

FALKIRK COUNCIL

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 7 MAY 2013 at 9.30 a.m.

COUNCILLORS:

Jim Blackwood
Dennis Goldie
Linda Gow
Adrian Mahoney
Craig Martin (Convener)
Dr Craig R Martin
Malcolm Nicol
Alan Nimmo
Robert Spears

OFFICERS:

Margaret Anderson, Director of Social Work Services
Robin Baird, Waste Strategy Co-ordinator
Bryan Douglas, Licensing Co-ordinator
Nigel Fletcher, Head of Educational Support & Improvement
Rhona Geisler, Director of Development Services
Tracey Gillespie, Human Resources Manager
Rose Mary Glackin, Chief Governance Officer
Colin Moodie, Depute Chief Governance Officer
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Stuart Ritchie, Director of Corporate & Neighbourhood Services
Bryan Smail, Chief Finance Officer

EX1. APOLOGY

Councillor Gerry Goldie.

EX2. DECLARATIONS OF INTEREST

No declarations were made.

EX3. MINUTE

Decision

The minute of the meeting of the Policy and Resources Committee held on 12 February 2013 was approved.

EX4. REFERRALS FROM ECONOMIC STRATEGY AND DEVELOPMENT COMMITTEE – 26 FEBRUARY 2013

(a) FALKIRK DEVELOPMENT PLAN SCHEME 2013

The Executive considered the draft Falkirk Development Plan Scheme which had been referred by the Economic Strategy and Development Committee.

The Council's first Development Plan Scheme was introduced in 2009 and has been updated annually. The Scheme sets out the Council's programme for preparing and reviewing its Development Plan and how it intends to consult with the public and agree its Plan.

Decision

The Falkirk Development Plan Scheme was approved.

(b) DRAFT REVISED SUPPLEMENTARY PLANNING GUIDANCE NOTE: AFFORDABLE HOUSING

The Executive considered a draft revised Supplementary Planning Guidance Note: Affordable Housing which had been referred by the Economic Strategy and Development Committee.

The current SPG note on affordable housing had been revised to a) align it with the revised policy SC4 Affordable Housing as set out in the Local Plan and b) reflect changes in Scottish Government advice and reduced financial support since the SPG was published in September 2012.

Decision

The Supplementary Planning Guidance Note: Affordable Housing was approved.

EX5. REFERRAL FROM SPECIAL ENVIRONMENT AND COMMUNITY SAFETY COMMITTEE – 19 MARCH 2013

(a) REVIEW OF THE TAXI/PRIVATE HIRE VEHICLE LICENSING ARRANGEMENTS

The Executive considered the recommendations arising from the review of the taxi/private hire vehicle licensing which had been referred by the Environment and Community Safety Committee.

The Environment and Community Safety Committee had conducted a taxi review in 2012 and had asked that officers consult with the Falkirk Taxi and Private Hire Car Forum on outstanding areas including – taxi numbers, licence conditions, vehicle tyres, driver standards and advertising. Having considered a report on the

outcomes of the consultation exercise, Committee had made recommendations to the Executive.

In response to a suggestion that taxi and private hire cars be required to use swipe card technology in order to prevent a scenario where a passenger is ejected from a car some distance short of their destination if they have insufficient money available on their person, the Convener acknowledged that this was a matter which should be investigated and that a report would be considered in due course.

Decision

The Executive agreed:-

- (1) in regard to taxi numbers that the current approach continues and that no numerical cap is introduced for taxi operator licences;**
- (2) that the Licence conditions detailed in the volume of appendices are approved (subject to allowing operators to continue to display their company name on the sign on top of the taxi) and that the conditions come into effect on renewal of the relevant licence;**
- (3) that the current policy on the age of vehicles is changed to reduce the age at which a vehicle can first enter the fleet from 6 years to 3 years but that this is done progressively by a reduction of 1 year each year starting on 1 April 2014 and that the current policy requiring that each new operator licence is in respect of a wheelchair accessible vehicle be modified to the requirement being for a wheelchair accessible vehicle or for a hybrid or electric vehicle;**
- (4) that a training requirement is introduced in regard to drivers standards for new taxi and private hire drivers only (with the option for the Civic Licensing Committee to attach the condition in other cases where it considers it necessary) and that officers are instructed to bring proposals on the content of the training requirement following discussion with training providers to a future Committee;**
- (5) that advertising is allowed on all taxis (but not private hire vehicles) subject to the restrictions set out in paragraph 6.4 of the report and in accordance with a procedure to be determined by the Chief Governance Officer which would include a fee of £35.00, and**
- (6) that the changes to the licensing conditions (other than the training requirement) and to the policy have effect from 1 June 2013.**

(b) ZERO WASTE STRATEGY 2012-2022

The Executive considered the draft Zero Waste Strategy 2012-2022 which had been referred by the Environment and Community Safety Committee.

The Council had adopted its Waste Strategy – the Forth Valley Area Waste Plan and the Forth Valley Strategy Outcome Case in 2003 and 2006 retrospectively. A successor strategy had been developed to address the legislative and policy change which had taken place since 2006, in particular Scotland's Zero Waste Plan and the Waste (Scotland) Regulations 2012. A draft strategy – The Zero Waste Strategy 2012/2022 was presented. It was intended that the document, which sets out the Council's aspirations to achieve a zero waste society and maximise the economic benefits that this case brings, will sit in a high level document supported by detailed implementation plans developed through the service planning framework.

Decision

The Zero Waste Strategy 2012-2022 was approved.

EX6. FINALISED SUPPLEMENTARY PLANNING GUIDANCE: SPATIAL FRAMEWORK AND GUIDANCE FOR WIND ENERGY DEVELOPMENT

The Executive considered a report by the Director of Development Services presenting finalised supplementary planning guidance in regard to wind energy development.

The Council, as planning authority, was required under Scottish planning policy to develop spatial frameworks for onshore windfarms in its area to provide guidance on where wind energy developments could potentially be located.

Supplementary Planning Guidance (SPG) had been developed to provide such guidance and also set criteria against which planning applications for wind turbine proposals could be assessed and which could be regarded as a material consideration in the determination of such applications.

Draft guidance was issued for consultation in September 2012 and following this, a finalised SPG was presented for approval.

Decision

The finalised Supplementary Planning Guidance: Spatial Framework and Guidance for Wind Energy Development was approved.

EX7. FALKIRK TOWNSCAPE HERITAGE INITIATIVE UPDATE REPORT

The Executive considered a report by the Director of Development Services on the Falkirk Townscape Heritage Initiative round 2 submission.

The Council had previously bid for Heritage Lottery Funding for the Falkirk Townscape Heritage Initiative (THI) round 1. A provisional award of £2m had been confirmed in September 2010, with significant match funding also secured from the Heritage Lottery Fund and Historic Scotland. A round 2 bid identifying in detail the costs of the projects to be delivered by the THI was presented. The deadline for submission was the end of May 2013.

Details were given of the round 2 bid delivery themes together with project delivery costs and funding implications.

Decision

The Executive agreed:-

- (1) to approve the proposed Falkirk Townscape Heritage Initiative Round 2 submission to the Heritage Lottery Fund as set out in the report, and**
- (2) to receive further reports on the outcome of the round 2 bid and any additional implications for the Council.**

EX8. EQUALITY OUTCOMES 2013-2017 AND MAINSTREAMING REPORT

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting a mainstreaming report together with the Equalities Outcomes 2013-17.

The Equality Act 2010 placed a general duty on Councils to be proactive in tackling discrimination. It also set out a number of specific duties including the requirement to report progress on mainstreaming the general equality duty into its functions and to publish equality outcomes and report progress.

The mainstreaming report, setting out the Council's structured and co-ordinated approach to integrating the general duty within its functions was presented together with proposed Equality Outcomes for the period 2013 to 2017.

Decision

The Executive agreed:-

- (1) the Equality Outcomes for the period 2013-2017 and the mainstreaming report and their publication on the Council's website;**
- (2) to receive an update report on Equality Outcomes and progress towards them as required by legislation, and**
- (3) to receive further Mainstreaming reports as required by legislation.**

EX9. VARIATION TO THE CONTRACT FOR THE PROVISION OF A KERBSIDE COLLECTED RECYCLING BOX SERVICE

The Executive considered a report by the Director of Development Services proposing the variation of the contract for the provision of a kerbside collected recycling box service.

A contract had previously been awarded to FCC Environment for the Council's kerbside "black box" collection service for glass, textiles, small waste electrical and electronic equipment and batteries. The contract was awarded in 2010 and since then further duties have been placed on the Council to provide a food waste collection service.

Details were given of a proposal to vary the scope of the contract with FCC Environment to incorporate the new requirements at an additional annual cost of £279,466.

Decision

The variation of the contract held by FCC Environment to incorporate the new statutory requirement to collect food waste with an additional annual value of £279,466 to April 2015 was agreed.

EX10. AWARD OF A FRAMEWORK AGREEMENT FOR THE SUPPLY OF KITCHEN UNITS (C/N: CNS/235/12)

The Executive considered a report by the Director of Development Services proposing the award of a framework agreement for the supply of kitchen units.

A tendering process for a Framework Agreement for the supply of kitchen units for the Council's housing properties had been undertaken.

Four tender returns had been received by the due date of 11 March 2013 and following evaluation it was determined that the tender from Rixonway Kitchens Ltd offered best value.

Decision

The Executive agreed:-

- (1) to accept the tender received from Rixonway Kitchens Ltd, Dewsbury, West Yorkshire for an initial period of 3 years with an estimated value over the 3 years of £1,380,000 for the supply of kitchen units to Falkirk Council; and**
- (2) that any future extensions of the framework agreement be approved in line with the Council's Contract Standing Orders.**

EX11. CONTRACT FOR GAS HEATING REPLACEMENT TO COUNCIL HOUSING PROPERTIES IN THE FALKIRK AREA (VAR-7077C Phase 3)

The Executive considered a report by the Director of Development Services advising of a decision to accept tenders.

The Policy and Resources Committee had on 4 September 2012 agreed a framework contract for gas heating replacement to the Council's housing properties and had also agreed to delegate it to the Director of Development Services to award call-off contracts, provided that they were within the overall budget defined within the framework agreement.

A call-off tender was issued to McTear Contracts Limited of Wishaw, as the first placed contractor on the framework list and the tendered price of £1,087,493.40 was assessed to be in line with the framework agreement and represented best value.

In accordance with the delegated authority the contract was accepted by the Director.

Decision

The decision by the Director of Development Services to accept the tender submitted by McTear Contracts Limited, Unit 12 Canyon Road, Netherton Industrial Estate, Wishaw ML2 0EG in the sum of £1,087,493.40 in respect of gas heating replacement to council housing properties in the Falkirk area, contract No. VAR-7077D – Phase 4 was noted.

EX12. DECISIONS TAKEN UNDER DELEGATED POWERS – ACCEPTANCE OF A TENDER FOR THE PROVISION OF A GARDEN AID SERVICE

The Executive considered a report by the Director of Corporate and Neighbourhood Services advising of a decision taken under delegated authority.

Council had agreed on 19 March 2013 to delegate decision making powers pending final determination of its decision making structures. Any decisions taken during the period were required to be reported.

Details were given of a decision taken by the Director of Corporate and Neighbourhood Services to accept a tender for the provision of a garden aid service.

Decision

The decision of the Director of Corporate and Neighbourhood Services, in consultation with the Convener of the Policy and Resources Committee and the Chief Governance Officer, to accept tenders from Sitex/Orbis, Greenerleaf and MES 2000 with an estimated value of £500,000 for the provision of the Garden Aid Services 2013 was noted.

EX13. EXCEPTION TO REQUIREMENT FOR COMPETITION

The Executive considered a joint report by the Director of Corporate and Neighbourhood Services and the Chief Finance Officer advising that authority had been granted to exempt a contract from the requirement for competition.

The current contract with Northgate Information Systems Ltd for the provision of an integrated payroll and human resources system expired on 31 March 2013. It had been intended that a contract award would have been agreed and in place by 1 April 2013 to allow the service to continue.

Authority had been granted by the Chief Governance Officer, in consultation with the Chief Executive and Chief Finance Officer to exempt the requirement to competition and allow a contract to be agreed. A contract for the period to 31 March 2014, in the sum of £86,865 was then awarded by the Director of Corporate and Neighbourhood Services and the Chief Finance Officer.

Decision

The authority granted by the Chief Governance Officer in consultation with the Chief Executive and Chief Finance Officer to exempt from the requirement to competition to allow Council to contract directly with Northgate Information Systems for a new contract of 1 year to 31 March 2014 for the provision of an Integrated Payroll and Human Resources System at a cost of £86,685.

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EX1. APOLOGY

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Decision

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outcomes of the consultation exercise, Committee had made recommendations to the Executive.

In response to a suggestion that taxi and private hire cars be required to use swipe card technology in order to prevent a scenario where a passenger is ejected from a car some distance short of their destination if they have insufficient money available on their person, the Convener acknowledged that this was a matter which should be investigated and that a report would be considered in due course.

Decision

The Executive agreed:-

- (1) in regard to taxi numbers that the current approach continues and that no numerical cap is introduced for taxi operator licences;**
- (2) that the Licence conditions detailed in the volume of appendices are approved (subject to allowing operators to continue to display their company name on the sign on top of the taxi) and that the conditions come into effect on renewal of the relevant licence;**
- (3) that the current policy on the age of vehicles is changed to reduce the age at which a vehicle can first enter the fleet from 6 years to 3 years but that this is done progressively by a reduction of 1 year each year starting on 1 April 2014 and that the current policy requiring that each new operator licence is in respect of a wheelchair accessible vehicle be modified to the requirement being for a wheelchair accessible vehicle or for a hybrid or electric vehicle;**
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Decision

The Zero Waste Strategy 2012-2022 was approved.

EX6. FINALISED SUPPLEMENTARY PLANNING GUIDANCE: SPATIAL FRAMEWORK AND GUIDANCE FOR WIND ENERGY DEVELOPMENT

The Executive considered a report by the Director of Development Services presenting finalised supplementary planning guidance in regard to wind energy development.

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Supplementary Planning Guidance (SPG) had been developed to provide such guidance and also set criteria against which planning applications for wind turbine proposals could be assessed and which could be regarded as a material consideration in the determination of such applications.

Draft guidance was issued for consultation in September 2012 and following this, a finalised SPG was presented for approval.

Decision

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Details were given of the round 2 bid delivery themes together with project delivery costs and funding implications.

Decision

The Executive agreed:-

- (1) to approve the proposed Falkirk Townscape Heritage Initiative Round 2 submission to the Heritage Lottery Fund as set out in the report, and**
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The mainstreaming report, setting out the Council's structured and co-ordinated approach to integrating the general duty within its functions was presented together with proposed Equality Outcomes for the period 2013 to 2017.

Decision

The Executive agreed:-

- (1) the Equality Outcomes for the period 2013-2017 and the mainstreaming report and their publication on the Council's website;**
- (2) to receive an update report on Equality Outcomes and progress towards them as required by legislation, and**
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EX9. VARIATION TO THE CONTRACT FOR THE PROVISION OF A KERBSIDE COLLECTED RECYCLING BOX SERVICE

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Details were given of a proposal to vary the scope of the contract with FCC Environment to incorporate the new requirements at an additional annual cost of £279,466.

Decision

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The Executive considered a report by the Director of Development Services proposing the award of a framework agreement for the supply of kitchen units.

A tendering process for a Framework Agreement for the supply of kitchen units for the Council's housing properties had been undertaken.

Four tender returns had been received by the due date of 11 March 2013 and following evaluation it was determined that the tender from Rixonway Kitchens Ltd offered best value.

Decision

The Executive agreed:-

- (1) to accept the tender received from Rixonway Kitchens Ltd, Dewsbury, West Yorkshire for an initial period of 3 years with an estimated value over the 3 years of £1,380,000 for the supply of kitchen units to Falkirk Council; and**
- (2) that any future extensions of the framework agreement be approved in line with the Council's Contract Standing Orders.**

EX11. CONTRACT FOR GAS HEATING REPLACEMENT TO COUNCIL HOUSING PROPERTIES IN THE FALKIRK AREA (VAR-7077C Phase 3)

The Executive considered a report by the Director of Development Services advising of a decision to accept tenders.

The Policy and Resources Committee had on 4 September 2012 agreed a framework contract for gas heating replacement to the Council's housing properties and had also agreed to delegate it to the Director of Development Services to award call-off contracts, provided that they were within the overall budget defined within the framework agreement.

A call-off tender was issued to McTear Contracts Limited of Wishaw, as the first placed contractor on the framework list and the tendered price of £1,087,493.40 was assessed to be in line with the framework agreement and represented best value.

In accordance with the delegated authority the contract was accepted by the Director.

Decision

The decision by the Director of Development Services to accept the tender submitted by McTear Contracts Limited, Unit 12 Canyon Road, Netherton Industrial Estate, Wishaw ML2 0EG in the sum of £1,087,493.40 in respect of gas heating replacement to council housing properties in the Falkirk area, contract No. VAR-7077D – Phase 4 was noted.

EX12. DECISIONS TAKEN UNDER DELEGATED POWERS – ACCEPTANCE OF A TENDER FOR THE PROVISION OF A GARDEN AID SERVICE

The Executive considered a report by the Director of Corporate and Neighbourhood Services advising of a decision taken under delegated authority.

Council had agreed on 19 March 2013 to delegate decision making powers pending final determination of its decision making structures. Any decisions taken during the period were required to be reported.

Details were given of a decision taken by the Director of Corporate and Neighbourhood Services to accept a tender for the provision of a garden aid service.

Decision

The decision of the Director of Corporate and Neighbourhood Services, in consultation with the Convener of the Policy and Resources Committee and the Chief Governance Officer, to accept tenders from Sitex/Orbis, Greenerleaf and MES 2000 with an estimated value of £500,000 for the provision of the Garden Aid Services 2013 was noted.

EX13. EXCEPTION TO REQUIREMENT FOR COMPETITION

The Executive considered a joint report by the Director of Corporate and Neighbourhood Services and the Chief Finance Officer advising that authority had been granted to exempt a contract from the requirement for competition.

The current contract with Northgate Information Systems Ltd for the provision of an integrated payroll and human resources system expired on 31 March 2013. It had been intended that a contract award would have been agreed and in place by 1 April 2013 to allow the service to continue.

Authority had been granted by the Chief Governance Officer, in consultation with the Chief Executive and Chief Finance Officer to exempt the requirement to competition and allow a contract to be agreed. A contract for the period to 31 March 2014, in the sum of £86,865 was then awarded by the Director of Corporate and Neighbourhood Services and the Chief Finance Officer.

Decision

The authority granted by the Chief Governance Officer in consultation with the Chief Executive and Chief Finance Officer to exempt from the requirement to competition to allow Council to contract directly with Northgate Information Systems for a new contract of 1 year to 31 March 2014 for the provision of an Integrated Payroll and Human Resources System at a cost of £86,685.

FALKIRK COUNCIL

Subject: RENT ARREARS DUE TO SIZE CRITERIA BENEFIT DEDUCTIONS
Meeting: EXECUTIVE
Date: 18 June 2013
Author: DIRECTOR OF CORPORATE AND NEIGHBOURHOOD SERVICES AND CHIEF FINANCE OFFICER

1. INTRODUCTION

- 1.1 As Members will be aware, on 1 April 2013 the Government introduced size criteria for working age Housing Benefit claimants living in the social rented sector. Size criteria already apply to Housing Benefit claimants in the private rented sector, whose claims are assessed using the Local Housing Allowance rules. The maximum eligible rent (on which the Housing Benefit is assessed) is reduced by a nationally set percentage rate depending on the number of spare bedrooms in the household. The reduction rates are:
- where under occupying by one bedroom – 14% and
 - where under occupying by two or more bedrooms – 25%.
- 1.2 Legislation to allow this is contained in the Welfare Reform Act 2012 and the UK Government's stated policy objective is to:
- contain growing Housing Benefit expenditure;
 - encourage greater mobility within the social rented sector;
 - make better use of available social housing stock; and
 - improve work-incentives for working age claimants.
- 1.3 The Government anticipate that affected claimants will have choices to mitigate the impacts of size criteria by either:
- continuing to live in accommodation which is assessed as larger than their household needs, and make up any shortfall from their other income, from savings, from moving into work, increasing working hours, or from letting out a spare room to a lodger, a boarder, or a family member; or
 - moving to accommodation which better reflects the size and composition of their household.
- 1.4 A comprehensive report was presented to Council on 6 March 2013 in relation to the wider implications of Welfare Reform. All of this information is also available on Falkirk Council's website at www.falkirk.gov.uk
- 1.5 This report provides Members with information in relation to the impact on the Housing Revenue Account since the introduction of the size criteria (otherwise known as the "Bedroom Tax") on mainstream properties and the Council's approach to managing rent arrears.

2. CURRENT POSITION

Size Criteria

- 2.1 As at the end of April there were 2,973 households in Council and RSL tenancies affected by the size criteria. The size of house required by size of household is as follows:
- 1 bedroom – 2,285 (1,902 are currently in a 2 bedroom, 360 in a 3 bedroom and 23 currently in a 4 bedroom property)
 - 2 bedrooms – 622 (591 are currently in a 3 bedroom, 30 in a 4 bedroom and 1 currently in a 5 bedroom property)
 - 3 bedrooms – 64 (63 currently in a 4 bedroom and 1 in a 5 bedroom property)
 - 4 bedrooms – 2 (both currently in a 5 bedroom property)
- 2.2 In relation to the current council housing stock, there are only 2,642 properties with 1 bedroom of which only 282 were available for let during 2012. Almost half of those properties were adapted for disabled or housing with care and not available for a mainstream let. There are almost 6,000 households on the council housing waiting list eligible for 1 bedroom properties.
- 2.3 Conversely, through Right to Buy, a greater proportion of large family homes were sold than any other house type and as a result reducing the availability of such properties for social housing tenants. This, together with the issue of older couples or single people staying in larger properties, has had a significant effect on the availability of such properties in the social rented sector. There are less than 500 council properties with 4 bedrooms and above, of which only 30 were available for let during 2012.
- 2.4 In order to ensure we make best use of our stock, those tenants requiring 2 bedrooms less than they currently occupy are awarded the highest priority (Band 1) within our allocations policy and there are currently 520 applicants in this category. In addition, we have introduced a cash incentive scheme for those under occupying which assists with the costs of removal, etc.

Housing Benefit reduction & Discretionary Housing Payments (DHP)

- 2.5 The total reduction in Housing Benefit across the social rented sector in the Falkirk Council area is £1.4m (£1.2m for council tenants and £0.2m for tenants of Registered Social Landlords)
- 2.6 Over 80% of those affected in the Council area are in receipt of passported benefit and consequently receive a maximum award of Housing Benefit. As such they are on the lowest incomes and in most cases did not have to pay any rent prior to the size criteria being introduced on 1st April.
- 2.7 The DHP Policy for 2013/14 was agreed by Council in March and funding is allocated to agreed priority areas.

- 2.8 The DHP funding has been significantly increased from £39,087 to £136,698 and has been supplemented by the Council with an additional £35,000 from the Fairer Scotland Fund. However, early indications are that this will be insufficient to meet the increase in demand the Council is facing. During 2012/13 the Council received 143 claims for DHP and in the month of April alone, 302 claims were received, the majority of those from claimants affected by size criteria. Given this pressure, it is proposed that the DHP budget is increased to £205,047 which is the maximum allowed. The underspend on the bed and breakfast budget provision (see “Financial Position 2012/13” report later in agenda) will facilitate this.
- 2.9 Given that the average weekly shortfall for those under occupying by 1 bedroom is £8.94 and £17.05 if under occupying by 2 or more bedrooms, if we were to pay DHP to cover the costs for a year, less than 300 claims could be paid out of the existing budget.
- 2.10 DHP payments were only ever intended as a temporary stop gap measure in dealing with the housing problems arising out of the benefit changes and will never address the fact that there is a limited number of 1 or 2 bedroom properties available.

