of the in-house Modern Apprenticeship Scheme as follows:
- Phase 1 – 16-19 year olds – SVQ level 2 or 3 – Implementation Date August 2014 (plus 2 pilots undertaken April 2014).
  - Phase 2 – 19-24 year olds – SVQ level 2 - 4 (in addition to Phase 1 group) – Implementation date August 2015.
- 2.3      Note the formation of a working group to include representatives from HR, Education, Economic Development, Community Services, Communications Team, the Trade Unions and Community Planning Partners to work together to develop opportunities for 16-24 year olds across Argyll and Bute.
- 2.4      Noted that further research will be undertaken by HR in partnership with Heads of Service/Third Tier Managers which will identify areas where recruitment has been problematic and/or where there are skills gaps in the workforce. This information will assist in

determining which services Modern Apprentices are assigned to and will input to the Skills Audits to be prepared during 2014/15 for each of the four administrative areas of Argyll and Bute, as articulated in the four area-based Economic Development Action Plans, 2013-18.

- 2.5 Note that up to 25 modern apprentices within Council departments during 2014-2015 (subject to the outcome of the research referred to in 2.4). Once the framework is in place this number could be increased subject to the needs of the service and subject to appropriate funding being available.
- 2.6 Notes the appointment of an additional temporary HR Officer post at LGE12 to research, develop and implement a Modern Apprenticeship Scheme within the Council, and to liaise with partners both within and outwith the Council, including the Employability Partnership and other local authorities across Scotland.
- 2.7 Endorse the development of additional projects and initiatives to enhance opportunities for young people in Argyll and Bute of all ages and abilities (including those with supported learning needs), by providing a range of work placements, apprentices and traineeships across a range of departments and at various Council locations; and
- 2.8 Endorse the development of a publicity campaign to positively promote opportunities for young people within the Council and with partners across Argyll and Bute, in liaison with the Communications Team.

### **3 DETAIL**

- 3.1 Departments will need to identify funding for the salary costs for Modern Apprentices, although the training costs will be met by Skills Development Scotland. At this stage, it is intended these costs to the Council will be met from existing budgets.
- 3.2 With regard to the European Structural and Investment Funds, 2014-20, through the Enhanced Employability Pipeline Strategic Intervention being developed for the Scottish Operational Programme, an initial request for funding a Modern Apprenticeship programme has been submitted. However, there is no guarantee that funding will be secured through this strategic intervention and no formal response has been received from the Scottish Government.
- 3.3 A pilot for the Modern Apprenticeship Scheme is currently underway in Customer Services, with two MA posts currently advertised for the Kilmory post-room. Experience gained from this process will be used to inform the process moving forward.
- 3.4 The creation of Modern Apprenticeships posts to the Councils'

establishment will be in line with existing budgetary and hierarchy procedures.

**4 CONCLUSION:**

4.1 This is an exciting opportunity for the Council to develop a number of initiatives which enhance life skills and career choices for young people in Argyll and Bute. However, additional resource will be required from HR and liaison will be required with departments to support this programme, as well as to provide the financial commitment to fund the apprentices' salary costs.

**5 IMPLICATIONS:**

- 5.1 Policy: The Single Outcome Agreement 2013-23:  
Overarching Outcome: Argyll and Bute's economic success is built upon a growing population.  
Outcome 3: Education, skills and training maximises opportunities for all.  
The introduction of a MA Scheme will also complement policies relating to the Health of the Organisation and Workforce Planning.
- 5.2 Financial: Funding is available from Skills Development Scotland for the training element of Modern Apprentices (subject to age restrictions).  
Basic salary costs would need to be met by the employing departments, although 26 weeks of funding will be available from the Youth Employment Fund if a department takes on a young person who has been on an Activity Agreement or is a Looked After Child.  
An additional temporary post will be required within HR at LGE12 for 6 months at a cost of £18,645 - £20,410 depending on the placement within the grade will be funded from existing budget.
- 5.3 Legal: None
- 5.4 HR: Significant support will be required from HR to ensure the procedures for employing Modern Apprentices are compliant with relevant legislation and to work with departments with regard to workforce planning and recruitment issues to identify and prioritise the need for apprentices across the Council.
- 5.5 Equalities: The proposals are consistent with the Council's Equalities policies and will be subject to an Equality Impact Assessment.
- 5.6 Risk Failure to progress a Modern Apprenticeship

programme within Argyll and Bute Council will impact on the life chances of young people across the local authority area and may result in a further out-migration of young people from the area to take up similar opportunities elsewhere, contrary to the overarching aim of the Single Outcome Agreement, 2013-23.

- 5.7 Customer Service A publicity campaign will promote a clear and positive articulation of the opportunities for young people within the Council and with partners across Argyll and Bute.

**Douglas Hendry**  
**Executive Director Customer Services**

For further information contact:

Julie Hallett, HR Officer, Improvement and HR  
Tel: 01546 604343

Document is Restricted

This page is intentionally left blank