Rent Arrears arising from Size Criteria

- 2.11 There are 3 key figures that need to be considered when measuring the impact of size criteria on tenants and the Housing Rent Account. These are the direct loss of Housing Benefit (as outlined in section 2.5), the net increase in arrears attributable to the impact of size criteria and the gross increase in arrears attributable to the impact of size criteria.
- 2.12 All the figures outlined in this report were extracted at the end of the 8th week of the rent year (26th May 2013) and when extrapolating figures to provide annual estimates these figures have been multiplied by 6 (to equate to the 48 chargeable weeks in the financial year).
- 2.13 Within mainstream tenancies (excluding Homeless accommodation) the increase in net arrears, within the affected group, over the 8 weeks was £79,461.64 (or 40% of the additional charge) which would equate to £477,000 for the year.
- 2.14 The impact on gross arrears (i.e. where payments were made by tenants with existing arrears and would, were it not for size criteria, have reduced these arrears) was £110,199.64 for the same period (or almost 56% of the additional charge) which would equate to £661,000 for the year.
- 2.15 These figures do not include any payment of DHP but if we allowed for DHP payments of c. £3,000 per week (£144,000 pa), being allocated exclusively to Falkirk Council tenants, the increase in net arrears would potentially be reduced to 27.6% and gross arrears to 43.1%. The annual impact would then be £333,000 and £517,000 respectively.
- 2.16 From initial figures provided by other local authorities our collection rate appears relatively positive but it should be highlighted that some authorities made their announcements on policy regarding eviction in advance of the charge being applied and that is likely to have had an impact on the level of collection.

- 2.17 However, it reasonable to believe that the level of engagement and the subsequent support that we have provided to our tenants has been relatively successful and we will continue to work with individual tenants to support them through this change.

3. RECOVERY ACTION FOR RENT ARREARS

- 3.1 It is essential that Councils ensure that rental income is maximised in order to continue to provide high quality services to current and future tenants and provide the opportunity to continue to rent properties at affordable rent levels. At the same time, there are increasing demands on the HRA such as ensuring the council housing stock meets the Scottish Housing Quality Standard (SHQS) by April 2015 and the requirement to make council housing more energy efficient to help eradicate fuel poverty (by 2016) and reduce carbon emissions from council housing in the period to 2020 and beyond. Any reduction in income to the HRA could have a significant impact on these priorities.
- 3.2 As such, the Council already has processes in place to prevent any rent arrears accruing through early engagement with all tenants who fall behind with their rent. We offer advice and assistance and also refer to specialist support and advice agencies. All of our processes are in line with the guidance in relation to pre-action requirements contained within the Housing (Scotland) Act 2001 and 2010.
- 3.3 Where tenants engage with the Council, it is generally possible to agree a reasonable and sustainable repayment plan, based on individual circumstances to avoid further debt and remove the risk of eviction for rent arrears.
- 3.4 Unfortunately, there are occasions when tenants do not engage or repeatedly fail to maintain repayment arrangements and the Council is sometimes left with little choice but to evict. However, these cases are in the minority and eviction is always a last resort option and is only utilised where the Council is satisfied that there is no legitimate underlying reason for non-payment.

4. PROPOSAL FOR RECOVERY ACTION FOR RENT ARREARS SOLELY ATTRIBUTABLE TO SIZE CRITERIA

Additional Prevention Measures

- 4.1 Additional measures have already been put in place to mitigate the impact of the size criteria and all those affected by this reduction in housing benefit have received a visit in order to ensure that they are fully aware of the impact on their household and to provide support, advice and assistance to prevent them falling into arrears.
- 4.2 However, late changes to the size criteria regulations which prescribe circumstances in which additional bedrooms can be awarded were made after most Council's had engaged with those affected and had calculated and notified tenants of their 2013/14 benefit award and this resulted in a need to re-engage with those affected to review their circumstances.
- 4.3 In relation to the reclassification of bedrooms, this is being looked at on a case by case basis, using the current guidance and any case law.

- 4.4 As far as possible, the Council is also ensuring that we have maximised any exemptions or protection under the Housing Benefit legislation and have awarded DHP for those in exceptional need in line with council policy.

Arrears arising from the impact of under occupation

- 4.5 In line with our current rent collection procedure, we will continue to work with tenants to ensure that they pay their rent on a regular basis and through early intervention, work with them to prevent debt arising. In addition, where rent arrears do occur we will continue to work within our current rent arrears procedure as outlined in Section 3 above with a view to recovering any monies owed.
- 4.6 The current procedure can continue irrespective of any additional debt which is attributable to the impact of the size criteria restriction, however, we would record this separately to monitor the position.
- 4.7 It should be noted that there is currently no legal framework to allow this debt to be dealt with differently from any other non payment of rent and therefore the current legislation in relation to recovery of rent arrears applies.
- 4.8 However, some Council's have indicated that where tenants accrue rent arrears which are solely attributable to size criteria and the Council is satisfied that the tenant is doing all that can be reasonably expected to in order to avoid falling into arrears, they will use all legitimate means to collect rent due, except eviction. Most authorities who have made this commitment have done so for an initial period of one year (2013/14) with a commitment to review the position thereafter.
- 4.9 If Members were minded to replicate this within Falkirk Council the potential impact, as a direct result, could be a loss of income to the HRA of around £0.5m for 2013/14. There is also the potential indirect/unintended loss of income where tenants not afforded the protection attempt to justify their non payment on the back of this approach.
- 4.10 Furthermore, if this were to be introduced, only those households with a clear rent account at 1st April 2013 should be considered under a "no eviction" procedure. For those tenants where recovery of possession action has commenced or where the arrears are not due to size criteria, the current rent recovery procedure would still apply.
- 4.11 For those with arrears at 1st April 2013, who are making a reasonable and sustainable repayment plan, but have been impacted by the size criteria and therefore cannot afford to pay the extra charge in addition to the existing arrangement, the original repayment plan could remain in place for 2013/14 i.e. there would be no increase in their repayment amount.

5. RECOMMENDATIONS

Members are invited to:

- 5.1 Note the contents of this report and the impacts of size criteria**
- 5.2 Consider the options available in relation to dealing with arrears arising from size criteria as outlined in paragraphs 4.5 – 4.11 and determine if changes to the current rent arrears collection procedures should be introduced for 2013/14, with a review in 12 months**
- 5.3 Agree an increase in the DHP budget to the ceiling of £205,047.**

**DIRECTOR OF CORPORATE
& NEIGHBOURHOOD SERVICES**

CHIEF FINANCE OFFICER

Date: 3 June 2013

Ref: AAP0613

Contact Name: Jennifer Litts
Paul Ferguson

Ext 0789
Ext 6893

Background Papers

Welfare Reform Report to Council 6 March 2013

FALKIRK COUNCIL

Subject: SCOTTISH GOVERNMENT CONSULTATION – DRAFT GUIDANCE ON THE OPERATION OF LOCAL AUTHORITY HOUSING REVENUE ACCOUNTS (HRAS) IN SCOTLAND
Meeting: EXECUTIVE
Date: 18 June 2013
Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES
CHIEF FINANCE OFFICER

1. INTRODUCTION

- 1.1 The purpose of this report is to advise Members of a Scottish Government consultation on proposed draft guidance for local authority landlords on the operation of Housing Revenue Accounts (HRAS).
- 1.2 The consultation exercise is seeking responses to 7 questions by 5 July 2013 and this report provides Members with information on the draft guidance, the potential impacts for the Council flowing from the guidance and seeks Member approval to the proposed responses.
- 1.3 A copy of the consultation document is attached in Appendix 1 as included in the volume of appendices.

2. BACKGROUND

- 2.1 The proposed guidance has been produced, following discussions between representatives of local authority landlords, Registered Tenant Organisations (RTOs), Audit Scotland and Scottish Government.
- 2.2 The current principal HRA legislation was put in place in the Housing (Scotland) Act 1987. Updated guidance is now considered necessary as a consequence of changes in local authority housing since the legislation was established, due to factors such as:
 - Increased mixed tenure arising from right to buy and new build properties (by RSLs and private developers) resulting in the need to scrutinise costs to the HRA to ensure a fair and reasonable share of costs is in place e.g.: common open space maintenance.
 - Increased tenants and generally public expectations and the resultant provision of services to meet the needs of wider communities and neighbourhoods beyond the traditional remit of a council landlord service.
 - A greater concentration of income poverty in the council house sectors, necessitating that HRA expenditure should be carefully targeted on council tenants to ensure the poorest households are not disadvantaged.
 - Greater local accountability to ensure that HRA capital investment plans are affordable, sustainable and prudent. This means that the impacts on rent levels when deciding to borrow to fund any capital investment plans must be clearly assessed and transparent.

- Tighter public sector budgets including that on welfare. Housing benefit accounted for over 60% of HRA income nationally in 2012-13 and current UK Government reforms could result in greater pressure being placed on HRA income.
- Increasing pressures on the HRA in relation to new legislative and non legislative demands such as providing sufficient monies to ensure that the council housing stock meets the Scottish Housing Quality Standard (SHQS) by April 2015; that the stock is more energy efficient to help eradicate fuel poverty in Scotland by 2016 and reduce carbon emissions from council housing in the period to 2020 and beyond.

2.3 The guidance is aimed at ensuring expenditure once aimed at traditional “council housing areas” provides maximum benefit to today’s council tenants. The proposed guidance is considered to supplement, but does not replace the statutory requirement for authorities to account for the costs associated with the HRA as set out in the Housing (Scotland) Act 1987. The guidance seeks to ensure that costs charged to the HRA ultimately benefit tenants.

2.4 The proposed guidance identifies that current and future tenants should expect to receive the following from their rents:

- Properties and management services of high quality which includes not only managing and maintaining the fabric of the properties but ensuring that they meet the appropriate energy efficiency and carbon emission standards that will apply in future years i.e.: ensuring SHQS standards are met and maintained
- The opportunity for affordable rent levels
- Full consultation by their landlord on important matters and also to have a say on how housing services are delivered and managed in their community
- Where affordable and sustainable for the HRA, the provision of a new supply of council houses for rent, where there is established housing need

2.5 In order for these outcomes to be achieved, the Scottish Government believes that a transparent accounting and financial framework is necessary. The consultation identifies that the make-up of costs being charged, and the income being received by each HRA should be clear and easily understandable to tenants in line with the requirements of the Scottish Social Housing Charter.

3. CONSULTATION

3.1 The consultation seeks responses to 7 questions and proposed responses to the questions are attached in Appendix 2, as included in the volume of appendices, for Member consideration.

3.2 The draft guidance reflects a number of key principles that local authorities must observe i.e.:

- Ensuring compliance with existing HRA legislation
- Ensuring that HRA assets should principally benefit HRA tenants either in direct usage or as investment properties providing a financial return e.g.: shops, land and other commercial premises held on the HRA
- Properly recording the methodology for calculating and allocating HRA costs (including internal costs charged by the Council to the HRA) systematically and in

sufficient financial detail to know who benefits from the services these costs relate to e.g.: Central Support/Department recharges and Grounds Maintenance charges. A four-way cost classification is proposed i.e.: Core HRA costs; Core Plus HRA costs; Non Core HRA costs and Core General Fund Costs.

- Updating the HRA cost allocation process regularly to reflect market and other changes including the allocation to the HRA of the appropriate proportion of council Trading Operation surpluses attributable to Council housing activities i.e.: Building Maintenance and Roads Division surpluses
- Where legally entitled, charging non-council tenants benefiting from HRA-provided services that are currently only charged to council tenants e.g.: factoring services
- That regular discussions on the level and nature of HRA financial transparency takes place with tenants themselves, RTOs or other tenant representatives in relation to income credited to and expenditure charged to the HRA, in accordance with the principles underlying the Scottish Housing Charter.

- 3.3 It is expected that the guidance would be used by, and be referred to, as necessary not only by landlords and tenants but by Audit Scotland and the Scottish Housing Regulator as they see fit.

4. IMPLICATIONS

- 4.1 The proposed guidance will require a full review of current methodologies relating to how expenditure and income is treated within the Council's HRA and consequently General Fund. Key areas for review include:

- Treatment of commercial and other assets held on the HRA
- Treatment of Building Maintenance and Roads Division trading surpluses and accounts
- Treatment of internal recharges
- Treatment of common area charges
- The format, content and approach to tenant discussion on HRA costs and income

- 4.2 It is too early to quantify the specific financial implications arising from the guidance until it is more fully developed. However, it is likely that the overall impact of changes arising from the guidance will result in added cost to the General Fund and corresponding benefit to the HRA. The potential impacts on Local Authority finances in general are not recognised in the guidance and will therefore require to be considered further. Work has begun to assess how the guidance will be implemented and the associated financial impacts and a further update will be provided to Members following the conclusion of this work and in conjunction with the revenue budget preparation process.

5. RECOMMENDATIONS

It is recommended that Members:

- 5.1 Agree the proposed response in Appendix 2 be submitted to the Scottish Government by the due of 5 July 2013**
- 5.2 Note that a further report will be provided to Members on the implications arising from the proposed guidance.**

.....
**DIRECTOR OF CORPORATE &
NEIGHBOURHOOD SERVICES**

.....
CHIEF FINANCE OFFICER

Date: 29 May 2013

Ref: AAP0613

Contact Names:	David McGhee	Ext: 0788
	Jennifer Litts	Ext: 0789
	John Flannigan	Ext: 6371

LIST OF BACKGROUND PAPERS

- 1. Scottish Government Consultative Draft Guidance on the operation of Local Authority Housing Revenue Accounts (HRAS) in Scotland**

FALKIRK COUNCIL

SUBJECT: FORTH VALLEY INTEGRATED CARERS STRATEGY

MEETING: EXECUTIVE

DATE: 18 JUNE 2013

AUTHOR: DIRECTOR OF SOCIAL WORK SERVICES

1. INTRODUCTION

- 1.1 The purpose of this report is to provide an update on the development of the Forth Valley Integrated Carers Strategy (FVICS) and to seek formal approval for implementation. This has been led by NHS Forth Valley on behalf of the partnership, including Falkirk Council.

2. BACKGROUND

- 2.1 A report was presented to the Housing and Social Care Committee on 28 August 2012 noting the background to the development of the draft FVICS, inviting comments and requesting endorsement of the priorities contained in the draft strategy for implementation.
- 2.2 Since the publication of the Caring Together – The Carers Strategy for Scotland 2010-2015 and Getting it Right for Young Carers – The Young Carers Strategy for Scotland 2010-2015, there continues to be a range of national initiatives to support carers and raise awareness of their needs. During this time work has also taken place across Forth Valley to develop a Forth Valley Integrated Carers strategy. This acknowledges that the role of carers is fundamentally important in supporting people to continue to live in their own homes and communities. The development of the Forth Valley Integrated Carers Strategy (FVICS) will ensure the continued delivery of high quality services that will directly and indirectly support carer's to continue to provide care where this is their choice. The strategy will also have an important role in ensuring equitable service delivery across the Forth Valley area, whilst recognising there will be a requirement to respond to particular local priorities and needs, and will support the delivery of a number of local policy initiatives, including the SOA, Reshaping Care for Older People and the integration of health and social care.
- 2.3 There has been a long established Forth Valley Carers Information Strategy Implementation Group, which has representation from a range of partners. This group has a key role in the strategic planning arrangements that ensure the profile of carers is raised and that services are developed and delivered to meet their needs. This will be augmented by the establishment of a Falkirk strategic planning group to oversee the implementation of the priorities and actions contained within the FVICS at a local level.

3. FORTH VALLEY INTEGRATED CARERS STRATEGY

- 3.1 The Forth Valley Carers Strategy has been developed in partnership with a number of organisations including NHS Forth Valley, Falkirk, Stirling and Clackmannanshire Councils, Falkirk and Clackmannanshire and Stirling Carers Centres, Job Centre Plus and the DWP. The strategy has taken into account the National Carers Strategies, the

significant amount of available national research on carers' needs and issues and the shared knowledge and experiences of our local carers and employees working with carers. The strategy is attached in the volume of appendices for approval.

- 3.2. The draft strategy was launched for consultation during National Carers week, with the consultation period from 18 June to 31 August 2012. During this period consultation events were organised. The stakeholder engagement is attached in the volume of appendices for noting.

- 3.3. For the purposes of the strategy, the following definition for carers has been agreed:

'A carer is a person, of any age, who looks after family, partners or friends in need of help, because they are ill, frail or have a disability and need support to live independently. This care is unpaid however the carer may be in receipt of carers allowance but this is not considered to be payment.'

- 3.4. The Scottish Household Survey (SHS) 2007-08 estimated 42,669 carers are resident in the Forth Valley area, with approximately 21,929 in the Falkirk Council area.

- 3.5. It is acknowledged that issues for carers can be different depending on a number of factors, however there is evidence of key common issues. In working with carers, they have identified supports that they see as being important in enabling them to continue in their role for example breaks, training and education, access to information, services for the person being cared for and recognition and to be treated as equal partners in care giving.

- 3.6. In addition, a range of issues were identified through work with young carers including transition (from primary to secondary school, leaving school, and moving from services aimed at young person to adult services); social isolation; educational attainment; emotional difficulties. Falkirk Children's Commission have, through the Integrated Children's Services Plan (2010-2015) identified young carers as a vulnerable group. As such, an audit to identify young carers and their needs has been undertaken. This audit has identified at least 237 young carers in the Falkirk Council area.

- 3.7. Importantly, the strategy recognises there has been considerable activity to support carers taking place in Forth Valley. Some of these examples include:-

- A programme of training for carers which helps carers deal more effectively with their caring role
- Continued provision of a range of short breaks and respite services to carers
- Information and support provided on a range of topics
- Carers Health Liaison Worker at the hospital to ensure the needs of carers are met
- GP practices have been provided with a self-referral form for carers which has been developed as part of the resources for GP practices. This provides the opportunity to request information about Carers Assessments to ensure carers receive any support they might be entitled to.
- Carer's representation on a number of strategic planning and operational delivery groups.

- 3.8. The Forth Valley Integrated Carers Strategy sets out the overarching priorities for carers and will be taken forward through local implementation plans for each Council area, at the same time retaining a Forth Valley overview to ensure consistency and equity in

approaches and services. The strategy recognises that partners should focus on the carer's journey through the whole system and the transitions involved. The priorities that have been proposed for continuation and/or implementation have been grouped into the following main themes:

- Support for carers, for example develop the provision of greater support for carers at the time of discharge and transition.
- Training, education and information, for example continue to disseminate information resources and training for carers, young carers and professionals.
- Further development a range of creative and sustainable short breaks and respite for carers.
- Raising awareness, for example continue to promote the uptake of carer's assessments and ensure the continued involvement of carers that ensures carers and their needs are represented at a strategic and service planning level.

4. EQUALITY IMPACT AND POVERTY ASSESSMENT ARRANGEMENTS

- 4.1. The strategy acknowledges that for some carer groups they will experience greater challenges in relation to equalities and poverty and importantly sets out how the partners will address these issues. In addition to completing a joint Equality and Poverty Impact Assessment with the development of the Falkirk local implementation plan, the partners will continue to review and monitor the impact of caring by using national and local research over the period of the plan, taking remedial action where required.

5. FINANCIAL IMPLICATIONS

6. The strategy will be implemented within existing resources.

7. RECOMMENDATIONS

7.1. Members of the Executive are asked to:

1. **Note the development of the Forth Valley Integrated Carers Strategy and the consultation which has taken place on the contents.**
2. **Approve the strategy as attached in the volume of appendices.**
3. **Ask the Director of Social Work Services to ensure that an implementation plan is developed and that the Social Work Service Plan reflects the commitments outlined in this strategy.**

.....
Director of Social Work Services

Date: 6 June 2013

Contact Officer: Suzanne Thomson, Service Manager, Tel: 01324 504048

LIST OF BACKGROUND PAPERS

FALKIRK COUNCIL

**Subject: DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE:
DELIVERY OF DENNY EASTERN ACCESS ROAD**
Meeting: EXECUTIVE
Date: 18 JUNE 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

1.0 INTRODUCTION

- 1.1 Members will recall that a report on the Draft Revised Supplementary Planning Guidance (SPG) Note: Delivery of Denny Eastern Access Road was presented to the Economic Strategy and Development Committee on 26th February 2013.
- 1.2 The draft SPG (Appendix 3, included in volume of appendices) was prepared to take forward the terms of the proposal for DEAR in the Falkirk Council Local Plan (FCLP) (see para 1.3 below) and seeks to establish a framework for the delivery of DEAR. The proposed SPG aims to provide clear guidance to prospective developers of various sites in the Denny and surrounding area of their role in the delivery of DEAR.
- 1.3 Members are reminded that the provision of FCLP are:

TR.DEN01	Denny Eastern Access Road
Opportunity:	Bypass Road
Agency:	Falkirk Council/Private
Comments:	New bypass road required to address capacity problems at Denny Cross which will be further exacerbated by new development. Phase 1 from Broad Street to the new Denny High School has been completed, funded by Falkirk Council. Remainder of route will require to be developer funded. The Council will publish supplementary planning guidance to clarify for all parties how the proposed road will be delivered. Impacts on Herbertshire Playing Fields, and on protected species in the area will have to be appropriately mitigated.

- 1.4 The Local Plan requires that the route of DEAR from Denny High School to Glasgow Road should be developer funded. The draft SPG uses the methodology of the well-established cumulative impact approach to new development where any significant infrastructure improvements are required as a result of development.
- 1.5 The principle for seeking contributions from development sites is based on relative degree of traffic impact. The apportioning of cost amongst development sites reflect the extent to which traffic from each development would impact on Denny Cross and/or use the new road. Using this methodology a percentage share of the total cost for each site has been calculated. This is shown below in the table reproduced from p7 in the draft SPG.

Percentage contributions towards cost of DEAR

site	Total housing units	Trip generation	Percentage assignment	Hourly flows	Percentage contribution to total cost
H.DEN04 (former) Denny High School	200	166	30%	50	10.35%
H.DEN11 Broad Street	c.100	80	42%	34	6.97%
H.DEN09 Nethermain Rd/ Castlerankine Rd	25	20	30%	6	1.23%
H.DEN08 Duke Street West	15	12	30%	4	0.82%
H.DEN12 Mydub Farm	307	261	100%	261	53.48%
H.B&B07 Longcroft/ Dennyloanhead *	550	77	10%	8	1.64%
H.B&B16 Banknock North SIRR*	504	71	10%	7	1.43%
H.B&B09,10,11,17 Banknock South SIRR*	270	38	10%	4	0.82%
ED.DEN02 Winchester Ave 3 **		5	42%	2	0.41%
ED.DEN01 Denny Town Centre ***		183	58%	106	21.72%
Windfall allowance		36	16%	6	1.23%
Total hourly flow				488	100%

Notes:

* based on proportion of school children travelling to Denny High School by car

** converted to equivalent impact from housing

*** additional new trips likely to be generated

NB. Outstanding total cost of DEAR is assumed to be £6,391,000 @ 2012 prices (£6,941,000 - £550,000). All contributions will be index linked from the date when Planning Committee is minded to grant planning permission. Indicative costs for each site can be derived using the percentage shares.

- 1.6 Following consideration it was agreed that officers undertake consultation and report back to this committee in due course. This report sets out the results of the consultation and recommends, subject to a number of amendments, that the SPG be approved. The changes proposed as a result of the consultation process are set out in Appendix 1 to this report (included in volume of appendices), and Appendix 2 (included in volume of appendices) summarises the comments made by each respondent.

2.0 CONSULTATION PROCESS

- 2.1 The Consultative Draft Revised SPG was sent to some 40 organisations involved in the development of housing sites in the west area; landowners, developers and their agents. In addition the three local community councils and seven local elected members were invited to make comment on the draft SPG. A copy of the draft SPG was also posted on the Council's website which accompanied an invitation to individuals and any other interested party to comment.

- 2.2 Consultation took place over a 6 week period between 8th March and 19th April 2013.
- 2.3 Responses were received from the following 8 organisations and individuals:
Bett Homes
Mactaggart and Mickel Homes Ltd
Denny and District Community Council
Banknock, Haggs and Longcroft Community Council
Bonnybridge Community Council
Councillor McNally
Councillor McCabe
Non Aligned Independent Group
- 2.4 Detailed summaries of all the comments and the Council's draft responses are shown in Appendix 2 to this report. All respondents were supportive of the publication of the draft SPG as an indication of the Council's willingness to progress DEAR. However all respondents were critical of the general approach adopted by the Council to the funding of the proposed road and developers in particular had detailed issues with the methodology which calculated their share of the total costs. The issues raised are summarised below and are dealt with in turn.
- The proposed developer contribution funding method is flawed and the Council should take the lead in funding and building the road
 - DEAR should be built as soon as possible and should be built as one project, rather than piecemeal
 - Developers strongly query the methodology of the cost apportioning and would like to see their contributions altered; they warn of the potential to fail Government Planning Circular 3/12 tests for planning obligations
 - The costs to be borne by developers is too high and this will affect the viability of their developments

Developer contribution funding method and timing of construction

- 2.5 As has been highlighted earlier the funding method for the road is specified in the Falkirk Council Local Plan, approved and adopted by Council in 2010. The Council is therefore obliged to frame its SPG in those terms. However the proposed SPG, in section 5, also discusses the other options for funding the road which the Council has considered, in recognition of the current housing market fragility. Front funding the project through prudential borrowing is not currently favoured, but, if funding were to be found at a later date which allowed construction to be carried out and completed prior to contributions being secured, the proposed SPG indicates the Council would seek to recover contributions retrospectively.
- 2.6 The issue of whether to adopt an alternative funding method for DEAR is outwith the scope of the current draft SPG. In the absence of any current alternative funding options the approach, as set out in the draft SPG, of using developer contributions is therefore confirmed.
- 2.7 The issue of building the road as one project as soon as possible follows on directly from that of the funding method. Only if there was a decision to front fund the project by the Council could the timing of the road's construction be accelerated. In the absence of such a decision it remains the case, as stated at paragraph 5.6 of the draft SPG, that the road will likely be built in phases.

Methodology of apportioning costs

- 2.8 Both Bett Homes and MacTaggart and Mickel Homes take issue with the methodology used by the Council to share out the overall costs of the DEAR project among development sites. From different perspectives they aim to reduce the costs attributable to their development. They also query whether planning obligations drawn up on the basis of the draft SPG would meet some of the government planning obligations tests, those of 'scale and kind' and 'reasonableness'.
- 2.9 Bett Homes do not agree with the rationale for the road, as expressed in paragraph 2.3, which assigns two functions to the road. Bett believe that the function of providing access to the Mydub site is incorrect. Consequently they do not agree with the setting of 100% assignment of traffic from their site, as shown in the table at paragraph 1.5, being used to calculate their share of the cost.
- 2.10 The twin purpose of DEAR, to relieve traffic congestion at Denny Cross **and** to provide access to Mydub has been stated consistently in the consecutive iterations of the Falkirk Council Local Plan since 2003. The road is a key component to facilitate the Structure Plan envisaged growth of Denny in a south-easterly direction. Bett were very clear at the time of the Local Plan Inquiry that the Mydub site would act as the 'enabling development' for DEAR, as the site would use this local distributor road for access. Therefore it is valid for the Council to assign the figure of 100% to the amount of traffic from the Mydub site onto DEAR.
- 2.11 MacTaggart and Mickel's main concern is that they regard a section of the DEAR, stretching from Glasgow Road to the first access roundabout, as solely the responsibility of Bett to provide, as this section is principally an access to the Mydub site. They therefore wish this stretch to be removed from the length to be funded by all developments as currently set out in the draft SPG.
- 2.12 While it is true that part of the DEAR acts as the principal access to the Mydub site it also functions as the bypass to Denny Cross, which all sites benefit from. Without the road functioning as a whole then there is no relief to Denny Cross. It is therefore valid for MacTaggart and Mickel to contribute to that stretch of the road as well as Bett and any other developers.
- 2.13 MacTaggart and Mickel also express concern that the road length as shown in the draft SPG is not the most direct route, and had been drawn up to accommodate the Mydub development. They contend that paying for the extra length of road should be Bett's sole responsibility.
- 2.14 It is true that the road length was changed after the Local Plan Inquiry but this change was approved by the Council in 2010. The issue of the route and length of road was resolved at that stage and is not a matter for discussion now with the draft SPG.
- 2.15 On the issue of planning obligations meeting the Circular test these are a matter for the process of negotiation on each planning application and are not for consideration directly with the SPG. However the process of setting out transparently the matters which would be the subject of a planning obligation, which the Council has carried out through the development plan and the draft SPG, does comply with the plan led approach recommended in Circular 3/12.

Development Viability

- 2.16 A number of respondents have commented on the scale of the road's total cost and have queried whether the costs can be borne by individual developments. The issue of development viability is a material consideration for individual planning applications. Under the current developer contribution model any reduction in costs for one developer will result in an increased cost for another.
- 2.17 It should be borne in mind that the total costs shown in the draft SPG include a prudent 'optimism bias' allowance i.e. worst case scenario. The actual share of costs will only be attributed at the time of a planning application and the completion of any associated planning obligation drawn up under S75 of the Town and Country Planning (Scotland) Act 1997 and Circular 3/2012. The actual costs could be lower than can be calculated from the table above.
- 2.18 Developers have the option of submitting a development viability statement at the planning application stage, and this will be considered carefully before the grant of consent.

3.0 Proposed changes to draft revised SPG

- 3.1 Respondents also made comments on the need to clarify aspects of the draft SPG and it is proposed to make a number of amendments to reflect clarifications. These proposed changes are set out in Appendix 1.
- 3.2 Subject to the insertion of the propose changes, the SPG is recommended for approval.

4.0 RECOMMENDATION

- 4.1 **That Executive agrees to the proposed changes and approves the Supplementary Planning Guidance Note: Delivery of Denny Eastern Access Road (DEAR).**

.....
Director of Development Services
10 June 2013

Contact officer: Colin Hemfrey, Development Plan Co-ordinator, ext 4720

LIST OF BACKGROUND PAPERS

1. Draft Supplementary Planning Guidance: Delivery of Denny Eastern Access Road (DEAR)
2. Falkirk Council Local Plan
3. Circular 3/12 Planning Obligations and Good Neighbour Agreements

Any person wishing to inspect the background papers listed above should contact Colin Hemfrey on 01324 504720

Appendix 1

Proposed changes to draft SPG

Para 5.2; insert 'and unless otherwise agreed' to amend paragraph to read as 'In practice, and unless otherwise agreed, it may fall to the Council to carry out most of the road's actual design and construction, given there are no other development sites requiring access to DEAR, although the majority of funding will come from developer contributions.'

Reason: Partly in response to Bett Homes to clarify the likely share of responsibility between Bett and the Council in constructing the road jointly.

Para 5.5, last sentence: delete 'potential' and add after 'cost' 'as a further developer contribution if justified'

Reason: in response to Bett Homes to avoid any misconceptions about the nature of the contribution provided by the construction of the section of DEAR which provides access to Mydub.

Map 1: Proposed Design for DEAR: replace with scheme for planning application P/12/0546/FUL

Reason: in response to Bett Homes to accurately reflect the most up to date design proposal for the road

SUMMARY OF RESPONSES TO DRAFT SUPPLEMENTARY PLANNING GUIDANCE NOTE:
DELIVERY OF DENNY EASTERN ACCESS ROAD

Organisation	SPG Para/ Section	Comment	Proposed Response
Bett Homes	Non-specific	Bett Homes welcome the opportunity to respond to the consultative draft. Bett Homes is uniquely placed to help deliver DEAR. The firm intends to construct part of DEAR which will be built in phases, and may also be responsible for constructing a further part of DEAR, or for financial contributions to the remainder of DEAR.	Confirmation of Bett's role in constructing DEAR is welcomed, particularly if proposed Mydub 2 site is confirmed through the LDP process.
	Para 2.3	<u>Rationale for proposing DEAR</u> Para 2.3 says road has two functions, but the one stating ' <i>to provide access to the proposed Mydub site</i> ' is not accurate and should be deleted. Existing congestion, and future congestion from all sites with traffic passing through Denny Cross, are the reason why DEAR is required. Access off DEAR to other development is a secondary function and is not the rationale for a relief road of the proposed specification.	Not accepted. While the road was conceived to provide relief to Denny Cross it was also seen as a key requirement to facilitate settlement expansion to the east and south-east of Denny, as envisaged in the Falkirk Council Structure Plan. The dual purpose of DEAR, to relieve congestion at Denny Cross and provide access to housing at Mydub has been stated consistently in iterations of the FCLP since 2003.
	Para 3.3 – 3.4	<u>Approach to Cost Sharing</u> Bett Homes supports the principle that sites should be required to make a contribution to the delivery of DEAR <i>...if the traffic generated were likely to make an impact on Denny Cross.(Para. 3.4)</i> However Bett do not agree with the impact of traffic on DEAR also being taken into account and state that the apportionment of cost should be based on impact on Denny Cross only	Not accepted. It is a tried and tested principle in dealing with developer contributions for road schemes to take account of projections of the use of the road by future traffic from benefitting sites in apportioning a share of costs. Bett's position at the Local Plan Inquiry was that there was a clear distinction between those sites which can only provide contributions and the Mydub site which was intended to act as 'enabling development' to fund the construction of DEAR, primarily because the development utilised the DEAR as a local distributor road to access the site.

	Para 3.6 – 3.7	<p>The cost plan for DEAR should be made available on a confidential basis to those sites which are expected to contribute. This information is of particular relevance to Bett Homes as its contribution to DEAR is not only a financial contribution, but also includes, or will include, the following costs:</p> <ul style="list-style-type: none"> • the design costs incurred; • costs for surveys and studies required, including intrusive site investigation; • costs for securing consents; • construction costs for the section of DEAR which Bett Homes will be undertaking directly; • land acquisition costs. <p>The costs for DEAR should be updated to reflect the current proposal as submitted for planning permission and RCC.</p>	<p>The total cost of £6,913,525 shown in the SPG is the most up to date as estimated by the Council's Engineering Design team and include a prudent 'optimism bias' allowance i.e. worst case scenario. The Council is happy to share these with Bett and any other developer and they will be updated to reflect costs whenever construction takes place. However the Council does not accept that Bett has incurred all of the costs listed, as some of these have already been borne by the Council in working up its design for the road e.g. design costs, surveys and studies. The scope for sharing of other costs listed can be discussed. The scheme submitted by Bett draws heavily from the Council's own work and only minor changes have been made by Bett to the Council's layout. Land acquisition costs are included in the costs of the scheme as a contingency and the costs of any land acquired by Bett for the section of road that they intend to build can obviously be deducted.</p>
	Section 4	<p><u>Calculating share of costs between sites</u></p> <p>Bett Homes contend that a planning obligation drawn up on the basis of the SPG table may not meet the test of Scottish Government Circular 3/12. In particular the tests of 'Scale and Kind' and 'Reasonableness' are queried</p> <p>In defining the scale of the contribution, the Council must satisfy itself that the obligation does not adversely affect the viability of the contributing site(s), and should adopt a flexible approach not only to the timing of the contribution, but also to the scale of the contribution. Alternatively it must be prepared to reduce other agreements or conditions relating to infrastructure provision that may otherwise apply to development, in particular affordable housing requirements or education requirements.</p>	<p>Negotiations on a planning obligation are part of the planning application process and the tests set out on Circular 3/12 will be assessed at that stage. The scale of the contribution is defined in the table on p7 and is clearly related to the total cost of the project. Any alteration/reduction to Bett's share will result in an automatic increase for other sites.</p> <p>The SPG states at para 4.5 that the Council is aware of market fragility and will adopt a flexible approach to the timing, if not the scale of contributions, including contributions for other community infrastructure. It is open to Bett to submit a development viability statement to support their concerns on viability through the planning application process. The Council is not in a position to assess an individual development proposal's viability unless it is brought into an open book site appraisal process.</p> <p>Bett's suggested change to the SPG that '.. the Council may be required to fund any shortfall which arises from securing planning obligations from contributing sites' is not accepted.</p>

	Para 4.2	<p>This paragraph states that the Council has carried out and paid for '<i>detailed design work and studies for the project....to facilitate the submission of a planning application for the whole project</i>'. Bett contend that they have also done this work for their planning application and request that this statement should be deleted from the draft SPG.</p> <p>A further change to add in the clause in relation to developer contributions '<i>where these meet the tests of Circular 3/2012</i>' is requested.</p>	<p>The sentence is accurate insofar as the Council has carried out design work for the whole road, which was originally carried out for an application by the Council that was later withdrawn. This work has been shared with Bett's engineering consultants. The statement is valid and should remain in the SPG.</p> <p>The request to add the additional clause in regard to Circular 3/2012 is not accepted. Reference to S75 obligations conforming to Circular 3/2012 is already made elsewhere in the draft SPG at para 4.1</p>
	Para 5.2 and Map1	<p>Bett request an addition and a deletion from the paragraph and also request that Map 1 be altered to reflect the scheme which is the subject of Bett's planning application</p>	<p>These additions and deletions are accepted. The replacement of Map1 will be acceptable provided the Bett scheme conforms to Council's roads standards and scheme requirements.</p>
	Paras 4.4, 5.1 and table on p7	<p>Bett dispute the methodology for calculating the percentage share of construction costs allocated to each site, insofar as they contend that an allowance for the usage of DEAR by traffic should not be included and that impact on Denny Cross should be the sole criterion. Bett acknowledge that 100% of the traffic from Mydub would use DEAR for access purposes, but that the distribution of this traffic is around Denny, with only part of the traffic going through Denny Cross.</p> <p>Bett also contend that the original cost proportioning model was developed c.2004 by Atkins on behalf of Falkirk Council and that this is now out of date and should be updated. They request that the whole of the table on p7 is revised to conform to their suggested methodology.</p> <hr/> <p>In a further response dated 10.06.13 Bett have provided their own calculations of traffic impact and apportioned costs to sites. They did this because they believe the Council's calculations to be partial and inconsistent.</p>	<p>As stated in para 3.2 of the draft SPG Falkirk Council has followed government advice in adopting the cumulative impact approach to apportioning costs of infrastructure to new development. It is valid to include impact on DEAR as well as on Denny Cross.</p> <p>While some modelling of traffic impact on Denny Cross was carried out in 2004 in relation to the application for Denny High School and an inception meeting was held in March 2005 to look at the design and costs of constructing DEAR, Atkins were not involved in any of this process. Atkins only involvement was in submitting a Transport Assessment for the new Denny High School which included test scenarios for Denny Cross with and without DEAR. However detailed modelling and cost apportioning to sites did not take place until 2010 because the final distribution of development sites was contingent on the need to wait for the approval of Falkirk Council Local Plan.</p> <hr/> <p>While Bett acknowledge that the overall cost contribution methodology adopted by Falkirk Council is considered to be acceptable they have reworked the calculations based on their own traffic flow diagrams. This results in a considerable reduction in the contribution from Mydub and the percentage assignment (although missing from their table) equates to approximately 46% instead of 100%. The Carrongrove Mill site has been added back into the table and a new contribution calculated (although the Carrongrove contribution has been agreed</p>

			<p>already through a S75 obligation). The percentage assignment for both Banknock and Dennyloanhead sites have increased as has the former Denny High School site.</p> <p>The Council do not accept Bett's conclusions (and, on the detailed issues, there has been insufficient time to review their flow diagrams).</p>
	Para 4.5	Bett welcome the Council's willingness to be flexible on timing of contributions but request that this flexibility should extend to the scale of contributions as well. They also suggest a new paragraph to cover the refund of money in the event the works do not take place within a prescribed timescale, or if the cost of the works is less than the budget on which the contributions have been agreed.	Extension of flexibility to cover scale of contributions is not accepted. The Council maintains its position that the road is to be developer funded. The issue of refunds of contributions will be covered in the relevant S75 obligations.
	Paras 5.1 and 5.5	Bett Homes supports the principle in paragraph 5.1 of the draft SPG that Bett Homes' total contribution to the overall cost should comprise both the actual construction of part(s) of DEAR, as well as any proportionate financial contribution if justified. They request some clarifying amendments to paragraph 5.5 to avoid any misconceptions about the nature of the contribution provided by the construction of the section of DEAR which provides access to Mydub.	<p>Proportional financial contributions have already been justified of which part will form the access to Mydub and the remainder a financial contribution for the balance, as stated in para 5.1.</p> <p>Proposed clarifying amendments partially accepted.</p>
Denny and District Community Council	Non-specific	Denny and District CC welcome action to support DEAR	Support noted
	Non-specific	With 90% of funding coming from 2 parties (Bett and the Council) the CC hope that these parties can jointly provide a timeline for the project	This can be negotiated through the planning application process.
	Non-specific	Denny and District CC state there is no mention in draft SPG of discussion between Bett and the CC on need to build roundabout on Glasgow road first.	The Council has not been party to discussions between Bett and the CC. However this is an issue being dealt with in the live planning application P/12/0546/FUL
	Non-specific	CC expresses a community view for guarantees that the trees along the route of the boundary will not be disturbed in any way	This is a matter that can resolved through planning applications, not this specific SPG
	Section 5	The discussion of the alternative funding options, particularly statement that <i>'it may fall to the council to carry all of the road's actual design and</i>	The Council's current position is to delivery DEAR through developer contributions, but it is willing to consider other funding options should circumstances change.

		<i>construction'</i> suggests that the SPG strategy is flawed at the conceptual stage	
MacTaggart and Mickel	Non-specific	MacTaggart and Mickel (M&M) believe the roundabout with Glasgow Road and the initial stretch of road required to access the Mydub site should be removed from the overall DEAR calculation. These works are required to access the Mydub site and should be considered as necessary access works to be funded solely by the developer of that site. All other sites which are required to contribute in a similar proportionate manner are being asked to fund their access works separate of the DEAR contribution and it is clearly not appropriate that the Mydub site should be allowed to reduce their DEAR contribution to the value of their access works simply because the site is located on the route.	Accepted that other sites' contributions to DEAR are additional to their costs for providing their own site accesses. The initial stretch of road from Glasgow Road serves a dual purpose of accessing the Mydub site and providing relief to Denny Cross. But it cannot be removed from the overall DEAR calculation as it would still be required even if the Mydub site did not exist.
	Non-specific	No detail has been provided on the rationale for the proposed route alignment, as such, M&M assume that this alignment has been defined to accommodate the Mydub allocation which has considerable implications on the overall scheme cost. It is clear that the most cost effective scheme would be to promote a direct alignment between Glasgow Road and the A883, however, due to the need to accommodate the Mydub allocation the proposed route is far from direct which considerably lengthens the proposed road and therefore increases the cost which should not be borne by competing sites.	The change to the route alignment of DEAR was recommended by the Reporter to the FCLP Local Plan Inquiry and accepted and approved by Council for the adopted FCLP. The route is approx 150m longer than the route shown in the deposit draft FCLP (a 10% increase in route length). In their evidence to the LPI Bett accepted that they would bear the cost of the extra length although this has not been factored into the SPG cost distribution. The realigned route is considered to be the better environmental fit to the landscape.

	Section 4	<p>With regards the methodology for calculating the share of costs between sites, M&M would request that greater clarity is provided on how this has been derived and exactly what the various figures included within the table on Page 7 represent. It would appear that the council have estimated the vehicle generation that they believe will utilise the proposed route from the various sites which have been earmarked to contribute to the scheme and used this information to proportion costs. There has been no detail provided on how the generation or distribution of traffic has been calculated and we believe this information should be available for scrutiny to allow a comprehensive response to the consultation process.</p>	<p>As stated in para 3.2 of the draft SPG Falkirk Council have followed government advice in adopting the cumulative impact approach to apportioning costs of infrastructure to new development. It was agreed at the FCLP Local Plan Inquiry that the level of impact from the Dennyloanhead site was based on trips to the new high school. Carrongrove Mill impact was extracted from the Transport Assessment that was submitted by MacTaggart and Mickel in support of their planning application.</p>
		<p>M&M note that the primary reason for the DEAR is to relieve congestion on Denny Cross, therefore, if that assumption is correct and the cost has been derived from the estimation of traffic utilising the new route then M&M would ask for clarity on how this relates directly to relieving impact at Denny Cross. Without this clarity it is impossible to comment on whether the mechanism for contribution and therefore the percentage contribution to total cost is appropriate and if the proposed methodology satisfies the tests identified in Planning Circular 1/10.</p>	<p>The impact of DEAR on relieving traffic congestion at Denny Cross has been modelled and it is valid, in the calculations of cost share, to include impact on DEAR as well as on Denny Cross. For example, the Carrongrove Mill percentage was calculated from the distribution contained with the Transport Assessment submitted to support the application. It was based on the percentage of traffic that use Denny Cross to travel east on Broad Street which would divert to DEAR.</p> <p>Any S75 obligations drawn up as a result of planning applications will comply with the tests of Circular 3/12 (which supersedes Circular 1/10).</p>
		<p>M&M note the Dennyloanhead site has been assigned 1.64% of the proposed costs as a result of 8 potential vehicle movements. 1.64% would result in a circa. £100,000 contribution based on the identified scheme cost of £6,913,525 which equates to approximately £12,500 per vehicle. We do not consider that this fairly and reasonably relates in scale and kind to the proposed development.</p> <p>M&M would also expect a full breakdown of the cost estimate for the DEAR to be provided to ensure that all parties are aware what works are included and a review of the rates utilised to reach the £6,913,525 figure quoted in the document.</p>	<p>The scale of the contribution is defined in the table on p7 and is clearly related to the total cost of the project. The figure of 8 movements is per hour, not for a whole day, and therefore the calculation shown per vehicle is not valid. The actual number of trips is based on a proportion of the trips made to Denny High School from the development site, as referred to under response to Section 4 above.</p> <p>Any alteration/reduction to the Dennyloanhead site's share will result in an automatic increase for other sites. The total cost of £6,913,525 shown in the SPG is the most up to date, as estimated by the Council's Engineering Design team and includes a prudent 'optimism bias' allowance i.e. worst case scenario. The Council is happy to share these with Mactaggart and Mickel and any other developer and they will be updated to reflect costs whenever construction takes place.</p>

	Non-specific	Given the uncertainty over delivery of the DEAR M&M consider that the historic position taken by the council requiring the Mydub site to deliver the road should be reinstated which would be in keeping with the developers assurances at the Local Plan Hearing where they confirmed that the Mydub site would deliver the road in its entirety.	The Council has decided, through the FCLP, that a number of sites will contribute to the cost of the road and the SPG cannot change that decision. The Mydub site makes the highest contribution by a considerable margin.
Banknock, Haggs and Longcroft Community Council	Non-specific	BHL Community Council welcome action to progress DEAR, the route of the road seems logical and the use of developer contributions to fund at least part of the road is appropriate.	Support welcomed
	Non-specific	The funding proposal seems unnecessarily complex and perhaps inconsistent, in that it includes contributions from projects in the Banknock/Haggs/Longcroft area whilst there are no contributions from developments in Bonnybridge or elsewhere. Also the inclusion of Denny Town Centre is questioned.	The choice of sites was partly dictated by the requirements of FCLP, which names specific sites, and partly driven by an assessment of sites which would generate additional traffic impacting on Denny Cross, most obviously Denny Town Centre. Other sites which may come forward in the future and would make a significant traffic impact will also be eligible to make a contribution.
	Non-specific	Given that the draft SPG indicates that 85 – 92% of the funding is to come from only two parties it is suggested that the two parties engage with a view to progressing matters in early course	This is likely to be negotiated at the planning application stage.
	Non-specific	On the basis of the information available the total cost of the project (almost £7million) seems high. Competitive tendering would achieve a lower quotation and also that the developer be invited to submit a price for constructing all of the road (to the Council's specification)	The costs have been calculated using accepted engineering design methodology and include a generous 'optimism bias' i.e. worst case scenario. The decision on how, and which parties, will construct the road is yet to be taken.
Bonnybridge Community Council	Non-specific	Bonnybridge community council would like to commend Falkirk Council in getting this plan onto the drawing board	Support welcomed
	Non-specific	DEAR should be built as soon as possible and should be built as one project, rather than piecemeal, which would appear to be the preferred option in the consultative draft	The Council's current position is to delivery DEAR through developer contributions, but it is willing to consider other funding options should circumstances change

	Map 1	Looking at the plan on the back page of the Consultative Draft document there is no mention of cycle paths on this route. This route will obliterate a path from Chasefield Wood to Herbertshire Park. What will be put in its place?	The SPG does not go into design detail and map 1 is primarily illustrative. However the road design as proposed does include a separate cycle path along the whole length of the road and makes provision to maintain the footpath/cycle route links between Chasefield Wood and Denny
	Para 2.1	This paragraph states DEAR has its origins in the 1970s when options to relieve traffic congestion at Denny Cross were first considered. Given the time which has passed all our councillors need to bury their political differences and get together with the planners and find a way to deliver this project. This is for the good of our community and goes beyond political posturing.	The SPG represents the Council's acknowledgement that the problem of congestion has to be tackled and that DEAR is the current preferred solution. Other solutions have already been implemented or considered e.g. Nethermain Road was the scheme developed in the 1970's as a relief to Denny Cross for north-south traffic. In the 1990's a scheme to bypass Stirling Street at the rear of the Co-op store was included in the Council's Transport Policies and Programme (TPP). This scheme was dropped as a result of an extension to the Co-op.
	Section 4	The Mydub project will be the biggest contributor to this site. A rough calculation for the ~ 300 houses proposed for this site is ~ £11,000 per unit. Is this reasonable and will the builders bear this cost? Given that there are other social costs attached to each unit, we wonder if this is deliverable	The share of the cost attributed to the Mydub site is proportionate to the impact of traffic from that site. Mydub's share is large because traffic from that site will make the biggest impact. The Council is willing to be flexible on the timing of payment of contributions in order to ensure deliverability of the project.
Councillor McNally	Non-specific	Discussion with farmers affected by severance brought forth a in view that the best way to avoid more congestion at Denny Cross would be to either front load the complete development of the route by prudential borrowing within the council, as within the report, or build from the Denny High School end of the route to allow the new housing residents to enter from that side thereby hopefully most of the traffic avoiding the Cross.	The Council's current position is to delivery DEAR through developer contributions, but it is willing to consider the front funding option should circumstances change. Para 5.1 of the draft SPG explains the pivotal role of site H.DEN12 in starting the road's construction and therefore building will most likely start at the Glasgow Road end rather than the school end.
	Section 4	The developer funding method of delivering the project is, as is known, flawed through the downturn in the housing market since the recession hit the construction industry particularly hard, and if all indications are correct the people and community of Denny/Dunipace will be waiting at least another 20 years for the housing market to recover, if ever, to pre recession levels.	The Council's current position is to delivery DEAR through developer contributions, but it is willing to consider other funding option should circumstances change.

	Non-specific	On the approach to sharing costs, the Council will be aware of major house builders/developers in the west/ward 3 opting out, asking for dispensation from their commitments, agreed previously with yourselves , the planners on behalf of the council. This cannot be allowed!	Mactaggart and Mickel have requested a variation of the S75 Obligation. This is for the Council's Planning Committee to consider and is outwith the scope of the draft SPG.
Councillor McCabe	Para 1.1	Cllr McCabe holds that it is erroneously stated in this paragraph that the " <i>route will require to be developer funded</i> ." His view is it doesn't have to be.	The wording ' <i>the route will require to be developer funded</i> ' is a direct quote from the adopted Falkirk Council Local Plan (FCLP) which this draft SPG seeks to implement. The SPG cannot change the wording of its parent approved plan. The Council's current position is to delivery DEAR through developer contributions, but it is willing to consider other funding options should circumstances change, as discussed in paras 5.4 to 5.6
	Para 1.3	Falkirk Council Local Plan is the old plan. Why is the Council not using the new Local Development Plan for this new SPG?	This SPG is a specific requirement of Falkirk Council Local Plan which contains provision for DEAR, as stated in the first paragraph of the SPG. FCLP is the current Local Plan and sets out planning policy and proposals on which planning applications are assessed. It will not be superseded by Falkirk Local Development Plan until 2015.
	Para 2.1	This paragraph states..." <i>mid 1990's when a route for a relief road to the east of Denny town centre was safeguarded</i> ." Cllr McCabe holds the view that 20 years of " <i>safeguarding</i> " seems excessive when it appears the Council are still proposing nothing.	The safeguarded route for an eastern town centre bypass referred to in para 2.1 was a different proposal to DEAR and was abandoned in the early 2000s. The current proposal has not been safeguarded for 20 years.
	Paras 3.1-3.5	A number of references are made to considering the cumulative impact of development, apportioning costs based on level of traffic and on the extent to which traffic would impact on Denny Cross and/or the new road. Cllr McCabe asks which impact is being calculated, if the new road hasn't been constructed yet. He also queries who will have the right to revise the pro-rata contributions shown in the draft SPG and when would this take place?	Even though DEAR is not yet constructed it is possible to model traffic usage of such a road from each site. Therefore the impacts which are calculated for each site are based on the projected distribution of traffic using either of Denny Cross and DEAR. Para 3.5 states 'The Council reserves the right to revise the SPG, in particular the pro-rata contributions, to take account of changing circumstances in the development plan framework'. Any proposed changes to the pro-rated contributions will be presented to the appropriate Council committee for agreement. It is anticipated this will first arise when the emerging Local Development Plan is adopted, which will contain different housing allocations from the current Local Plan, which will need to be taken into account in the contribution table.
	Para 3.6	This paragraph makes reference to a contribution having already been agreed. Cllr McCabe believes this is entirely questionable since McTaggart & Mickel have already submitted a variation to the	It is a fact that MacTaggart and Mickel have agreed, through a S75 Obligation, a contribution of £550,000 for DEAR. They have subsequently requested a variation of this planning obligation. It is for the Council, through the Planning Committee, to decide whether to

		planning approval and wish to withdraw. Cllr McCabe asks whether this comment should be removed as it is not based on fact.	consent to this request and is outwith the scope of the draft SPG.
	Para 4.1	Cllr McCabe asks for an explanation of the sentence ' <i>Actual share will only be attributed at the time of a planning application</i> '.	This is normal professional practice in dealing with developer contributions for transport projects. As the paragraph explains in its first sentence the actual costs to be divided up between sites are only relevant at the time of construction. Not all sites have been the subject of a planning application yet. The SPG is a guide, and is not definitive.
	Para 4.5	Cllr McCabe states the Mydub development has indicated a 10 year term of phased construction. He wonders if the Council has to wait 10 years until Bett put up their full contribution; or is there expected to be a pro-rata staged payment timetable?	The timing of payments will be negotiated between Bett and the Council and set out in the relevant S75 Obligation, assuming the current application receives planning consent.
	Para 5.1	Cllr McCabe queries the 'pivotal' role of the Mydub site in how the road construction proceeds and believes their share of the total cost is too excessive a burden for one site.	Mydub's role is pivotal because it is the only site which requires DEAR as a site access. Bett are expected to construct a part of the road themselves so they will start the whole project, which is important. Mydub's share is large because traffic from that site will make the biggest impact. If Mydub's share were to be reduced then, mathematically, the shares attributed to other sites would have to increase to compensate.
	Section 5 generally	Cllr McCabe believes that this section shows that the Council's chosen funding strategy for the road is flawed.	Paragraphs 5.2 to 5.6 are intended to show that the Council has considered other funding options to deliver the project. It shows the Council is willing to keep options open, in recognition of the fragility of the current development market which could constrain the receipt of developer contribution funding.
Non Aligned Independent Group	Paras 1.1, 1.3, 2.1, 3.3, 4.1, 4.5, section 5		The points made by the Non Aligned Independent Group are almost identical to that of Cllr McCabe and therefore the responses to the section above also apply here.

Delivery of Denny Eastern Access Road (DEAR)

Consultative Draft
Supplementary Planning Guidance Note
February 2013



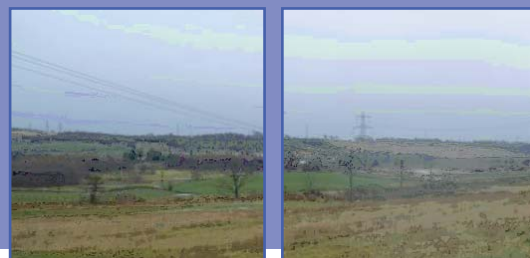
Falkirk Council





- 1. Introduction and Local Plan Context**
- 2. Rationale for Proposing DEAR**
- 3. Approach to Sharing of Costs**
- 4. Calculating the Share of Costs Between Sites**
- 5. Construction Roles and Phasing of Work**





1.0 Introduction and Local Plan Context

- 1.1 Falkirk Council Local Plan (FCLP) includes provision for Denny Eastern Access Road (DEAR) through Opportunity TR.DEN01, which states:

TR.DEN01 Denny Eastern Access Road

Opportunity: Bypass Road

Agency: Falkirk Council/Private

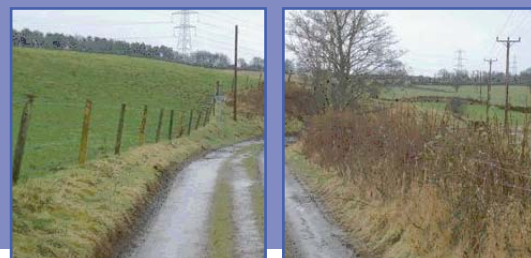
Comments:

New bypass road required to address capacity problems at Denny Cross which will be further exacerbated by new development. Phase 1 from Broad Street to the new Denny High School has been completed, funded by Falkirk Council. Remainder of route will require to be developer funded. The Council will publish supplementary planning guidance to clarify for all parties how the proposed road will be delivered. Impacts on Herbertshire Playing Fields, and on protected species in the area will have to be appropriately mitigated.

- 1.2 This draft SPG takes forward Opportunity TR.DEN01 above and seeks to establish a framework for the delivery of DEAR.
- 1.3 FCLP nominated six sites in the Denny and Dennyloanhead area that are to make a proportionate financial contribution to the delivery of DEAR. These are:
- H.DEN04 Former Denny High School
 - H.DEN08 Duke Street (West)
 - H.DEN09 Nethermain Road/Castlerankine Road
 - H.DEN11 Broad Street (east of Winchester Avenue/Springfield Road)
 - H.DEN12 Mydub, Denny
 - H.B&B07 Longcroft/Dennyloanhead
- 1.4 Other sites have been, or may in future be, taken into account as it is reasonable to include any site from which traffic would impact on Denny Cross as eligible to make a proportionate contribution. This is discussed further in section 3 below.

2.0 Rationale for Proposing DEAR

- 2.1** The decision to create a project for a relief road around the south-eastern edge of Denny has its origin in the 1970s when the then Denny and District Local Plan considered a number of options for relieving traffic congestion at Denny Cross. Even then there were considerable delays for traffic negotiating Denny Cross at peak periods. The construction of Nethermains Road provided an alternative route for north-south through traffic but no proposal directly relieving Stirling St and Denny Cross were taken forward until the mid 1990s when a route for a relief road to the east of Denny town centre was safeguarded in the Denny and District Local Plan.
- 2.2** When the first Falkirk Council Structure Plan was prepared it firmed up earlier concepts for the expansion of Denny and indicated that residential expansion should be to the east and south east of the built up area in the general Mydub Farm area. The Structure Plan also indicated that development should be controlled by careful phasing and should generate developer contributions to ensure that adequate social and physical infrastructure would be in place to address deficiencies.
- 2.3** The subsequent Consultative Draft Falkirk Council Local Plan, published in 2003, introduced a bypass road, called Denny Eastern Access Road (DEAR). This transport opportunity, designated TR.DEN1, was conceived to provide two functions:
- To provide access to the proposed Mydub housing site
 - To relieve traffic congestion at Denny Cross which would be exacerbated by the traffic generated by the housing in the large Mydub site and other smaller sites around Denny.



3.0 Approach to Sharing of Costs

- 3.1** Transport Assessment and Implementation: A Guide published by the Scottish Executive Development Department (August 2005) highlights the need to consider cumulative impact of development. This approach is continued in Scottish Planning Policy (SPP) published by the Scottish Government in 2010.
- 3.2** In the light of this advice, Falkirk Council has applied the cumulative impact approach to new development where any significant infrastructure improvements are required as a result of development. The apportioning of the relevant costs would normally be based on the level of traffic impact of each development as a percentage of the overall traffic impact from all of the proposed development sites in the area. This level of impact would normally be quantified through a Transport Assessment at the planning application stage, and the necessary mitigation / developer contribution agreed as a result of that.
- 3.3** Following this approach, the principle for seeking contributions is based on relative degree of traffic impact. The apportioning of cost between developers reflects the extent to which traffic from each development would impact on Denny Cross and/or use the new road.
- 3.4** As indicated above it is reasonable to consider sites, other than those specifically assigned in FCLP, to make a contribution if the traffic generated were likely to make an impact on Denny Cross. Other sites which have been taken into account for consideration are those making up the SIRR proposals at Banknock on the grounds that children from these areas attend Denny High School and new pupils from the development sites would travel through Denny Cross to reach the school until DEAR is completed. The redevelopment of Denny Town Centre has also been included as a potential contributing project. An assessment of the extent of these sites' impacts has been included in the calculations in Table 1 below.

- 3.5** Other windfall sites may come forward in the period before construction begins and a small contingency assumption has been built into the calculations in Table 1. New sites which come forward through the emerging Local Development Plan will also be eligible to contribute in due course. The Council reserves the right to revise the SPG, in particular the pro-rata contributions, to take account of the changing circumstances of the Development Plan framework.

Total Cost of Project

- 3.6** An assessment of the likely costs of constructing the DEAR has been made by the Engineering Design Unit of Development Services. Taking into account the cost of ancillary works such as topographic surveys, ecology studies, building in various contingencies and allowing for continuing access to rights of way and core paths which cross the route, the total cost of the Council's preferred option at November 2012 prices has been calculated as £6,913,525. This total also makes allowance for land acquisition costs. However, as a contribution has already been agreed with one developer the outstanding cost to be distributed around contributing sites reduces to £6,363,525.
- 3.7** While the figure of £6,913,525 represents a worst case cost, which incorporates 'optimism bias', the actual costs will vary from this figure depending on when construction takes place. This figure is very much a snapshot estimate for the purposes of the SPG, and it would be prudent to build in an assumption of at least a 1.5% rise in costs annually until the actual construction time.

4.0 Calculating the Share of Costs Between Sites

- 4.1** It is not the intention of this SPG to assign an actual priced contribution to each site. For the reasons outlined in para 3.7 above the total actual cost to be divided will only be relevant at the time of construction. However, it is possible to work out a percentage share of the total cost for each site based on currently stated capacities, from which an estimated cost share, at current prices, can then be inferred. Actual share of costs will only be attributed at the time of a planning application and the completion of any associated planning obligation drawn up under S75 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning, etc (Scotland) Act 2006) and Circular 3/2012.
- 4.2** The Falkirk Council Local Plan notes, at para 9.44, that the Council funded the construction of the early phase of the road and that 'the remainder of the road will connect through to Glasgow Road and is expected to be developer funded'. Thus it is clear that the funding of DEAR will be largely drawn from developer contributions. However the Council, as roads authority, will continue to contribute to the cost of the project through scheme development, carrying out detailed design work and studies for the project, and undertaking all necessary tasks to facilitate the submission of a planning application for the whole project. This work is estimated to cost around £90,000.
- 4.3** As suggested at para 3.6 above it is, in principle, reasonable to assign part of the cost to windfall development which may occur in the Denny area in the run up to the period of construction. Of course, windfall development is inherently difficult to predict and with current constricted levels of development activity it is prudent to assign only a modest percentage of likely contributions to windfall sites. It is suggested that this percentage be around 1%.
- 4.4** Taking these considerations into account a calculation has been made of the relative impact of traffic from the sites discussed above. The percentage share of the total cost is indicated in the last column.
- 4.5** The phasing of contributions will, of course, be governed by the timing of each site's development. Detailed negotiations on phasing of payments will take place at the planning application stage. The Council is mindful of market fragility and that most sites will have contributions for other community infrastructure to bear, and obligations will be drawn up to permit moneys to be paid, if necessary, in arrears of completion at specific intervals as sites are built out.

Calculating the Share of Costs Between Sites



Site	Total Housing Units	Trip generation (peak hour vehicles)	Percentage assignment	Hourly flows assigned to DEAR	Percentage contribution to total cost (based on flows)
H.DEN04 (former) Denny High School	200	166	30%	50	10.35%
H.DEN11 Broad Street	c.100	80	42%	34	6.97%
H.DEN09 Nethermains Road/ Castlerankine Road	25	20	30%	6	1.23%
H.DEN08 Duke Street West	15	12	30%	4	0.82%
H.DEN12 Mydub Farm	307	261	100%	261	53.48%
H.B&B07 Longcroft/Dennyloanhead *	550	77	10%	8	1.64%
H.B&B16 Banknock North SIRR*	504	71	10%	7	1.43%
H.B&B09,10,11,17 Banknock South SIRR*	270	38	10%	4	0.82%
ED.DEN02 Winchester Avenue 3 **		5	42%	2	0.41%
ED.DEN01 Denny Town Centre ***		183	58%	106	21.72%
Windfall Allowance		36	16%	6	1.23%
Total hourly flow				488	100%

Notes:

* based on proportion of school children travelling to Denny High School by car

** converted to equivalent impact from housing

*** additional new trips likely to be generated

NB. Outstanding total cost of DEAR is assumed to be £6,363,525 @ 2012 prices (£6,913,525 - £550,000). All contributions will be index linked from the date when Planning Committee is minded to grant planning permission. Indicative costs for each site can be derived using the percentage shares.

5.0 Construction Roles and Phasing of Work

- 5.1** The H.DEN12 Mydub site plays a pivotal role in how the road construction proceeds. The developer of the site is likely to build a stretch of the road primarily to provide access to their site and would be eligible for a proportionate contribution for the remainder of the road. Their share of the overall cost, whatever the eventual proportions built or paid for, should cover approximately 53% of the total.
- 5.2** In practice it may fall to the Council to carry out most, if not all, of the road's actual design and construction, given there are no other development sites requiring access to DEAR, although the majority of funding will come from developer contributions.
- 5.3** In recognition of the fragility of the current housing market, where it is difficult to make assumptions about when the various sites expected to make contributions will come forward, the Council has considered the possible need to front fund part of the road's construction. This would be particularly relevant if it were considered imperative that the road is required before all of the sites come forward for development.
- 5.4** The Council will retain the discretion to undertake Prudential Borrowing or utilise capital funding for the project cost in order to enable it to carry out the works and repay/recoup the borrowing or funding through developer contributions. This SPG will continue to apply to sites referred to above and their developers, until any such Prudential Borrowing has been repaid in full or any capital funding and costs is fully refunded to the Council. However, if funding were to be found at a later date which allowed construction to be carried out and completed prior to all contributions being secured, the costs would be recovered retrospectively until the amount of borrowing has been repaid.
- 5.5** In the short term the way forward for the road's construction is likely to be that an initial stretch of road is constructed by the potential developer of Mydub Farm at the Glasgow Road end of the route, sufficient in length to access site H.DEN12 via a roundabout. The potential developer would then provide the balance of their share of the construction cost as a developer contribution.
- 5.6** While it would be preferable for the remainder of the road to be built as a continuation of the 'Mydub scheme' in a single project this would depend on the Council's willingness and ability to front fund the scheme, as noted in paragraphs 5.3 and 5.4 above. Failing that, it is likely that construction of the road will be undertaken in phases in tandem with the rate at which the Council garners funds from other sites through S75 Planning Obligations and applies them to the construction of the remainder of the road.

Map 1: Proposed Design for DEAR





Falkirk Council

FALKIRK COUNCIL

Subject: FALKIRK EMPLOYABILITY FRAMEWORK
Meeting: EXECUTIVE
Date: 18TH JUNE 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION AND BACKGROUND

- 1.1 Employability is an important policy area which continues to grow in significance as economic recovery remains challenging and welfare reforms are implemented.
- 1.2 This report provides an update on the production of a Falkirk Employability Framework produced by the local Employability Partnership in response to the Scottish Government's Working for Growth strategy. The framework recognises the changes in the economic and policy environment as well as the ongoing reform of public services.
- 1.3 The framework highlights the partnership's approach to delivering more effective support, better targeting and a more seamless, integrated provision. This report highlights Falkirk Council's specific actions in the document and suggests the basis of engagement with partners at a local level

2. THE FALKIRK EMPLOYABILITY FRAMEWORK

- 2.1 The employability framework has been produced by a local employability partnership, chaired by the Council and involving Job Centreplus, Forth Valley College, Skills Development Scotland and other bodies. The overarching outcome for the framework is to, *"maximise the percentage of working age residents attaining and sustaining better paid secure employment."*
- 2.2 Since the onset of the recession in 2008, unemployment rates have been persistently high in the Falkirk area rising from 2.7% in 2006, reaching a peak of 4.7% in 2011 and currently at 4.4%. Youth unemployment rose from 5.7% in 2006 to a peak in August 2011 at 1,440 (10.6%) currently at 1,165 (8.6%). Unemployment is still considerably higher than pre-recession levels and there has been little or no economic growth. Efforts by the partnership have helped to stabilise and reverse the growth trend, although it is also recognised that there are high levels of under employment.
- 2.3 The partnership's key focus on school leavers has resulted in a reduction in the number of 16 – 18 year olds who are unemployed and seeking work, illustrated in the highest level of positive school leaving destinations ever at 90.3%; above the Scottish average for the first time since records began.

- 2.4 To date the partnership's focus has centred on 16 – 24 years olds due to the disproportionate effects of the recession on young people with 80% of partner resources prioritised for this group. Whilst young people in the 16-24 bracket are disproportionately disadvantaged they currently represent 30% of jobseekers and up to three times more unemployed jobseekers are aged over 25 years. This volume, coupled with the implementation of the welfare reform programme, has been recognised as a potential issue regarding the prioritisation and allocation of resources.
- 2.5 In reviewing the Falkirk labour market, it is recognised that many challenges remain, especially as there is likely to be a jobs deficit for the foreseeable future. The employability framework therefore seeks to integrate activities with the broader approach to economic development recognising that economic growth, business support and investment are essential to encourage jobs growth in the private sector.
- 2.6 The partners have agreed a set of Outcomes, Outputs and Activities for the 3 years of the framework:

Outcome Description	Baseline Falkirk	Scottish Average	Target	% (+/-)
Gross Weekly Earnings	£479.80	£498.30	£498.99	+4%
Employment Rate (Overall)	78.1%	77%	79%	+0.9%
Claimants in Receipt of Out of Work Benefits	4.6%	4.2%	3.5%	-1.1%
18 – 24 Years Olds	9%	7.7%	6%	-3%
25 – 49 Year Olds	4.8%	4.5%	3%	-1.8%
50+	2.7%	2.4%	2%	-0.7%
Proportion of Working age population with No Qualifications	12.3%	11.6%	10%	-2.3%
% of 16 – 19 Year olds NEET	9.7%	9.6%	8%	-1.7%
Proportion of School Leavers in a Positive Destination	90.3%	89.9%	95%	+4.7%
% of Population aged 16-64 attaining SCQF Level 4 in Literacy and Numeracy	32.1%	38.5%	39%	6.9%
% of workforce undertaking Training in the last 13 weeks	16.3%	20.4%	21%	+4.7%
JSA on and off flow Rates	Off - 15.6%	Off - 17%	Off - 18%	-2.4%
	On - 14.6%	On - 15.2%	On - 12%	-2.6%

- 2.7 The activities and actions to achieve the outcomes will be taken forward in three work streams action plans:
- 1) **Customer Journey** –contributing to more joined up and integrated approach for services users;
 - 2) **Employer Engagement and Labour Market Intelligence** –a coherent service offer to employers;

- 3) **Youth Transitions** - ensuring young people have a positive and sustained destination on leaving school, improving young people's learning opportunities, learner journey, skills development and participation in the labour market.

2.8 The employability framework establishes the context for greater integration, collaboration and alignment which is an essential direction of travel if greater outcomes are to be achieved from reducing public sector resources.

3.0 FALKIRK COUNCIL RESPONSE

3.1 Falkirk Council chairs the local employability partnership and, as a key strategic partner, makes a significant contribution towards helping local job seekers to attain, sustain and progress in employment. The framework highlights four key areas for the Council to contribute towards the framework's delivery:

Better linking of employability and economic development

3.2 There is a need to ensure that national and local strategies are better aligned to support businesses to maximise their contribution to economic recovery. The formation of a one door simplified access point for local businesses, as achieved through the Council's in-house delivery of Business Gateway, makes it easier for businesses to navigate and connect with support. The Council has recently submitted applications seeking EU funding support to augment this activity, with a specific focus on promoting employment opportunity.

Allocation of resources across priority groups

3.3 There is a need to provide a better aligned offer for jobseekers which requires further decentralisation of planning and resources based on the strategic Skills Pipeline. At present approximately 80% of employability resources are aimed at supporting young people¹. There is concern that the current approach does not create sufficient scope to meet the increasing demand for support from older job seekers. There is a need to confirm whether the balance of allocation is most effective use of resources.

Assessing the impact of Welfare Reform on Employability

3.4 It is estimated that c£58 million will be removed from the Falkirk economy over the next three years² as a result of welfare reform. The potential economic impact on the local economy arising from the reduction in local spending and the consequences for local businesses and jobs will need to be further assessed.

3.5 The Work Programme is the single largest employment programme and provides support for long-term unemployed and people with work-limiting health conditions. Falkirk has one appointed sub contractor. This is an area of particular concern as there is no local accountability or ability to influence delivery. At present both Scottish Government and Falkirk Council employability resources target non Work Programme clients which results in an inconsistent local employability offer.³

¹ This excludes the UK Government's Work Programme

² Scottish Local Government Forum Against Poverty March 2013

³ Work Programme clients can access the universal Local Authority Services but not those specifically aimed at employability and skills

- 3.6 Welfare reform will increase the demand for employability and skills services locally Falkirk Council will play an important role in directing people to appropriate services. There is a need for more integrated assessment and planning for claimants. The terms and conditions of engagement due to the conditionality regime will require clear guidance on partnership reporting and data exchange, particularly where punitive measures may be implemented.

4.0 IMPLICATIONS

4.1 Policy Implications

The approach to developing and delivering the refreshed Falkirk Employability Framework is consistent with Council policies and procedures. The implementation of the welfare reform programme has implications on the Council's engagement with benefit recipients subject to the claimant commitment.

4.2 Personnel Implications - None

4.3 Financial Implications - There are no direct financial implications at present.

4.4 Legal Implications - There are no current legal implications

5.0 CONCLUSION

- 5.1 The Falkirk Employability Framework will facilitate the continued implementation of the Council's commitment towards achieving positive school leaving destinations, reducing youth unemployment and increasing skills whilst tackling poverty and disadvantage. However, the impact of welfare reform programme and the increased number and diversity of job seekers requiring employability support will have implications for the prioritisation of services. The Employability Framework aims to provide better aligned public sector support for people seeking employment. However, there are specific issues relating to localisation and resource allocation and their impact for service users in which the Council's position may vary from UK and Scottish Government. These are highlighted in the above report and will be kept under review during the framework's implementation.

6. RECOMMENDATIONS

6.1 It is recommended that the Executive:-

- i) **Agrees to support the Falkirk Employability Framework included in the volume of appendices.**
-

- ii) **Agrees that further monitoring of the pattern of support and its impact on service users be undertaken to take account of the consequences and impact of the welfare reform programme and the need to provide effective employability support for workless households.**

Director of Development Services

Date: 10 June 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Employability Framework 2013 - 16
2. Working for Growth – A Refresh of the Employability Framework for Scotland – September 2012
3. COSLA Report - Scottish Employability Forum and Employability Policy Statement –February 2013
4. People, Councils and the Economy – Scottish Local Government Forum Against Poverty, March 2013
5. Note of Scottish Employability Forum – 31 January 2013
6. Action For Jobs – Supporting Young Scots into Work – Scotland’s Youth Employment Strategy June 2012.
7. Putting Learners at the Centre: Delivering Our Ambitions for Post 16 Education – Scottish Government Consultations proposal response - December 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504446 and ask for Pamela Smith

FALKIRK COUNCIL

Subject: INSPIRING ACTIVE LIVES – A CULTURE AND SPORT STRATEGY FOR FALKIRK 2013 - 2023
Meeting: EXECUTIVE
Date: 18 JUNE 2013
Author: CHIEF EXECUTIVE

1. INTRODUCTION AND BACKGROUND

- 1.1 A draft Culture and Sport Strategy for the Falkirk area from 2013-2023 has been developed for the Council to consider by the Falkirk Community Trust. The Trust acts as the Council's policy adviser on issues and services within its remit.
- 1.2 The draft strategy aims to ensure that we understand the key role that culture and sport can and should play in addressing the key priorities and achieving the primary outcomes of the Council and our partners. This strategy is focused at the part culture and sport plays in our area and, rather than being about the delivery of one organisation, positions these within a strategic context. This is an area strategy rather than an organisational strategy.
- 1.3 The draft strategy sets out a vision for culture and sport within the Falkirk Council area, the key themes that we have to take forward to achieve that vision, our current position with regard to those and, in looking ahead, the key areas for action. It will provide a strategic direction that will guide the Council, the Trust and partners over the coming years. A short report outlining the purpose and scope of the strategy and the process surrounding this is attached to this report as appendix one as included in the volume of appendices.
- 1.4 As the policy advisers to the Council, the Trust have developed this strategy with a view to seeking wider engagement and comments from a variety of stakeholders with a revised strategy coming back to the Council for final approval in the Autumn.

2. POLICY DEVELOPMENT PANEL

- 2.1 Given the new Governance structure adopted by the Council, it is proposed that the Executive establishes a Policy Development Panel to consider the strategy. Such a panel would consist of the Portfolio Holder for culture, leisure and tourism and such other members of the Council as the Executive decides up to a maximum of five in number including the Portfolio Holder. In establishing the Panel, the Executive will include within its members a member or members not drawn from the Administration. The Executive is required to set the Terms of Reference of the Panel. It is suggested that the Executive may wish to ask the Panel to:

- Reflect on the draft strategy and propose changes;

- Look at how the strategy will progress to implementation beyond the broad intent set out within the strategy; and then
- Reflect on this in recommending the final strategy to the Executive.

2.2 It is suggested that the Panel established will wish to consider, in early course, how it will conduct its business i.e. what meetings it will have, who would be invited to take part and, if needed, what other work the Panel would want undertaken to arrive at conclusions. The initial work and obviously the Policy Development Panel itself would be supported by Officers of the Council and also in this instance the Trust.

3. CONCLUSION

3.1 The draft culture and sport strategy provides a valuable vision for the delivery of services over the coming 10 years. It highlights and firmly positions these within the context of key priorities and outcomes. The timing of the development of the strategy allows the Council to consider this in a new and innovative way and to ensure that it fully meets the needs and expectations of the Council and importantly our communities.

4. RECOMMENDATIONS

It is recommended that the Executive:-

- 4.1 **notes the draft Culture and Sport Strategy - Inspiring Active Lives;**
- 4.2 **asks the Trust to consult on the draft strategy; and**
- 4.3 **establishes a Policy Development Panel to review the draft strategy with a view to making recommendations on the final strategy and its implementation to an Executive meeting after the recess.**

.....
CHIEF EXECUTIVE

Date: 6 June 2013
Ref: ABB0613FC – Culture and Sport Strategy
Contact Name: Fiona Campbell

LIST OF BACKGROUND PAPERS

Culture and Leisure Strategy – Inspiring Active Lives 2013 – 2023

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506002 and ask for Mary Pitcaithly

Falkirk Community Trust

Subject: *Inspiring Active Lives - A Culture and Sport Strategy for Falkirk:*
Consultative Draft

Author: CHIEF EXECUTIVE, FALKIRK COMMUNITY TRUST

1. Introduction

- 1.1 This report provides an overview of the Consultative Draft Culture and Sport Strategy which has been prepared by Falkirk Community Trust in its capacity as policy advisor to the Council. The Council is asked to agree to the Trust undertaking consultation to seek endorsement for the Strategy from a range of organisations and the Trust will report back on findings in due course, with a view to the Strategy then being approved.
- 1.2 The Strategy is a ten year development framework for Culture and Sport in the Falkirk Council area. This report provides an outline of the approach that was taken to drafting the structure and themes of the Strategy and proposals for consulting. A copy of the consultative draft document is attached.

2. Approach

- 2.1 It is important to recognise that the Strategy is intended to be shared and its intended ownership will be wider than Falkirk Community Trust and Falkirk Council. Whilst the Trust has a key role in leading the development of culture and sport in the area there are a large number of organisations and groups involved in delivery or who benefit from culture and sport. The Strategy is intended for this wide ranging audience. A main purpose of the Strategy is to provide a framework within which to seek contribution to developing Delivery Plans, and ensure that these plans meet the area's needs.
- 2.2 The Strategy is a component of a family of strategic plans that sit under the 'umbrella' of the area's Strategic Community Plan – *Moving Forward Together*. Three guiding principles underpin the Culture and Sport Strategy which flow from the Strategic Community Plan. The principles are:
 - Working together
 - Understanding need
 - Targeting investment.
- 2.3 The title of the Strategy, "Inspiring Active Lives" helps to capture the essence of the contribution that Culture and Sport bring to the area and the Strategy has a vision of:

"A place with vibrant culture and sporting opportunities where people can achieve fulfilled and active lifestyles."

3. The Strategy

- 3.1 The structure of the document is briefly described in the following paragraphs.
 - A **Foreword** from the Council and the Trust, positions it as a shared Strategy for the area.

- The **Executive Summary** highlights the vision, sets out a précis of the themes and objectives and summarises the background to, and purpose of the Strategy.
- The **Introduction** briefly describes the area, the strategic context, the role for culture and sport and their contribution to improving people's lives.
- **Definitions and Process** highlights the scope of the Strategy, illustrates the range of interests and activities covered and relevance to public policy development. The process that has been worked through to develop the Strategy is set out which will be updated post consultation.
- The **Vision** is illustrated by a diagram that maps how culture and sport plays a part in people's lives from birth well into retirement and the contribution that participation can make to communities.
- The **Current Position** describes achievements and success over recent years through culture and sport. A brief description of the people and population highlights the significant projected increase in older age groups that influence the Strategy.
- **Looking Ahead** sets out the challenges facing the area and specifically for culture and sport the need for investment in our venues. The pressures on public spending and emphasis on efficiency and making best use of collective resources are highlighted. In responding to the challenges the need for the array of service providers to plan together and make sure that the value culture and sport brings continues to be recognised, is a key message. This chapter also sets out the guiding principles of the Strategy. The crucial role for the Trust as a Leader is highlighted.
- **Aims and Themes.** The Strategy has two aims that flow from the vision:
 - To increase and broaden participation in culture and sport;
 - To help secure recognition for the Falkirk area as a vibrant place.
- The Strategy is organised round the following four themes each of which have three high level objectives:
 - Participation
 - Motivation
 - Venues
 - Partnership
- The context to each theme is described and key opportunities for development are highlighted.
- The **Delivery** section highlights the 3-5 year Delivery Plans and identifies strategy milestones for progress in the first three years under each of the aims. The Delivery Plans will be the means to take forward work to deliver the Strategy. This 3 – 5 year partnership action plans will deliver the vision and objectives of the Strategy. All existing Plans will have been reviewed and updated and new Plans created by the end of 2015. The development of the Delivery Plans will be led by Falkirk Community Trust in its capacity as Policy Advisor to the Council and once finalised Plans will be presented to the Council for approval.

4. Consultation

- 4.1 Officers of the Council have made helpful contributions to drafting the Strategy.

- 4.2 The process to develop the Strategy involved engagement with a range of stakeholder groups, such as national organisations and local arts and sports organisations. Their views of the Strategy as drafted will now be sought and it is hoped that local organisations and Community Planning Partners will be able to endorse the Strategy.
- 4.3 The Trust intends to circulate the Consultative Draft Strategy by the end of June with a view seeking views of a range of stakeholders.
- 4.4 This consultation will specifically seek to find out:
- if the document reflects the aspirations of key stakeholders and partner agencies;
 - if the vision, themes, aims and objectives are sufficiently clear and are something that the area can realistically achieve;
 - if the proposed role of partner organisations and stakeholders in delivering the strategy is clear;
 - whether partner organisations and stakeholder groups are able to endorse the strategy; and
 - ask for their commitment to working collaboratively with partners to develop the Delivery Plans that are relevant to their interests.
- 4.5 The consultation period will run from the end of June to the beginning of September and during that time The Trust plans to meet with key stakeholders both locally and nationally. The consultation will be available on the website for anyone to take part in and will be promoted to key customer groups.

TIMESCALE AND SCOPE OF CONSULTATION TO BE INSERTED

5. Conclusion

- 5.1 The development of a new Culture and Sport Strategy for the Falkirk area will help to drive progress and plans over the next decade. As has been highlighted in the Strategy there is much to be done to improve and renew the Culture and Sport asset base whilst ensuring that programmes and activities respond to community needs and expectations. The Strategy highlights the need for individuals themselves to take greater personal responsibility for their health and wellbeing and 'motivation' is one of the key themes.
- 5.2 The Strategy requires the support of a range of stakeholders for delivery. The document attached gives a clear outline of intent and stakeholders should be able to respond and hopefully align their resources accordingly.
- 5.3 Once approved the Strategy will be brought to fruition through the Delivery Plans outlined in section 7 of the document which in turn will drive the Trusts Business Plan and the local work plans of key partners and stakeholders.

Maureen Campbell
Chief Executive

FALKIRK COUNCIL

Subject : FINANCIAL POSITION 2012/13 - PROVISIONAL OUTTURN
Meeting : EXECUTIVE
Date: 18 June 2013
Author : CHIEF FINANCE OFFICER

1. INTRODUCTION

- 1.1 This report presents the provisional outturn on the financial position of the Council for 2012/13. The draft accounts process is almost complete and the figures are subject to final audit review. Any further adjustment to these figures will be reported back to the Executive.

2. GENERAL FUND

- 2.1 Appendix 1, sets out both General Fund net expenditure by Service and how it is financed. Movements between budget and projected outturn are expressed in monetary and percentage terms.

In my report to Policy & Resources Committee in January, I advised that net expenditure after eight months was forecast to be £2.704m lower than planned. This final forecast indicates that net expenditure has further reduced by £1.992m primarily in Social Work, Corporate & Neighbourhood and Miscellaneous Services. The main reasons for this movement are explained in the Service analysis below, along with the reasons for significant overall deviations from budget:-

- 2.2 Education Services (under budget by £0.944m, 0.6%)

The forecast is largely unchanged with reduced employee costs, particularly teachers, primarily contributing to the Service's overall underspend. There were further savings in operational costs including transport costs and residential schools. Although residential school expenditure can be volatile, a combination of reduced demand and alternative service delivery methods have both helped to bring expenditure below budget.

Social Work Services (under budget by £0.969m; 1.1%)

Throughout the year the Service experienced significant pressures arising from demand in purchasing childrens' residential care and adult home care. These pressures were offset by savings arising from staff vacancies, reduced expenditure on residential schools, non-domestic rates and additional income from residential care charges and the NHS. The movement from month eight is primarily a result of the demand for purchasing adult residential care being less than anticipated. It should be noted that this element of the budget is highly volatile and in previous years has contributed to significant overspends.

Development Services (over budget by £0.138m; 0.3%)

The overspend of £0.138m is primarily a result of the decision to procure replacement bus services until 31 March 2013 to be funded from Reserves.

Corporate & Neighbourhood Services (under budget by £1.491m; 9.1%)

There were significant savings in the cost of purchasing bed and breakfast places, together with a range of savings in employee costs, administration of housing benefit, property costs and transport expenses. The movement from month eight is a result of savings in several areas including staff costs, transport costs and property costs across a number of headings and administration of housing benefit.

Miscellaneous Services (under budget by £0.808m; 7.2%)

There was additional income from interest received from revenue balances and lower costs within the local tax collection and Registration functions. Savings of £110k in the Fairer Falkirk Fund are being carried forward into 2013/14 as agreed in the report on Welfare Reform Update to Council of 6 March 2013. In addition, the replacement for the CRM system which was originally forecast to be spent will now be procured in 2013/14.

Central Support Services (under budget by £0.612m; 2.7%)

The cost of both the Chief Executive Office and the corporate activities of Corporate and Neighbourhood Services were below budget, with savings in vacant posts being the most significant factor. There were also savings in the running costs of buildings and a lower external audit fee.

Capital Financing Costs (under budget by £0.346m; 1.4%)

The prolonged period of very low interest rates is the main contributory factor leading to the underspend.

Compensatory Lump Sums (£0.440m)

Compensatory lump sums totalling £0.440m have been paid to individuals who have left the Council under Voluntary Severance arrangements during 2012/13. Related savings will accrue in future years.

Council Tax (under budget by £0.346m)

This is as a result of higher than anticipated growth in the tax base.

Revenue Support Grant (under budget by £0.365m)

My report to Policy & Resources Committee in January explained that £0.172m was primarily a result of the de-coupling of the Scottish Parliament and Council elections. Since then, a further £0.193m has been received to cover set up costs associated with the introduction of the Scottish Welfare Fund and Council Tax Reduction Scheme. These costs will be incurred in 2013/14.

Insurance Fund

A report on the Actuarial Review of the fund is contained elsewhere on the agenda. A transfer to the fund of £0.550m is recommended to help mitigate the impact of future claims from the MMI liability and deal with the shortfall on the fund.

3. TRADING ACCOUNTS

- 3.1 The level of surpluses from the two statutory trading accounts is slightly below the approved budget. Increased expenditure on employee, transport, materials and sub-contractor costs is almost matched by additional income. Both Building Maintenance & Roads will meet their statutory objective.

As from financial year 2013/14, it is proposed to change the status of the Roads Trading Account to a recharge account by merging the costs with the Client function to form an individual Service Unit. The principal reason for this change in accounting practice is that the Client and Contractor are within the same Service thus creating an unnecessary level of bureaucracy to maintain a system where the Service is effectively charging itself. This approach is therefore in keeping with the efficiency agenda.

Discontinuance of trading accounts has been replicated across Scotland, with Audit Scotland over the years reporting an increasing number of Councils taking similar decisions. In respect of the Roads Service, fifteen have already taken such a decision, with a number of other Councils indicating that they are reviewing their current arrangements.

The measures to ensure the Service continues to demonstrate best value will remain in place, including benchmarking, competitive tendering, service review and production of key performance indicators.

4. REPAIRS & RENEWALS FUND AND EARMARKED RESERVES

- 4.1 A summary of the transactions and balances on the Repairs & Renewals Fund and Earmarked Reserves is included at Appendix 2.

5. RESERVES

- 5.1 The Council decided on 5 December 2012 to transfer a sum of £2m from the Uncommitted General Fund to an earmarked reserve specifically set up to fund the front end costs associated with Spend to Save initiatives. Decisions have now been taken to terminate 2 leases at Central Business Park totalling £1.8m and to fund the voluntary severance costs associated with a “Refreshing the Profession” initiative in Education Services costing £0.4m. Although funds from the Economic Development Reserve will help offset part of the costs associated with the lease buyouts, it will be necessary to deploy a further sum to the Spend to Save Reserve should the Council wish to fund the various additional projects which are currently being evaluated. A sum of £1.5m is recommended for this purpose.
- 5.2 In my report to Policy & Resources Committee in January, I mentioned that following the dissolution of the existing Police and Fire Joint Board from 31 March 2013, Reserve balances would be returned to constituent Councils. Following completion of this exercise and subject to audit, sums of £0.5m will be returned for Fire and £0.1m for Police. This is in line with previously reported expectations.

6. HOUSING REVENUE ACCOUNT

- 6.1 Spend within the Housing Revenue Account was £2.050m below the approved budget due to additional income from commercial properties, lower central support charges, savings in staff costs and lower capital costs, partly offset by increased property costs. An insurance settlement of £0.5m in respect of the severe winter weather at the start of 2012 has also been credited to the Housing Revenue Account. The HRA surplus at 31 March 2013 is £8.373m, including the insurance settlement and government grant carried forward and Members should note that £2.5m of this has been utilised to limit the rent rise in 2013/14. It is also planned to use the £0.742m government grant carried forward to fund improvements to our hostel accommodation in line with the purpose of the grant. In addition, work is planned to upgrade commercial properties held on the HRA and to fund continued improvements to our Estates and properties.

7. CONCLUSION

- 7.1 Net General Fund expenditure is £4.7m lower than assumed in setting the 2012/13 Budget. The varied factors which have had a material impact on spending levels are explained in Section 2 above with the majority having been reported throughout the financial year. This positive variation from budget is 1.4% of net expenditure and 0.9% of gross. Although the Revenue Balance at 31 March amounts to £14.0m, a sum of £2.3m was deployed in setting the Revenue Budget for 2013/14, leaving an available balance at 1 April 2013 of £11.7m.
- 7.2 Whilst this sum is above the guidance threshold in the Council's Reserves Strategy, this is a positive position to be in given the expected significant cuts in public funding over the next three years and the range of "shocks" such as the end to contracting out status which can materially impact on the Council's finances.
- 7.3 Spending within the Housing Revenue Account was £2.050m below budget, leading to year-end reserves of £8.373m after taking account of the additional £0.500m insurance receipt and £0.742m Government Grant carried forward.
- 7.4 Finally, it should be noted that the above figures are subject to any further adjustments that may arise from the audit process.

8. RECOMMENDATIONS

Members are invited to:-

- (i) note the Council's year-end financial position for 2012/13
- (ii) approve transfers (receipts) to the Repairs & Renewals Fund and Earmarked Reserves as noted at Appendix 2
- (iii) approve a further sum of £1.5m to be set aside within the Revenue Balance to fund future Spend to Save projects.
- (iv) Approve the discontinuation of the Statutory Trading Account for Roads.

Chief Finance Officer

Date : 17 May 2013

LIST OF BACKGROUND PAPERS

1. Financial Monitoring Statements 2012/13

Any person wishing to inspect the above background papers should telephone Falkirk (01324) and 506371 ask for John Flannigan.

FALKIRK COUNCIL

GENERAL FUND

PROJECTED REVENUE OUTTURN STATEMENT 2012/13 AS AT 31/03/2013

	Budget	Projected	(Fav)/ Adv		Previous
	£'000	Outturn	Variance		Projection
		£'000	£'000	%	£'000
Education Services	171,592	170,648	(944)	(0.6)	170,597
Social Work Services	85,665	84,696	(969)	(1.1)	85,525
Development Services	53,376	53,514	138	0.3	53,676
Corporate & Neighbourhood Services	16,298	14,807	(1,491)	(9.1)	15,568
Miscellaneous Services	11,268	10,460	(808)	(7.2)	10,913
Central Support Services	22,533	21,921	(612)	(2.7)	22,178
Less: Central Support Recharges	(22,533)	(22,533)	-	-	(22,533)
Trading Accounts	(1,023)	(966)	57	5.6	(964)
Sub - Total	337,176	332,547	(4,629)	(1.4)	334,960
Falkirk Community Trust	12,257	12,257	-	-	12,257
Police	12,706	12,706	-	-	12,706
Fire & Rescue	7,304	7,304	-	-	7,304
Valuation	1,255	1,255	-	-	1,255
Transfer to Insurance Fund	-	550	550	-	-
Compensatory Lump Sums	-	440	440	-	404
Adj. for Capital Financing Costs / Capital Charges	(24,023)	(24,369)	(346)	1.4	(24,356)
NET EXPENDITURE	346,675	342,690	(3,985)	(1.1)	344,530
Financed By :					
General Revenue Funding	219,754	220,119	(365)	(0.2)	219,926
Non-Domestic Rates	63,467	63,467	-	-	63,467
Council Tax	60,063	60,409	(346)	(0.6)	60,450
NET INCOME	343,284	343,995	(711)	(0.2)	343,843
SURPLUS/(DEFICIT)	(3,391)	1,305	(4,696)	(1.4)	(687)
Less: Transfer for Spend to Save		(3,500)			
Add: Return of Reserves from Fire		520			
Add: Return of Reserves from Police		76			
Add : General Fund Surplus as at 1 April 2012		15,557			
Projected General Fund Balance as at 31 March 2013		13,958			
Less Deployed in 2013/14 budget		(2,281)			
Available Balance		11,677			

ANALYSIS OF REPAIRS & RENEWALS FUND

Service	Chief Executive	Development					Social Work	Corporate & N'hood		Other	
	Print -works	Roads	Waste Strategy	Flood Prevention G'mth Bo'ness	Birkhill Mine Demolition	Pavilion Improvement	Older People's Accommodation	Property & Plant Upgrade & Maint	Gen Fund Housing Furniture	Drummond House Dilapidations	Total
Balance 01/04/2012	£'000 153	£'000 55	£'000 1140	£'000 200	£'000 109	£'000 50	£'000 1,093	£'000 111	£'000 639	-	£'000 3,550
Spend	(49)	-	(283)	(200)	(75)	-	(250)	(40)	-	-	(897)
Receipts	1	-	-	-	-	-	300	-	250	53	604
Interest	1	-	5	1	1	-	5	1	3	-	17
Balance 31/03/13	106	55	862	1	35	50	1,148	72	892	53	3,274

ANALYSIS OF EARMARKED RESERVES

	Devolved Schools Management	Economic Development	Central Energy Efficiency	Insurance	Total
Balance 01/04/2012	£'000 7,390	£'000 1,205	£'000 370	£'000 3,896	£'000 12,861
Spend	(3,666)	(240)	(16)	(378)	(4,300)
Receipts	3,806	1,186	56	837	5,885
Balance 31/03/13	7,530	2,151	410	4,355	14,446

FALKIRK COUNCIL
HOUSING REVENUE ACCOUNT
PROJECTED REVENUE OUTTURN STATEMENT 2012/13 AS AT 31/03/2013

	<u>Budget</u> £'000	<u>Projected</u> <u>Outturn</u> £'000	<u>(Fav)/ Adv</u> <u>Variance</u> £'000	%	<u>Previous</u> <u>Projection</u> £'000
Employee Expenses	6,812	6,135	(677)	(9.9)	6,145
Property Expenses	23,380	23,624	244	1.0	23,379
Transport Expenses	31	15	(16)	(51.6)	31
Supplies and Services	3,694	3,304	(390)	(10.6)	3,816
Third Party Payments	1,254	1,217	(37)	(3.0)	1,222
Support Services	4,160	3,869	(291)	(7.0)	3,759
Capital Charges	15,908	15,489	(419)	(2.6)	13,342
Compensatory Lump Sums	-	-	-	-	-
Gross Expenditure	<u>55,239</u>	<u>53,653</u>	<u>(1,586)</u>	<u>(2.9)</u>	<u>51,694</u>
Income	52,608	53,072	(464)	(0.9)	50,687
Surplus/(Deficit)	<u>(2,631)</u>	<u>(581)</u>	<u>(2,050)</u>	<u>77.9</u>	<u>(1,007)</u>
Add: Surplus brought forward at 1 April 2012		7,712			
Add: Insurance Receipt		500			
Government Grant carried Forward		742			
Projected Surplus at 31 March 2013		<u>8,373</u>			

FALKIRK COUNCIL

**Subject: ACTUARIAL VALUATION OF THE INSURANCE FUND AND UPDATE
ON MUNICIPAL MUTUAL INSURANCE (MMI)**
Meeting: EXECUTIVE
Date: 18 June 2013
Author: CHIEF FINANCE OFFICER

1. INTRODUCTION

- 1.1 In a report to Policy & Resources Committee on 4 September 2012, it was noted that a report would be prepared following the actuarial review of the Insurance Fund. A commitment was also made at that meeting to update Members on the position with MMI liabilities as information became available.
- 1.2 The purpose of this report is to update Members on the actuarial valuation of the Insurance Fund and the current position in respect of MMI.

2. ACTUARIAL VALUATION OF THE INSURANCE FUND

- 2.1 Every three years an actuarial valuation of the Insurance Fund is completed to ensure the fund is sufficient to meet the Council's claims liabilities.
- 2.2 In March 2013 a report was prepared by HJC Actuarial Consulting Limited. This report concluded that a fund surplus of £0.8m exists and that the fund is currently broadly healthy. However, caution must be exercised given the uncertainty over the final costs that will fall due as a result of the MMI liability.
- 2.3 The actuarial valuation has set the required contribution rate at £1.25m per annum. The current contribution by services is £1.15m, giving an increase in contribution of £0.1m per annum.
- 2.4 Given the surplus in the fund, per paragraph 2.2, it is proposed to absorb the increase in contributions from the fund.

3. MMI

- 3.1 In 1992 MMI stopped underwriting operations after encountering financial difficulties. Prior to this, MMI was the predominant insurer of public sector bodies.
- 3.2 Prior to local government re-organisation in 1996, the extant Councils, Central Regional Council and Falkirk District Council, entered into a 'solvent run-off' arrangement with MMI, with the aim of having sufficient assets to meet outstanding insurance claims. This essentially means that liabilities, as they arise, can be met from available resources.

- 3.3 This arrangement has been effective since its inception however several high profile insurance claims in the last few years (for example Asbestosis) have resulted in MMI now falling into Administration following a decision to do so at a meeting of the MMI Board of Directors on 13 November 2012. Control of MMI has now passed to Ernst and Young who have been appointed as Administrators.

4. IMPLICATIONS FOR FALKIRK COUNCIL

- 4.1 We have now received correspondence from Ernst and Young which confirms that the initial rate of the levy will be 15% of total claims paid since 1993. This equates to c£0.18m for Falkirk Council. The rate of levy must be reviewed at least once every 12 months.
- 4.2 A further consequence of the scheme is that MMI will henceforth cease paying claims in full as they fall to be settled, and will instead pay only 85% of the agreed sum.
- 4.3 There is an additional risk from future, unknown claims, for example asbestos claims. Some actuaries are estimating a substantially higher MMI levy and that this could equate to a liability of circa £1.0m.

5. INSURANCE FUND

- 5.1 As noted above, there are a number of pressures on the Insurance Fund – increased contributions required from Services, payment of the initial MMI levy and a further provision for future levies.
- 5.2 In order to meet the pressures on the fund a general fund contribution of £0.55m is proposed. It is also proposed HRA make a contribution of £0.25m to the Insurance Fund paid for out of a large insurance receipt for property damage related to the storms of January 2012.

6. CONCLUSION

- 6.1 At this stage it is too early to tell what the full implications of the administration of MMI will be and this will evolve over time. The position will be monitored and Members will be kept informed of all significant developments.

7. RECOMMENDATIONS

It is recommended that:

- 7.1 **The Committee note the contents of this report**
- 7.2 **Approve the transfers to the Insurance Fund per para 5.2**

Chief Finance Officer

Date: 5 June 2013

Contact Officer: Amanda Templeman

LIST OF BACKGROUND PAPERS

NIL

FALKIRK COUNCIL

Subject: FAIRER FALKIRK FUND – PROPOSALS FOR FUNDING
Meeting: EXECUTIVE
Date: 18 June 2013
Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES

1. INTRODUCTION AND BACKGROUND

- 1.1 This report asks the Executive to consider a number of funding proposals to utilise £66k of Fairer Falkirk Funding (FFF) currently ring-fenced to help mitigate the impact of welfare reform on people experiencing poverty within the Falkirk Council area.

2. BACKGROUND

- 2.1 This report advises Members on the application now made by the Link Group for a Welfare Rights Officer, the alternative proposals to utilise this budget and makes recommendations to Members in this regard.
- 2.2 The Link Group has submitted an application to the Council for £50k of funding for a Welfare Rights Officer (WRO) to provide a holistic welfare advice service and basic budgeting advice to working age residents in Falkirk. In addition to this Link intends to submit an application to the Big Lottery Fund to augment and re-launch its own advice service as “The Life Transitions Advice Service” providing a holistic advice service including: money advice, complex case debt management support and court representation; welfare rights advice, support and appeal representation; financial and digital inclusion support, signposting and training for tenants/service users and for staff in-house and of partner organisations. The post funded by the request from the Council would sit within this team. In addition to the funding for the Life Transition Advice Service, Link has submitted another bid for lottery funding to provide additional access for its tenants and those of the other five Registered Social Landlords that wish to work with Link, to a Money Advice Officer and Inclusion Officer from around October 2013. This would supplement the Welfare Benefit advice service provided by the WRO.
- 2.3 Having considered the application from the Link Group for a WRO to provide a holistic welfare advice service to working age residents in Falkirk, Officers consider that this is similar to and in addition to services currently provided by the Council’s Community Advice Service and to that provided by the three local Citizens Advice Bureaux. As such was felt that it was not appropriate to fund an additional organisation to provide generic advice services.

3. PROPOSED USE OF THE FAIRER FALKIRK FUND

- 3.1 In a previous report updating the Council on Welfare Reform we confirmed the need to seek to provide services such as budgeting and money management advice as a means of early intervention and prevention. The Council has set aside funding to pursue proposals for additional banking and lending services. A feasibility study on the need and demand

of a social enterprise alternative to Pay Day and Short-term loan companies concluded that there was potential for a sustainable, 5-year model at a cost to the Council of around £147k over a three year period. This will be the subject of a separate report on a Community Development Finance Initiative (CDFI) to the Executive at a future meeting. The recommendation from the consultants' report is to open a branch of "Moneyline", which is a not-for-profit organisation with a number of branches in England. Some of these branches offer money advice services within the branch but additional funding would be required for this. A proportion (approx £30k) of the £66k budget could be allocated to provide funding for one full-time money advisor in Falkirk.

- 3.2 The decision to appoint a Project/Change Manger to guide the Council and our services through welfare reform has been agreed by Council and the appointment process is underway. Administrative support will be required from when the successful candidate takes up the new post. Utilising a proportion of the FFF would allow us to advertise the administrative support post at an early date. Again this would amount to approximately £26,000 per annum.
- 3.3 The Northern Housing Consortium has launched a website www.smarterbuys.org.uk designed to enable tenants to buy essential home items at discounted prices and with access to socially responsible finance through credit unions and other finance organisations such as CDFI's.
- 3.4 Following the feasibility study outlined above, we have identified that citizens in Falkirk are paying in excess of the value of goods purchased through higher purchase stores as a result of large interest charges on repayments and mandatory insurance requirements. Reports by tenants on the Smarterbuys initiative have been very positive and this initiative also encourages access to other, socially responsible lending organisations.
- 3.5 It is therefore proposed that £10,000 of the £66,000 be used to commission a feasibility study for the subsidised introduction of an alternative to higher purchase firms along the lines of the social enterprise "Smarterbuys" store model operating in the North of England. Commissioning a Feasibility Study would allow the Council to consider the value of developing such an initiative in Falkirk.

4. RECOMMENDATION

- 4.1 **It is recommended that the Council does not fund the Link Group proposal but rather utilises the £66,000 in the way outlined above in section 3 of this report and that officers advise the Link Group of this decision.**

.....
DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES

Date: 30 May 2013

Ref: ABB0613LS

Contact Name: Linda Scott

LIST OF BACKGROUND PAPERS

Report to Falkirk Council, 6 March 2013, Welfare Reform

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506045 and ask for Linda Scott.

FALKIRK COUNCIL

**SUBJECT: DECOMMISSIONING OF SACRO SUPPORTED
ACCOMMODATION SERVICE**
MEETING: EXECUTIVE
DATE: 18 JUNE 2013
AUTHOR: DIRECTOR OF SOCIAL WORK SERVICES

1. PURPOSE

- 1.1. To seek members endorsement of a proposal to decommission the Sacro Tenancy Service and replace with a local authority Tenancy Support Service.

2. BACKGROUND

- 2.1. For a number of years Sacro has been commissioned to provide Tenancy Support Services within Falkirk Council. This developed into a system where Sacro took on council tenancies and became the landlord, before handing the tenancy back to the council if and when the tenant proved they could manage the tenancy adequately.

At its high point this service had three staff members, but over the years there have been a number of developments which has impacted on the range of the Tenancy Support Service and what the local authority now requires to provide for high risk of harm offenders.

3. CURRENT STAFFING

- 3.1. Sacro currently provides one member of staff working 35 hours per week and based in Brockville with the Criminal Justice Social Work Service. Seven hours of administrative support is also included in the cost as are operational support costs. During 2012/2013 the Criminal Justice Social Work Service reduced the funding to cover just one, rather than two posts due to the reduced demands.

4. PROPOSED SACRO COSTS 2013/2014

- 4.1. The proposed costs from Sacro for this financial year are £69,400, which equates to around £38 per hour for tenancy support. This compares to a cost of £17.20 per hour for a 37 hour week if delivered in-house.

5. TENANCY SUPPORT DEVELOPMENTS

Since Sacro started to deliver this service the landscape has considerably changed. The changes include:-

- Housing Services now employ a full time worker to assist with the housing of high risk of harm offenders.
- Housing Services contract with Y-People to provide a range of support to everyone, including offenders
- Research has indicated that in general Tenancy Support Services are best delivered in peoples own homes.
- Satellite Tenancies served a purpose at the time, but there were bureaucratic delays built into the system which sometimes held up the securing of a tenancy from the council or passing a tenancy back to the council. It involved additional costs for a small organisation in collection of rents and maintenance.
- The sometimes critical nature of this service often involves almost daily contact between the Tenancy Support Officer and Criminal Justice Team Manager and it would appear that having direct supervisory control is more advantageous in service delivery for the critical few.

The Criminal Justice Social Work Service has a wider range of support services than previously which also assists with the resettlement and tenancy support. These include seconded staff from Signpost Recovery for persons with addiction issues, a seconded worker from the Richmond Fellowship for persons with challenging behaviour due to mental disorder and the ability to spot purchase support from the Council's provider framework at short notice.

6. DETAILS OF THE PROPOSAL

- 6.1. The proposal is to use an already existing permanent post (at Grade G) on the establishment.
- 6.2. By revising the job description of the Tenancy Support Officer to include tasks such as Bail Information and Supervision, plus providing the Scottish Prison Service with Home Detention Curfew reports it also ensures that the post is fully utilised to the benefit of the whole service and not just constrained to Tenancy Support.
- 6.4. Because the nature of the Sacro Tenancy Support post is largely similar to the proposed Criminal Justice Tenancy Support post Human Resources have advised that TUPE applies to the Sacro worker currently providing this service. The legal steps necessary to follow the TUPE process will be applied should the proposal be accepted to decommission the Sacro Tenancy Support Service.

7. HUMAN RESOURCE IMPLICATIONS

7.1. Administrative Support

The current Service Level Agreement with Sacro for Tenancy Support also includes provision for 7 hours of administrative support at a cost of £6150 in a full year. It is proposed that these 7 hours are retained but the cost is transferred to the funding Sacro receives for provision of Women and Children Services to support the Caledonian System. These costs can be fully funded between the Equality grant which is separate from Section

27 Criminal Justice funding and any shortfall will be covered from the budget of the Criminal Justice Programmes team.

8. FINANCIAL IMPLICATIONS

8.1. Use of savings made

The sum of £69400 saved from this service is proposed to be invested in-

Tenancy Support Post - Grade G FTE costs	£34,680(including employer on costs and £1,500 travel)
Spot purchasing budget for use with third sector	£34,600
Total	£69,400

9. RECOMMENDATION

9.1. Members are asked to :

- Agree to the decommissioning of the Sacro Tenancy Service.
- Agree that the service should be developed in-house.
- Agree that the Criminal Justice Social Work Service proceeds to follow TUPE guidelines in relation to the individual Sacro post-holder affected.

.....
Margaret Anderson

Director of Social Work Services

Contact Officer, Nick Burgess, Acting Service Manager, Criminal Justice Social Work Service
Ext 4045

Background Papers: None

FALKIRK COUNCIL

Subject: SITES SURPLUS TO OPERATIONAL REQUIREMENTS
Meeting: EXECUTIVE
Date: 18 June 2013
Author: DIRECTOR OF CORPORATE AND NEIGHBOURHOOD SERVICES

1. INTRODUCTION AND BACKGROUND

- 1.1 The Council's Asset Management Plan, *Better Assets, Better Services* includes an objective to secure operational efficiencies through asset realisation of properties that are surplus to requirements.
- 1.2 The purpose of this report is to seek approval to declare land held on the Council's Housing Revenue Account surplus to operational requirements and thereafter, subject to obtaining any necessary approvals to sale of land on the Housing Revenue Account from the Scottish Ministers, organise negotiated disposal.

2. PURCHASE OF ADDITIONAL GROUND

- 2.1 The Council has been approached in connection with the following sites. The sites are all held on the Housing Revenue Account (HRA) and are adjacent to the applicant's property apart from the area of land Scottish Water wish to purchase. The table below outlines the reasons for the requests as detailed by the applicant.

<i>Applicant</i>	<i>Address</i>	<i>Purpose</i>
Scottish Water	Woodend Farm, Hallglen	Required for the purpose of constructing and maintaining the water main and valve chambers.
Mr D Rogerson	Camas, Redding Road, Brightons	Extend existing driveway
Ms M Leask	32 School Road, Redding	Additional garden ground
Mr T Sneddon	34 Dochart Crescent, Polmont	Additional garden ground
Ms S Laird	149 Burnhead Road, Larbert	Additional garden ground for a driveway.
Mr S Gillespie	Burnbrae Cottage, Main Street, Polmont	Demolish the existing cottage and build two detached properties.

Mr G Sinclair	7 Benjamin Drive, Bo'ness	Additional garden ground (Previous owner has built part of the garage on HRA land and new owner wants to regularise the position)
Mr K Fell	26a Cadzow Avenue, Bo'ness	Additional garden ground
Mr D Mushet	2 Kirkland Drive, Stoneywood	Additional garden ground

2.2 Details of the sites are shown on the plans attached within the appendices.

2.3 The following parties have been consulted in connection with the acquisition requests:

- Surrounding neighbours
- Local Neighbourhood Co-ordinators
- Local Members
- Development Services (Planning and Roads & Design)
- Corporate & Neighbourhood Services (Estates Management)

2.4 Outlined below are the outcomes of the consultation process, together with a recommended course of action informed by the consultation.

<i>Address</i>	<i>Consultation</i>
Woodend Farm, Hallglen	No objections from the consultation undertaken. Recommend: Accept application
Camas, Redding Road, Brightons	Objections were received from 2 neighbours. These objections related to concerns over the potential future use of the land and also safety issues relating to visibility splay. The Neighbourhood Office has also objected as the piece of ground is currently well maintained and enjoyed by residents. Recommend: Reject application
32 School Road, Redding	No objections from the consultation undertaken. Recommend: Accept application
34 Dochart Crescent, Polmont	The land in question is allocated as a housing opportunity for sheltered housing/special needs development within the Falkirk Council Local Plan. Head of Service for Community Care advised that Social Work Services are still interested in retaining this site for possible future development.

	Recommend: Reject application
149 Burnhead Road, Larbert	An objection was received from a neighbour over concerns regarding the potential future use of the land. The Neighbourhood Office also objects to the loss of open space and also the loss of privacy for residents as a wall will need to be removed. Recommend : Reject application
Burnbrae Cottage, Main Street, Polmont	The land in question is allocated as a housing opportunity for sheltered housing/special needs development within the Falkirk Council Local Plan. Head of Service for Community Care advised that Social Work Services are still interested in retaining this site for possible future development Recommend : Reject application
7 Benjamin Drive, Bo'ness	No objections from the consultation undertaken. Recommend : Accept application
26a Cadzow Avenue, Bo'ness	One objection received from a neighbour who had previously applied to buy the land and had the application rejected. From a fairness perspective, it is considered appropriate to treat this application in a similar manner. Recommend: Reject application
2 Kirkland Drive, Stoneywood	No objections from the consultation undertaken. Recommend: Accept application

2.5 Following appropriate consultation and appraisal, the sites detailed below and shown in the relevant appendices are considered to be surplus to operational requirements of Corporate and Neighbourhood Services. As such disposal of the sites at the addresses below has the potential to generate a small capital receipt for the Housing Revenue Account and reduce the Council's on-going maintenance liability in respect of the sites.

- Woodend Farm, Hallglen
- 32 School Road, Redding
- 7 Benjamin Drive, Bo'ness
- 2 Kirkland Drive, Stoneywood

3. GENERAL SERVICES SITES

3.1 The Council has been approached by Mr A. Conway, the owner of 2 Stevenson Avenue, Polmont to incorporate an area of land adjacent to his house into the garden of his

recently built detached house. The land in question is held on Corporate and Neighbourhood Services Account, not Housing Revenue Account and is outwith the area leased to the Community Trust for the library

- 3.2 No objections have been received for this proposal and it is recommended Members agree to declare the land, as shown on the attached plan, surplus to operational requirements.

4. RECOMMENDATIONS

It is recommended that Members:

- 4.1 **Agree the recommendations for the sites outlined in section 2.4 in relation to land held on the Housing Revenue Account (HRA); and where the recommendation is to approve the application and subject to obtaining the necessary consents to dispose of assets held on the Housing Revenue Account from Scottish Ministers, authorises the Director of Development Services to organise the disposal of the sites.**
- 4.2 **Agree the recommendation to declare the land at 2 Stevenson Avenue, Polmont held on Corporate & Neighbourhood Services account surplus to requirements and authorises the Director of Development Services to organise the disposal of the site.**

DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES

Date: 25th April 2013

Ref: AAE0213

Contact Name: Steve Bentley, Strategy & Private Sector Manager, ext 0833

Appendices

Site maps

FALKIRK COUNCIL

Subject: REVIEW OF TAXI FARE SCALES AND OTHER CHARGES
Meeting: EXECUTIVE
Date: 18 June 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 Section 17(2) of the Civic Government (Scotland) Act 1982 imposes a duty on licensing authorities to fix the scales for fares and other charges for the hire of taxis. This has to be done at intervals not exceeding 18 months from the date on which the scales came into effect. The last review was concluded at a meeting of the Policy & Resources Committee on 21 February 2012 with the new tariff then coming into effect at midnight on 1 April 2012.
- 1.2 Before fixing any scales or carrying out a review, the licensing authority must:-
- (i) consult with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating within their area;
 - (ii) give notice of their intention by advertisement in a newspaper circulating in their area stating:
 - the general effect of the proposals and the date on which it is proposed that they will take effect, and
 - that any person may lodge written representations with respect to the proposals within a period of one month after the date of the first publication of the notice;
 - (iii) consider any such representations duly lodged.

2. CONSULTATION

- 2.1 In order to comply with the timescale mentioned in paragraph 1.1, officers from the Licensing Unit commenced discussions with the taxi trade by way of the newly established Falkirk Taxi and Private Hire Car Forum in November 2012.
- 2.2 Following on from the November meeting, members of the Forum were invited to submit proposals on any suggested increase in the taxi tariff. The matter was discussed again at the February 2013 meeting when it was agreed by the Forum that the only change they would seek on this occasion would be a 3% increase in the running mile cost.

3. STRUCTURE OF TAXI TARIFF

3.1 As part of the review of taxi fares in 2012, the general tariff was increased as follows:

- the “flag fall” rate (i.e. the charge for the first 880 yards of any journey) was increased by 20p (11%), and
- the “distance charge” (i.e. the charge levied after the first 880 yards) was increased from 10p for every 108 yards or part thereof to 10p for every 102 yards or part thereof. This had the effect of increasing the “running mile” cost from £1.63 per mile to £1.73 (6%).

3.2 For information, the current fare table for taxis is attached as appendix 1.

4. TAXI TARIFF PROPOSALS

4.1 In putting forward their proposal for an increase in the running mile charge, the trade representatives highlighted the increase in fuel costs and rising insurance costs as a major factor in the effective provision of a taxi service. They consider that an increase of 3% in the running mile would offset the additional financial burden they believe they are carrying. This would amount to the running mile on Tariff 1 increasing from £1.73 to £1.78. The trade representatives were content for the status quo to remain in respect of all other charges.

4.2 Officers obtained the quarterly energy prices publication by the Department of Energy and Climate Change which detailed that, in mid March 2013, unleaded petrol and diesel were, on average, 0.1 pence a litre lower than a year ago. Having said that, it is recognised that fuel costs are volatile and that annual comparisons don’t always reflect the extent of movement throughout the year.

4.3 To set the proposed increase in context, a table detailing where Falkirk would be positioned in terms of the running mile costs in comparison to other Scottish local authorities is contained in appendix 2. For information, a 1% rise would see the running mile cost increase to £1.74 while a 2% rise would increase it to £1.76.

4.4 In the event that the Executive wishes to support the request put forward by the trade representatives, the distance charge would be amended from 10p for every 102 yards travelled (beyond the first 880 yards) to 10p for every 99 yards travelled.

4.5 As an illustration of what this change would mean in practice, a typical journey from the Municipal Buildings to Falkirk Stadium is 1.9 miles. The table below gives a breakdown of the current maximum charge for that journey on the Tariff 1 rate and what the new charge would be if a 3% increase was made. For comparison purposes, the 1% and 2% costs are also shown:

Existing tariff	£4.40
Revised tariff for a 3% increase on the running mile	£4.50
Revised tariff for a 2% increase on the running mile	£4.45*
Revised tariff for a 1% increase on the running mile	£4.45*

* Taxi meters can only operate in multiples of 5p and therefore the 1% and 2% increases when rounded up/down are the same.

5. CALENDAR METERS

- 5.1 The Director of Corporate and Neighbourhood Services has advised that, in line with previous practice, a charge would require to be made for undertaking the necessary calendar meter calibration tests and that the appropriate fee would require to be set at £14 on a full cost recovery basis. This represents no increase in fee from the last tariff review.

6. IMPLEMENTATION DATE

- 6.1 To allow sufficient time to advertise whatever proposal is agreed and to consider any representations made on it, it is suggested the date on which any increase would take effect would be 1 September 2013.

7. EQUALITIES AND POVERTY IMPACT

- 7.1 It is considered that the proposed increase in the running mile of 3% would have a minimal adverse impact on passengers.

8. RECOMMENDATIONS

8.1 It is recommended that:

- (i) the Executive considers the terms of this report with particular reference to the request made by the taxi trade as detailed in paragraph 2.2, and determines its proposed fares scale and implementation date for press advertisement;
- (ii) the Executive considers and approves the calendar meter calibration test fee detailed in paragraph 5.1;
- (iii) any written representations received against the proposed fares scale in response to the press advertisement be the subject of a further report to the Executive; and

- (iv) in the event that no written representations are received in response to the press advertisement, the Chief Governance Officer is authorised to confirm and implement the revised fares scale.

.....
Chief Governance Officer

Date: 7 June 2013

Contact Officer: Bryan Douglas, Licensing Co-ordinator

BACKGROUND PAPERS

1. Note of Meeting of the Taxi Forum held on 20 November 2012
2. Note of Meeting of the Taxi Forum held on 22 February 2013



Falkirk Council

FARE TABLE FOR TAXIS

(OPERATIVE FROM 1 APRIL 2012)

FOR UP TO 4 PASSENGERS

TARIFF 1 (General Tariff) Monday to Sunday 6am – 9pm	TARIFF 2 (General Tariff + 25%) Monday to Sunday 9pm – 6am			
PUBLIC HOLIDAYS/FESTIVE TARIFF 1 (General Tariff + 25%) Monday to Sunday 6am – 9pm	FESTIVE TARIFF 2 (General Tariff + 50%) Monday – Sunday 9pm – 6am			
CHRISTMAS AND NEW YEAR (Festive Tariff) Between 9pm on 24 December until 6am on 26 December and Between 9pm on 31 December until 6am on 2 January				
RECOGNISED PUBLIC HOLIDAYS:- Good Friday, Easter Monday, May Holiday Monday, Falkirk Fair Monday and September Holiday Monday				
NOTE: FOR THE AVOIDANCE OF DOUBT TARIFF 2 WILL APPLY FROM 9PM ON THE EVENING PRECEEDING A PUBLIC HOLIDAY UNTIL 6AM ON THE MORNING FOLLOWING THAT PUBLIC HOLIDAY				
CHARGES	TARIFF 1	TARIFF 2	PUBLIC HOLIDAYS/ FESTIVE TARIFF 1	FESTIVE TARIFF 2
<ul style="list-style-type: none">Initial hire not exceeding 880 yardsEach additional minute waiting time – 20pCombination of initial time and distance	£2.00	£2.50	£2.50	£3.00
<ul style="list-style-type: none">Each additional 102 yardsEach additional minute of waiting timeCombination of additional time and distance	£0.10	£0.125	£0.125	£0.15

EXTRA PAYMENTS

When more than 4 passengers	Each	£0.50
Note: The first 2 Children under 12 years will be considered to be as one passenger. No extra fare will be charged for children under 2 years as long as they are accompanied by an adult.		
Each Passenger must be properly seated		
Engagement Charge Applicable when pre-booked or hired	£0.30	Soiling Charge Applicable when taxi is soiled (by travel sickness etc)
		£40.00

Any questions relating to the Fare Table for Taxis should be addressed to the Licensing Section, Old District Court Offices, Municipal Buildings, Falkirk, FK1 5RS or by calling (01324) 501575

Appendix 2

SPREAD SAMPLE OF SCOTTISH LOCAL AUTHORITY RUNNING MILE AS AT FEBRUARY 2013 (TARIFF 1)

1. Aberdeenshire	2.20
2. Moray	2.20
3. East Lothian	2.06
4. South Lanarkshire (Clydesdale)	2.00
5. Dumfries & Galloway	2.00
6. South Ayrshire	2.00
7. Aberdeen City	1.95
8. Clackmannanshire	1.92
9. Midlothian	1.91
10. Fife	1.90
11. East Ayrshire	1.89
12. Stirling	1.80
13. Edinburgh City	1.79
14. <i>Falkirk</i>	1.78
15. Angus	1.76
16. Argyll & Bute	1.76
17. West Dunbartonshire	1.70
18. Scottish Borders	1.68
19. Glasgow City	1.64
20. North Lanarkshire	1.60
21. Shetland Isles	1.60
22. Perth & Kinross	1.60
23. Orkney Isles	1.60
24. East Dunbartonshire	1.60
25. South Lanarkshire (Hamilton & Rutherglen)	1.60
26. North Ayrshire	1.50
27. Dundee City	1.50
28. Inverclyde	1.48
29. West Lothian	1.47
30. Renfrewshire	1.47
31. East Renfrewshire	1.40
32. Highland	1.35
33. South Lanarkshire (East Kilbride)	1.33
34. Comhairle nan Eilean Siar	1.28

FALKIRK COUNCIL

Subject: TAX INCREMENTAL FINANCING (TIF) INITIATIVE
Meeting: EXECUTIVE
Date: 18 JUNE 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

1.0 INTRODUCTION

- 1.1 This report provides an update on the development of the proposed Tax Incremental Financing (TIF) initiative project in the Falkirk area, advising the Executive of the Council's progress in the submission of a Full Business Case to the Scottish Futures Trust (SFT) and Scottish Government and their subsequent determination. In addition, further work is highlighted which will aid implementation. Subject to the decision of Ministers, the Council's Executive and finalisation of a legal agreement between the Council and Scottish Government, it is proposed that the TIF initiative will commence in October 2013.

2.0 BACKGROUND

- 2.1 Recent reports to the Economic Strategy & Development Committee advised members of the proposed development of a TIF related initiative in the Falkirk area and confirmed the success of a pilot scheme bid achieved following submission of an Outline Business Case in 2011.
- 2.2 The TIF mechanism involves the Council borrowing funds from the Public Works Loan Board to supply infrastructure to help promote development in specific locations. These locations are 'red-lined', releasing the additional non-domestic rates income generated from the development to the Council to repay the loan debt.
- 2.3 The Council engaged Ernst & Young and Rydens in the preparation of the final business case to support its application to the Scottish Futures Trust. The work to produce the final business case involved input from the Council's Development, Finance and Governance Services, Scottish Enterprise, Chemical Sciences Scotland, other external bodies such as Transport Scotland and SEPA. A full stakeholder survey of businesses and other bodies was also undertaken. This work reinforced the anticipated benefits of proceeding with the TIF initiative in the Falkirk area.

- 2.4 The Final Business Case makes the strategic case for investment and builds on work undertaken previously which emphasised the importance of the Falkirk area's contribution to the national economy. The TIF initiative helps to realise the Council's ambitions, reinforced in the National Planning Framework, for the Falkirk area to be recognised as a major national hub for manufacturing, chemicals and distribution activities.
- 2.5 A Summary Document, outlining the content of the Full Business Case with a list of the infrastructure works planned and the economic outcomes is included in the volume of appendices as Appendix 1. The initiative anticipates:
- provision of upgrades at M9 Junctions 5&6, the A904
 - site specific enabling works to stimulate development and
 - contributions towards Grangemouth flood defences and the completion of the A801 Avon Gorge upgrade
- 2.6 The TIF anticipates £67m of investment by the Council, leveraging a total of £176m in infrastructure expenditure. This is anticipated to attract investment of over £400m and the completion of c400,000sqm of business space. If secured at the level anticipated, the initiative has the potential to create almost 6,000 jobs.
- 2.7 The Final Business Case was submitted to SFT in March 2013 with the report then passed to Scottish Government with SFT's recommendations in April 2013. In May 2013 the Scottish Government confirmed an in-principle approval subject to amendments to the Business Case as outlined in section 3.

3.0 AMENDMENTS TO THE BUSINESS CASE

- 3.1 The Scottish Government welcomes the TIF initiative but must ensure that its implementation does not have an adverse effect on the national pool of non-domestic rates. As a consequence it has requested amendments to the terms of the full business case. The main effect of these is as follows:
- a) The red line area boundary has been drawn more tightly, however this retains the focus on the TIF development sites (see amended plan, included in the volume of appendices as Appendix 2).
 - b) A case put by Scottish Enterprise and the Council to include the Glenbervie and Central Park areas in Larbert, as these locations have the potential to attract investment of national economic benefit, was accepted and included in the red line area. . Inclusion of the Glenbervie site requires to be the subject of an additional exercise through a dedicated business case and this work will be initiated shortly.
 - c) It is proposed to use an interim displacement rate of 19.55% for the first 5 years. This has the effect of a top-slice on the non domestic rates income achieved and will be subject to review, after 5 years and every 3 years thereafter during the life of the TIF, based on the evidence of the new business attracted. Where there is clear evidence of development focus coming from other sectors there is a risk of the future displacement figure

being higher. This would have the effect of reducing the rates income received by the Council.

- d) 'Windfall sites', i.e. development outwith the development sites and within the redline area identified in Appendix 2 will be subject to review by the TIF Executive Group to consider their inclusion. Any developments that would be considered for inclusion have to be of a significant scale, and must be clearly linked to the creation of the TIF assets.
- e) Additional non domestic rates in relation to plant and machinery intensification within the petro-chemical industry will not be accepted at this stage. However, in the event that the receipt of income is slower than anticipated, and where new sites within the red line area and outwith the development sites have been considered this type of development may be included.
- f) In relation to the funding of the Grangemouth Flood Prevention Scheme, it is agreed that the TIF Executive will progress this investment cluster, including the contribution of TIF investment on conclusion of a suitable financing and delivery package to be agreed with Government.

- 3.2 It is considered that these changes represent a valid way forward for delivery of the TIF. They provide sufficient scope to manage the risks that the scheme presents to the Council while enabling the Scottish Government to avoid undue impact on the national pool of non domestic rates income. Once confirmed these provisions will form the basis of a legal agreement to be established with Scottish Government and SFT.

4.0 INFRASTRUCTURE & DEVELOPMENT PLAN

- 4.1 To assist in implementing the TIF initiative, the Council requires to develop an integrated strategy which connects the relevant infrastructure and development sites, highlighting their interconnections, confirming the works necessary within each infrastructure project and addressing the opportunities and challenges in progressing each development site. This will aid the Council's overall ambitions as expressed in the 'My Futures in Falkirk' economic development initiative.
- 4.2 The Council, in partnership with Scottish Enterprise, has appointed a consultant, Ironside Farrar, to prepare an infrastructure and development plan to help in the delivery of the scheme. The results of this exercise will identify the priority sites to stimulate market interest and confirm the enabling works required to accelerate development.

5.0 MARKETING & GOVERNANCE

- 5.1 The TIF initiative will require a concerted effort to promote the area and attract investment. This will be conducted in a joint investment strategy which involves partners in Scottish Enterprise, Scottish Development International, Chemicals Sciences Scotland and private sector bodies (including development partners). A marketing initiative will be prepared, building on the area's current market

presence established using the *My Futures in Falkirk* initiative. Following approval of the full business case a marketing programme will be prepared to target appropriate markets. The Council previously agreed to commission this exercise at a cost of £25,000.

- 5.2 The TIF will require robust governance arrangements to steer and monitor its delivery. As a Council-led initiative, the primary route for this will be through the Council Executive. Regular liaison will take place with Scottish Futures Trust and the Scottish Government through the TIF Executive Group. Additionally there will require to be a robust partnership maintained involving Scottish Enterprise and industry partners.

6.0 NEXT STEPS

- 6.1 In order to progress with the TIF Initiative, the following steps are planned. Progress of these actions will be subject to conclusion of the legal agreement:

Action	Timescale
In principle Government approval	June 2013
Confirm Council acceptance of TIF agreement	June 2013
Conclude TIF legal agreement	June 2013
Initiate marketing programme	From June 2013
Infrastructure works – tender M9 Junction 6, Earlsgate project	July 2013
Preparation of infrastructure and development plan	September 2013
Preparation of marketing plan	September 2013
Site-start - M9 Junction 6	October 2013

- 6.2 Following Committee and Scottish Government approval of the business case and supporting legal agreement, the first infrastructure project will be progressed. The M9 Junction 6 upgrade involves signalisation and carriageway widening at a key gateway junction for the area linking Falkirk and Grangemouth to the M9. Previous committee approval provided the £120,000 funding for the design and preparatory works for Junction 6. The project will commence through tendering in July 2013 and works will start on site in October 2013 completing early in 2014. Further infrastructure projects will follow subject to the guidance given by the infrastructure and development plan and will be subject of further reports to the Executive.

7.0 IMPLICATIONS

Policy Implications

- 7.1 The development of a TIF initiative is consistent with the Strategic Community Plan and is a key element in assisting the delivery of the *My Future's in Falkirk* initiative.

Legal Implications

- 7.2 A formal legal agreement is required to govern the delivery of the TIF Initiative, encompassing the proposals in the full business case and adjustments proposed by Scottish Government as outlined in item 3 above. The advice of the Council's Chief Governance Officer and external legal advisors has been provided in the production of the full business case and development of the formal agreement.

Financial Implications

- 7.3 The full business case for the TIF initiative anticipates the financial impact of the initiative over the 25 years of the project. The approval of the full business case by the Council and Scottish Government provides the Council with additional capacity for prudential borrowings arising from the potential for new TIF related business rates income. The TIF programme will therefore be created as a discrete element in the Council's Capital Programme as appropriate.
- 7.4 The full business case models the debt drawdown on the £58m of expenditure incurred on infrastructure (£67m including interest charges) and subsequent non domestic rates income anticipated. The table below identifies the financial model presented to SFT and Scottish Government through the full business case in March 2013 and following adjustment as outlined in para 3 above, a revision identified of the displacement figure to 19.55% to meet Scottish Government requirements :

Reconciliation of Full Business Case and Amendments:

<i>Item</i>	<i>FBC (£'000)</i>	<i>Amended FBC (£'000)</i>	<i>Movement (£'000)</i>
Gross NDR Income	226,514	226,514	-
Less: Displacement	(41,679)	(44,284)	(2,605)
Net NDR Income	184,836	182,231	(2,605)
Less: Debt repayment costs	(84,295)	(87,392)	(3,097)
Less: Contribution to infrastructure costs	(6,605)	(6,032)	573
Projected TIF Surplus	93,936	88,806	(5,130)
Projected TIF NPV surplus	25,838	24,216	(1,622)
Infrastructure expenditure Funded by:	(67,039)	(67,039)	-
PWLB borrowing	60,434	61,007	573
TIF revenue contributions	6,605	6,032	(573)
	(67,039)	(67,039)	-

The Council would be expected to take lead responsibility and address any subsequent risks in borrowing to support TIF-related investment.

- 7.5 In order to progress the TIF, expenditure was incurred to commission the Full Business Case from Ernst & Young/Rydens, at an initial fixed cost of £49,750. Further additional expenditure of £70,000 has been committed at agreed rates to complete the full business case and meet SFT and Scottish Government requests for an examination of funding options for the flood defences and to conduct additional stakeholder survey work requested by the Scottish Futures Trust.

While Ernst & Young/Ryden's work in the production of the business case has been completed there will be a requirement to utilise their specialist knowledge of the scheme in the delivery and management of the project during the initial start up phase. It is therefore proposed that the Council will continue to utilise their services over the first 3 year period of the TIF on the basis of the existing contract terms and agreed day rates agreed under SFT's framework procedure, to a maximum budget of £15,000 annually..

Risk Implications

- 7.6 The full business case identifies the main project risks and related mitigation strategies that will be required over the lifetime of the TIF initiative and these were reported to the Council prior to submission according to their delivery, financial and legal implications. The main risks and mitigation measures identified are:

Project Risks

- Development does not happen, or non-domestic rates income is over stated. .
- Movement in debt costs
- Co-funding of major projects is not secured
- Infrastructure cost overruns or delays
- Amendments introduced by Government (e.g. changes to displacement factor)
- Changes on material changes to the non domestic rates baseline
- Regulatory risks to approvals for development

Risk Mitigation Measures

- a phased approach to the commissioning of infrastructure projects
- an investment cluster approach splitting the project into 3 phases
- allowance for optimism bias, contingencies in infrastructure costing and sensitivity analysis of all project costs.
- a 25% deflator applied to the development site programme
- to address regulatory risks, the TIF focuses on development sites in the adopted Local Plan
- modelling of income uses 16 core sites, with a further 12 sites offering added potential to generate income
- site enabling projects will be tailored to suit market demand

- Establishment of a formal agreement with Scottish Government for implementation of the TIF initiative
- Position on material change to the non-domestic rates baseline has been clearly factored into the legal agreement

As a consequence of these measures it is considered that the risks to the Council associated with delivery of the project will be able to be addressed. A full risk register has been prepared and will require to be maintained during the project's implementation.

7.7 Personnel Implications

The TIF initiative is a major development project for the Council. It will be delivered through the commissioning of in-house Council services for design and project management of the projects, with engagement of specialist temporary and external support as required.

7.8 Equalities Implications

The implications of the TIF initiative for disadvantaged groups in the community will be monitored on an ongoing basis.

8.0 CONCLUSION

8.1 The TIF initiative is an innovative project and, when initiated, the Council will be amongst the first in the UK to proceed with such a venture. It presents a major opportunity for the Falkirk area, to kick-start development through the provision of advanced infrastructure and to market the area for the attraction of inward investment in key sectors which are targeted towards the stimulation of economic growth and job creation.

8.2 It is proposed that the Council enter into a formal agreement with the Scottish Government based on the proposals as outlined in the report above to deliver the Falkirk TIF project. While the initiative presents several risks for the Council, it is considered that these can be adequately addressed through the measures outlined and will enable it to move forward positively.

9.0 RECOMMENDATIONS

9.1 It is recommended that the Executive:

- a) agrees to commit to the delivery of the Falkirk area TIF initiative on the basis of the adjusted proposals to the full business case outlined in the report above
- b) authorises the Director of Development Services, in liaison with the Chief Governance Officer to enter into a formal legal agreement with the Scottish Government and SFT to deliver the TIF initiative.

- c) notes the actions taken outlined in section 6 of this report for implementation of the initiative, including progress with:
 - i) the procurement process and delivery of the development programme with regard to the infrastructure works at M9, Junction 6;
 - ii) an infrastructure and development plan
 - iii) a marketing plan for the initiative.
- d) notes the expenditure of £70,000 incurred through Ernst & Young/Rydens in the production of the Full Business Case and supporting discussions/negotiations with SFT and Scottish Government as well as the requirement to utilise their specialist services over the first 3 years of the TIF project.

.....
Director of Development Services

31 May, 2013

Contact Officers: Colin Frame/Douglas Duff. Ext: 0972/0905.

LIST OF BACKGROUND PAPERS

- a) TIF Initiative – Full Business Case
- b) TIF Initiative, Project Files – not for publication

Anyone wishing to inspect the background paper listed at a) above should telephone 01324 590972 and ask for Colin Frame, Peter Reid or Douglas Duff.

FALKIRK COUNCIL

Subject: ACCESS FOR DISABLED PEOPLE: DENNY TOWN CENTRE
Meeting: EXECUTIVE
Date: 18TH JUNE 2013
Authors: DIRECTOR OF DEVELOPMENT SERVICES

1.0 INTRODUCTION

- 1.1 This report provides an update on the Denny Town Centre regeneration project but more particularly, focuses on disabled access requirements and options within the town centre. This aspect of the development must be considered as a requirement of the Council's Planning Committee's decision on the Phase 1 development.
- 1.2 The report reviews available options including a public lift and additional ramp. In balancing the benefits and draw backs of each option, it recommends that the Council should proceed to deliver Phase 1 on the basis of the present design with no additional provision for a lift or ramp.

2.0 BACKGROUND

- 2.1 At Council on the 5 October 2011 it was agreed to progress the regeneration project in Denny through a Council led phased option terminating the partnership agreement between the Council and Henry Boot Developments Ltd
- 2.2 The Council led scheme involves:-
- Securing planning approval;
 - Finalising the acquisition process and relocation strategy;
 - Progress demolition of the Church Walk Blocks;
 - Provision of a first phase block on Stirling Street, accommodating existing retailers and a Library, with associated improvements to parking and public realm; and
 - Marketing of the remainder of the site to other interests (including foodstore operators).
- 2.3 The Council submitted two planning applications in April 2012 for the regeneration of the town centre:-
- an outline planning application detailing the overall regeneration masterplan for the town centre with the intention that Phase 2 and 3 sites be marketed for retail development including a foodstore; and
 - a detailed planning application providing detailed plans, elevations and artists impressions for Phase 1 including the car park, library, shops, town square and public realm.

There have been several rounds of consultations on the town centre scheme - Denny residents had an opportunity to review application plans held at Denny Library and the Regeneration Office and formally comment on the applications through the statutory planning application process.

- 2.5 A report was submitted to Planning Committee in relation to the detailed application on 30 January 2013. The application was approved subject to various conditions. Further, members of the Committee requested that the applicant be asked to consider the approved arrangements for disabled access. The Council being the applicant in this case, a review of the disabled access arrangements has been undertaken by officers and the outcome is being reported now to Members for a decision on the review.

3.0 ACCESS OPTIONS APPRAISAL

- 3.1 Demolitions of three sections of the 1960's mixed retail and residential blocks have been completed. A difference in levels of up to 4m currently exists on the site. This height difference is representative of the existing site topography, and is evident in the various existing stepped arrangements that provide access to the Stirling Street Blocks.
- 3.2 The detailed planning consent, for the first phase of development, includes a mixed retail building that will also incorporate a new public library and a community room. External works include a new car park with dedicated disabled parking and a new public realm space with new high quality landscaping.
- 3.3 The scheme comprises traditional retail units set within the context of a high street and is dual fronted to address the site topography. The design of the Phase 1 building ensures the change in level to be accommodated, with ground level access on Stirling Street and at the car park. The current proposals include a goods/service lift for occupants within the service area at the core of the building.
- 3.4 Comments relating to pedestrian access around the site were made during the planning committee hearing. The Council has taken cognisance of the comments and assessed the options for disabled access provision including the placement of a lift within the development. Appendix 1 provides a schedule identifying a summary of the issues relating to each option. The options are:

Option 1 – Pedestrian Ramp

Option 2 – Installation of a combined passenger & goods lift within Phase 1

Option 3 – Installation of a stand alone passenger lift within Phase 1

Option 4 – Installation of a passenger lift located outwith Phase 1

Option 5 – No Design Change

4.0 IMPLICATIONS

- 4.1 The above options have been examined fully in respect of their legal, financial, planning and risk implications as a basis for reaching a decision. The report recommends that no changes be introduced to the design for the following reasons:

Design Implications

- 4.2 The provision of the extended car park accessed from Davies Row includes additional accessible parking bays, located immediately adjacent to the building for ease of access. Further additional provision of accessible parking has been allowed for on Stirling Street. This will assist in providing almost immediate access to the building for persons with mobility problems. A great deal of consultation, analysis and design investigations has taken place to ensure that the proposals are safe. The design will incorporate the use of robust, carefully chosen materials within all public realm areas.

The new public realm proposals are arguably the most important element within the masterplan and put people at the heart of the development. Accessibility within the public realm is always considered during design development. The current proposals seek to minimise clutter within the public footpath and allow the public to engage and activate the area, providing a minimum of 1:20 graded continuous access route containing accessible seats/resting points along the way, allowing users to stop if required. This continuous accessible route encourages greater social interaction and promotes a safer environment.

Given the above and including careful consideration of public safety, and the design impact that a pedestrian ramp would bring about, the favoured solution is the continual accessible route that is currently being promoted within the masterplan (option 5).

Legal Implications

- 4.3 Provision of a public lift in the building would add to the legal complexity of the development. In Options 2 & 3, where a public lift is provided in the building the property will prove very difficult to market to retailers or investors. The legal responsibility for the well being of the public utilising this facility would therefore continue to fall to the Council. In Option 4, although Phase 1 would be marketable, the external lift will continue to be the Council's legal responsibility.

Financial Implications

- 4.4 The cost to the Council in providing each option is summarised below:

Costs	Option 1 Pedestrian Ramp	Option 2 Combined passenger and goods lift	Option 3 Stand alone passenger lift within Phase 1	Option 4 Stand alone passenger lift outwith Phase 1	Option 5 Existing design
Construction	£275k	£158k	£178k	£200k	Nil

- 4.5 Although Option 1 (ramp) is identified as having the highest construction cost it is likely, with the exception of option 5, to have the lowest ongoing management and maintenance costs. The ongoing costs are likely to be extremely high with Option 2 (internal combined lift) having both a requirement for commercial and public service so requiring regular maintenance. Options 2 & 3 are centrally located in Phase 1 so both the lift and surrounding corridors are likely to suffer from vandalism with the potential for opportunist break-ins to the retailer units.

If either of these two options are chosen, it will make the building less attractive to potential occupiers with the clear possibility of vacant units. Option 4 (external lift), will not affect Phase 1 however it will still have high maintenance and monitoring costs and is likely to suffer excessively from vandalism with the possibility of periods of being out of operation for repair. The last option, continuing with the original design providing disabled access around the town square has no additional construction cost and no additional maintenance and monitoring cost.

Planning Implications

- 4.6 The proposals for the regeneration of Denny Town Centre fully accord with the strategies and policies of the Falkirk Council Structure Plan and Denny Local Plan.

Risk Implications

- 4.7 Option 1 directs the public away from the main commercial area of Stirling Street to a more concealed area which although potentially covered by CCTV provision is likely to feel more remote and unsafe by the public and may be subject to criminality. In relation to Options 2, 3 and 4, given that there would be no on-site monitoring, the lift is likely to suffer from maintenance and vandalism problems which could affect the emergency call system, resulting in health and safety problems. Option 5 directs the public around the town square to the carpark where there is more natural surveillance therefore having no identifiable risk.

5.0 CONCLUSION

- 5.1 This report has set out the options for the provision of additional means of access between the levels of development taking place within Phase 1 of the Denny Town Centre regeneration project. Following consideration of the full implications of each of these options, it is recommended that the Council should proceed with the existing design.

6.0 RECOMMENDATIONS

- 6.1 It is recommended that the Executive agree that:-

the Council should promote Option 5, being the present design as outlined in the approved detailed planning application for Denny Town Centre.

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Director of Development Services

10th June, 2013

Contact Officer: Colin Frame Ext: 0972.

LIST OF BACKGROUND PAPERS

1. Denny Town Centre Regeneration files – not for publication

Appendix 1

Denny Town Centre Regeneration : Options Summary

Option	Type	Up Front Capital Cost	Degree of ongoing maintenance & monitoring	Advantages	Disadvantages
1	Ramp	£275k	Medium	<ul style="list-style-type: none"> • Maintenance & monitoring costs lower than lift options 	<ul style="list-style-type: none"> ▪ Highest capital cost. ▪ Distance to walk is generally longer than the route around the town square (option 5) ▪ Loss of retail space to accommodate structure ▪ Loss of retail frontage creating a poor streetscape ▪ Diverts the public away from the commercial main street to a less safe remote route to the carpark.
2	Combined Lift within Phase 1	£158k	High	<ul style="list-style-type: none"> ▪ Provides additional means of access for disabled members of the public within the hours of operation. 	<ul style="list-style-type: none"> ▪ Conflict between use as goods and public lift ▪ Combined lift will have higher maintenance costs ▪ Public use will be restricted by goods operation ▪ Potential for vandalism ▪ Opportunity for public access to restricted service areas with further possibility of vandalism and break-ins ▪ High management and maintenance costs ▪ Given no on-site management, emergencies will take time to respond to causing potential health and safety incident. ▪ Restricted timing of operation given no on-site management ▪ Tenant interest in Phase 1 may be limited given the above issues and potential additional service charge costs ▪ Entrance lobby provides an opportunity for criminality

3	Separate Public Lift within phase 1	£178k	High	<ul style="list-style-type: none"> Provides additional means of access for disabled members of the public within the hours of operation. No conflict between goods and public use 	<ul style="list-style-type: none"> Potential for vandalism Opportunity for public access to restricted service areas with further possibility of vandalism and break-ins High management and maintenance costs Given no on-site management, emergencies will take time to respond to causing potential health and safety incident. Restricted timing of operation given no on-site management Tenant interest in Phase 1 may be limited given the above issues and potential excessive service charge costs Entrance lobby provides an opportunity for criminality
4	External Lift	£200k	High	<ul style="list-style-type: none"> Provides additional means of access for disabled members of the public within the hours of operation. No conflict between goods and public use No affect on management of phase 1 as completely independent of the property 	<ul style="list-style-type: none"> Given external position likely to have high probability of excessive vandalism High management and maintenance costs Given no on-site management, emergencies will take time to respond to causing potential health and safety incident. Restricted timing of operation given no on-site management Entrance lobby provides an opportunity for criminality
5	No Change to Detailed Application	Nil	Nil	<ul style="list-style-type: none"> No capital cost No management & monitoring costs No additional vandalism issues No on-site management required Design takes the public past the commercial properties in the route to the carpark which is safer and helps the retail offer No negative affect on retailer interest in phase 1 	<ul style="list-style-type: none"> Access for disabled is not as direct as lift options

FALKIRK COUNCIL

Subject: EXTENSIONS OF CONTRACT FOR THE SUPPLY OF ROCK SALT AND ASSOCIATED SERVICES (C/N: CCS/024/08) AND FOR BUILDING MATERIALS (C/N: CNS/106/11)
Meeting: EXECUTIVE
Date: 18 June 2013
**Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES
DIRECTOR OF DEVELOPMENT SERVICES**

1. INTRODUCTION

- 1.1 The purpose of this report is to seek approval to extend two existing Falkirk Council contracting arrangements, on the basis that extending the current contracts represents best value.

2. CONTRACT DETAILS

Supply of Rock Salt & Associated Services

- 2.1 Falkirk Council as lead authority for the collaboration of Falkirk and Clackmannanshire Councils undertook a tendering process in 2008 for the Supply of Rock Salt & Associated Services for both Councils.
- 2.2 The tender was for a five year period from the 1st April 2008 to 31st March 2013, with the option to extend annually for two years from 1st April 2013 to 31st March 2014 and from 1st April 2014 to 31st March 2015.
- 2.3 This was a single source agreement to ensure continuity of supply and maximise commercial advantage. The successful tenderer was Salt Union Limited, Winsford, Cheshire.
- 2.4 A significant part of the Winter Maintenance Service provided by the Local Authorities requires the procurement and storage of rock salt for use in gritting operations carried out in response to adverse weather warnings. The contract extension is required to support the continued delivery of Winter Maintenance Services this coming winter.
- 2.5 The pricing structure proposed by Salt Union is to hold rates at current levels, with no inflationary increase. Salt Union also provide a local storage and supply facility at Grangemouth.
- 2.6 It is therefore considered best value for Falkirk Council to continue the current supply arrangement with Salt Union Limited through to 31st March 2014. Clackmannanshire Council is making its own and separate arrangements in respect of the contract extension.
- 2.7 Funding for the estimated £230,000 expenditure by 31st March 2014 is held within the Roads Winter Maintenance budget. This estimated spend for the extension period remains within the contract's advertised value in the Office for the Journal of the European Union (OJEU).

Buildings Materials

- 2.8 The Council's framework agreement for the supply of building materials runs from 1st July, 2011 to 30th June 2013. The framework agreement has an extension option and can operate for a further period of two years from 1st July 2013 to 30th June 2015.
- 2.9 The framework agreement supplies a wide range of building products including timber, paint, electrical and plumbing materials. The current suppliers on the framework agreement are:

SUPPLIER	LOCATION
BEMCO Ltd	Glasgow
Crown Paints Limited	Falkirk
D F Wishart & Company Ltd	Edinburgh
Edmunson Electrical Ltd	Cumbernauld
Grafton Merchanting Ltd t/a Buildbase	Falkirk
Interfix Supplies	Perth
Jewson Limited	Falkirk
MGM Timber (Scotland) Ltd	Falkirk
PPG Architectural Coatings UK Ltd	Falkirk
PTS Plumbing Trade Supplies	Falkirk
Thornbridge Sawmills Ltd	Grangemouth
Rexel UK Ltd t/a Ross Electrical (Newey & Eyre)	Falkirk
Travis Perkins Trading Company Ltd	Larbert
White, Milne and Company (Decco Ltd)	Dundee
Wolseley UK	Falkirk

- 2.10 All the suppliers have provided good service and quality supplies for the Council over the initial contract period and they have all indicated their wish to continue to provide the Council's requirements for the supply of Building Materials. The pricing structure proposed by the framework suppliers is to hold pricing at current levels.
- 2.11 It is considered best value for Falkirk Council to continue the current Framework for Building Materials through to 31st March 2015.
- 2.12 The annual spend for Falkirk Council over the 2 year period of the contract extension is estimated to be approximately £4,000,000 (£2,000,000 per annum) and will be funded from the Council's Building Maintenance materials budget. This estimated spend for the extension period remains within the contract's advertised value in OJEU.

3. CONCLUSION

- 3.1 It is considered best value for Falkirk Council to extend the contract Supply of Rock Salt & Associated Services through to 31st March 2014 and to extend the framework agreement for Building Materials through to 30th June 2015 for the following reasons:
- a) No need to incur further tendering or advertising costs.
 - b) The contacting arrangements continue to provide best value for the Council and spend remains within budget and advertised levels
 - c) Current suppliers are meeting contract performance and quality standards.

4. RECOMMENDATION

It is recommended that Members:

- 4.1 In accordance with Contract Standing Order 6.2(iv), approve the extensions, referred to in section 2 above, to the contract for Supply of Rock Salt & Associated Services through to 31st March 2014 at an estimated cost of £230,000 and to extend the framework agreement for Building Materials through to 30th June 2015 at an estimated cost of £4,000,000.

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DIRECTOR OF DEVELOPMENT SERVICES

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DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES

Date: 3 June 2013

Ref: AAP0613

Contact Name: William McQuillian Ext: 0810

LIST OF BACKGROUND PAPERS

1. *Tender documents

* Item not for publication on the grounds that it involves the disclosure of exempt information as defined in, paragraph 10 of part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

FALKIRK COUNCIL

Subject: SCOTLAND EXCEL CONTRACT PARTICIPATION
Meeting: EXECUTIVE
Date: 18 June 2013
Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES

1. BACKGROUND

- 1.1 Falkirk Council as a member of Scotland Excel has access to a range of national Local Government Framework Agreements/Contracts.
- 1.2 The Director of Corporate and Neighbourhood Services has delegated authority to determine the best value procurement option for the Council i.e.: either procurement through Scotland Excel Framework Agreements/Contracts or through Falkirk Council Framework Agreements/Contracts.
- 1.3 Following an assessment of best value, this report seeks authority to participate in the following Scotland Excel Framework Agreements in accordance with Contract Standing Orders.

2. PARTICIPATION AND BENEFITS

Frozen Foods

- 2.1 On 31st May 2011, Policy and Resources Committee approved the Council's participation in the Scotland Excel framework for the Supply & Delivery of Frozen Foods to 30th June 2013. The contracted supplier of frozen foods is Brake Bros Ltd, Ashford, Kent. The contract is provided from 3 depots in Glasgow; Motherwell and Broxburn.
- 2.2 A new tendering exercise has recently been conducted by Scotland Excel to renew the Frozen Foods contract. This has now been concluded with the recommendation that sole supply across participating Councils be awarded to Brake Bros Ltd from 1st July 2013 to 30th June 2016. From benchmarking carried out from the new pricing available from Brake Bros Ltd it is anticipated that the Council will realise savings in the region of £20,000 per year on an annual estimated expenditure on frozen foods of approximately £460,000.
- 2.3 Given the savings to be realised from continued participation in the Scotland Excel Framework for Frozen Foods and the opportunity to continue with existing well established supply arrangements, it is recommended that best value would be achieved by Falkirk Council's continued participation in the Scotland Excel Framework from the 1st July 2013 through to 30th June 2016. The total estimated value of the contract over the 3 years is £1,380,000 and is contained within the Corporate & Neighbourhood Catering Services budget.

Educational Materials

- 2.4 Scotland Excel has established a 4 year Framework Agreement, 1st April 2013 to 31st March 2017, for the provision of Educational Materials and comprises 9 separate Lots. Details of the contracted suppliers for each lot are shown in Appendix 1, as included in the volume of appendices. The contract replaces the current Scotland Excel Educational Products contract approved by Policy and Resources Committee on 31st May 2011. The contracted suppliers shown in Appendix 1 are primarily those currently used and therefore existing supply arrangements can be maintained.
- 2.5 Falkirk Council's estimated annual spend on these educational materials is approximately £500,000pa.
- 2.6 It is anticipated that migration to the new Framework Agreement would achieve savings of approximately £40,000 per year when compared to current pricing. By participating in the new Framework Agreement, the Council would also not incur the costs of conducting its own tendering exercise and affords access to a fully compliant Framework Agreement.
- 2.7 Given the savings to be realised from participation in the Scotland Excel Framework for the supply of Educational Materials it is recommended that best value would be achieved by Falkirk Council's participation in the Framework from the 1st July 2013 through to 31st March 2017. The total estimated value of the contract over the 4 years is £2,000,000 and is contained within Education Service's budgets.

Educational and Office Furniture

- 2.8 Scotland Excel has established a 3 year framework agreement from 1st March 2013 to 29th February 2016 for the provision of Educational and Office Furniture and comprises 10 separate Lots. Details of the contracted suppliers for each lot are shown in Appendix 2, as included in the volume of appendices. The contract replaces the current Scotland Excel Educational Products contract approved by Policy and Resources Committee on 31st May 2011. The contracted suppliers shown in Appendix 1 are primarily those currently used and therefore existing supply arrangements can be maintained.
- 2.9 Falkirk Council's estimated annual spend across the contract lots is approximately £110,000.
- 2.10 It is anticipated that migration to the new Framework Agreement would achieve savings of approximately £9,000 per year when compared to current pricing. By participating in the new Framework Agreement, the Council would also not incur the costs of conducting its own tendering exercise and afford access to a fully compliant Framework Agreement.
- 2.11 Given the savings to be realised from participation in the Scotland Excel Framework for the supply of Educational and Office Furniture it is recommended that best value would be achieved by Falkirk Council's participation in the Framework from the 1st July 2013 through to 29th February 2016. The contract has an option to extend for up to 1 year to 28th February 2017.
- 2.12 The total estimated value of Falkirk Council spend on the framework over the initial 3 year period is £330,000 and is contained within Education Service's budgets.

3. CONCLUSION

- 3.1 The above noted Scotland Excel Framework Agreements afford the Council an opportunity to realise savings and in drawing spend together under national contracts, the Council will received enhanced management and contract compliance information.
- 3.2 To secure the savings and benefits highlighted it is therefore considered best value for the Council to procure from Scotland Excel in respect of the above Framework Agreements.

4. RECOMMENDATION

It is recommended that Members:

- 4.1 In accordance with Contract Standing Order 6.2(iv), approve Falkirk Council's participation in the Scotland Excel Framework Agreements referred to in Section 2 above.

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DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES

Date: 27 May 2013

Ref: AAP0613

Contact Name: William McQuillan

Ext: 0810

LIST OF BACKGROUND PAPERS

1. *Tender documents

* Item not for publication on the grounds that it involves the disclosure of exempt information as defined in, paragraph 10 of part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

FALKIRK COUNCIL

Subject: ACCEPTANCE UNDER DELEGATED POWERS OF TENDER OVER
£350,000 FOR THE PROVISION OF OCCUPATIONAL HEALTH &
ASSOCIATED SERVICES (CNS/069/13)
Meeting: EXECUTIVE
Date: 18 June 2013
Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES

1. INTRODUCTION

- 1.1 The purpose of this report is to advise Members of the contract award for the Provision of Occupational Health & Associated Services (CNS/069/13). This is a collaborative contract comprising Falkirk, Stirling and Clackmannanshire Councils.

2. DELEGATED POWERS

- 2.1 On 13 November 2012 Policy and Resources Committee granted delegated powers for award of the provision of Occupational Health & Associated Services to the Director of Corporate and Neighbourhood Services. This delegated authority related to the award of Falkirk Council's element of the contract.
- 2.2 The award of contract was taken under delegated powers to enable the Council to continue to conduct its business and deliver upon its commitment to the well-being of its employees.

3. TENDER PROCESS & OUTCOME

- 3.1 As lead authority Stirling Council advertised the requirement through the Office for the Journal of the European Union. The contract is for an initial period of three years from 1 April 2013 to 31 March 2016 with the option of two twelve month extensions.
- 3.2 Eight tenders were received for the Provision of Occupational Health Services (Lot 1) and five tenders were received for Employee Counselling Services (Lot 2).
- 3.3 Following evaluation of tenders, by a panel of officers from all three Councils, the offer from Serco Occupational Health was selected as offering best value for Lot 1 and the offer from Employee Counselling Service (ECS) was selected as offering best value for Lot 2.
- 3.4 Based upon the above assessment and after the conclusion of the mandatory standstill period the Director of Corporate and Neighborhood Services concluded the award of contract on 21 March 2013.
- 3.5 The total estimated value of the contract over the initial 3 years is approximately £540,000 and funding is contained within the Human Resources Occupational Health budget.

- 3.6 Based on the new pricing, it is estimated that the contract will deliver savings of approximately £10,000 per year, compared to current pricing.

4. RECOMMENDATION

It is recommended that Members:

- 4.1 Note acceptance of the tenders received by Serco Occupational Health, Birmingham and Employee Counselling Service, Glasgow, with an estimated contract value of approximately £540,000 in respect of the Provision of Occupational Health & Associated Services to Falkirk Council for an initial three year period from 1 April 2013 to 31 March 2016.

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DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES

Date: 3 June 2013
Ref: AAP0613
Contact Name: Lesley Anderson Ext: 0836

LIST OF BACKGROUND PAPERS

1. *Tender documents

* Item not for publication on the grounds that it involves the disclosure of exempt information as defined in, paragraph 10 of part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

FALKIRK COUNCIL

**Subject: ACCEPTANCE OF TENDERS OVER £350,000 IN VALUE
CONTRACT FOR NEW BUILD HOUSING AT TINTO DRIVE,
GRANGEMOUTH (GRA-6960)**
Meeting: EXECUTIVE
Date: 18 JUNE 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 Members will recall the decision of the Policy and Resources Committee of the 12 February 2013 to authorise acceptance of the tender in respect of the provision of 44 flats and 12 new build houses at Tinto Drive, Grangemouth, and to report on the outcome.

2. TENDERS RECEIVED

- 2.1 Following preliminary invitations of interest via the Public Contracts Scotland portal, tenders were issued to six companies following a pre-qualification process. Five tenders were received by the due date of 11 March 2013 and opened at 2.55pm on that date in accordance with Standing Order 11 relating to contracts.
- 2.2 The tendered prices ranged from £5,354,559.00 to £6,112,226.70 and the lowest tender was that received from O'Hare & McGovern Ltd., Carnbane House, Shepherd's Way, Newry, Co. Down BT35 6EE in the sum of £5,354,559.00. The tender can be contained within the block expenditure figure for the new build housing programme for Housing Services 2012/2015.
- 2.3 Following the evaluation of all tenders, this tender is considered to demonstrate best value.

3. ACTION TAKEN

Members note that in terms of the decision of the Policy and Resources Committee of the 12th February 2013, I have accepted the tender submitted by O'Hare & McGovern Ltd., Carnbane House, Shepherd's Way, Newry, Co. Down BT35 6EE in the sum of £5,354,559.00 in respect of new build housing at Tinto Drive, Grangemouth.

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Director of Development Services
30/04/2013

Contact Officer: Ian Paterson, Ext. 4889

LIST OF BACKGROUND PAPERS

1. *Tender documents
2. *Tender Report

*Item not for publication on the grounds that it involves the disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

FALKIRK COUNCIL

**Subject: ACCEPTANCE OF TENDERS £350,000 IN VALUE
CONTRACT FOR NEW BUILD HOUSING AT WINDSOR ROAD,
FALKIRK (FAL-6961)**
Meeting: EXECUTIVE
Date: 18 JUNE 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 Members will recall the decision of the Policy and Resources Committee of the 4 September 2012 to authorise acceptance of the tender in respect of the provision of 16 flats and 8 new build houses at Windsor Road, Falkirk, and to report on the outcome.

2. TENDERS RECEIVED

- 2.1 Following preliminary invitations of interest via the Public Contracts Scotland portal, tenders were issued to six companies following a pre-qualification process. Six tenders were received by the due date of 21 September 2012 and opened at 2.40pm on 21 September 2012 in accordance with Standing Order 11 relating to contracts.
- 2.2 The tendered prices ranged from £2,267,181.74 to £2,760,548.30 and the lowest tender was that received from J B Bennett (Contracts) Ltd, Banton, By Kilsyth, G65 0QG in the sum of £2,267,181.74. The tender can be contained within the block expenditure figure for the new build housing programme for Housing Services 2012/2015.
- 2.3 Following the evaluation of all tenders, this tender is considered to demonstrate best value.

3. ACTION TAKEN

Members note that in terms of the decision of the Policy and Resources committee of the 4 September 2012, I have accepted the tender submitted by J B Bennett (Contracts) Ltd, Banton, By Kilsyth, G65 0QG in the sum of £2,267,181.74 in respect of the new build housing at Windsor Road, Falkirk.

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Director of Development Services
07/05/2013

Contact Officer: Roslyn Melville, Ext. 4806

LIST OF BACKGROUND PAPERS

1. *Tender documents
2. *Tender Report

*Item not for publication on the grounds that it involves the disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.