



Agenda Item 3

Minute

Draft

FALKIRK COUNCIL

Minute of meeting of the EXECUTIVE held on Tuesday 19 October 2021 at 10.00 a.m.

Councillors: David Alexander
Allyson Black
Robert Bissett
Gary Bouse
Joan Coombes
Paul Garner
Nigel Harris
Gordon Hughes
James Kerr
Cecil Meiklejohn (Convener)
Lynn Munro

Officers: Karen Algie, Head of People, Technology & Transformation
Karen Chambers, Committee Services Officer
Douglas Duff, Acting Director of Development Services
Kenny Gillespie, Head of Housing & Communities
Kenneth Lawrie, Chief Executive
Colin Moodie, Chief Governance Officer
Robert Naylor, Director of Children's Services
Brian Pirie, Democratic Services Manager
Steve Revell, Economic Development Officer (TiF)
Stuart Ritchie, Director of Corporate and Housing Services
Bryan Smail, Chief Finance Officer
Laura Smith, Housing Needs Manager
Danny Thallon, Environment Co-ordinator

In accordance with section 43 of the Local Government in Scotland Act 2003 the Convener had directed that the meeting would be conducted by video conference to allow remote attendance by elected members.

In accordance with section 50A of the Local Government (Scotland) Act 1973 the public were excluded from this meeting as it was likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.

The Executive paid tribute to Sir David Amess, MP, who had been tragically murdered at his constituency surgery in Essex on 15 October 2021 and sent condolences to his family and colleagues.

EX63. Apologies

An apology was intimated on behalf of Councillor Nimmo.

EX64. Declarations of Interest

Councillor Garner declared a non-financial interest in item EX77 as a member of Dunipace FC management committee. Having had regard to the objective test he stated that he considered that this required him to recuse himself from consideration of the item.

EX65. Minute

Decision

The minute of the meeting of the Executive held on 5 October 2021 was approved.

EX66. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 5 October 2021 was provided.

Decision

The Executive noted the rolling action log.

EX67. Motion referred to the Executive under Standing Order 31

The following motion was referred to the Executive from the meeting of Falkirk Council on 29 September 2021

On 29 September 2021, and in accordance with Standing Order 31.1, Council referred a motion, proposed by Councillor Nimmo, to the Executive. In light of the absence of the Councillor Nimmo, the Convener proposed that the matter be continued to the next meeting to allow Councillor Nimmo to attend.

Decision

The Executive continued consideration of the motion to the next meeting.

EX68. Local Housing Strategy 2017-2020 Annual Review

The Executive considered a report by the Director of Corporate and Housing Services which provided an update on progress with the actions detailed in the Local Housing Strategy 2017-2022 (LHS). The update considered year 3 (2019/20) and sought approval to submit the LHS update to Scottish Government. The LHS had been aligned to the Rapid Rehousing Transition Plan submitted to Scottish Government therefore LHS priority 3 improve access to housing had been updated including information from 2020/21.

The Executive adjourned at 10.25am and reconvened at 10.35am with all members present as per the sederunt.

Councillor Hughes, seconded by Councillor Bouse moved that the Executive:-

- (1) notes progress in delivering the Local Housing Strategy 2017-2022;
- (2) approves the LHS Update to be submitted to Scottish Government;
- (3) notes progress with the Tenant and Customer Participation Strategy 2022 – 2025, and
- (4) approves a lettings initiative to increase the percentage of properties allocated to Home seekers from 45% to 70% as detailed in section 3.19 of the report to be reviewed after a period of 6 months.

As an amendment, Councillor Bissett seconded by Councillor Black, moved the terms of the motion with the following in place of clause 4 of the motion:-

- (5) that the Executive asks for a comparison of the options available to the Council to improve access to housing - such as the proposed lettings initiative, and prioritising voids and buy backs and that this is reported to the Executive following a consultation on the options with tenants and residents associations.

The Executive adjourned at 11.00am and reconvened at 11.10am with all members present as per the sederunt.

Councillor Hughes, with the consent of the Convener and Councillor Bouse as his seconder, adjusted the terms of his motion in clause 4 to replace 'a period of 6 months' with 'a period of 3 months with an opportunity to consider whether the initiative requires to be further extended'.

Having heard the terms of the adjusted motion, Councillor Bissett, with the unanimous consent of those present, withdrew his amendment.

Decision

The Executive:-

- (1) noted progress in delivering the Local Housing Strategy 2017-2022;**
- (2) approved the LHS Update to be submitted to Scottish Government;**
- (3) noted progress with the Tenant and Customer Participation Strategy 2022 – 2025, and**
- (4) approved a lettings initiative to increase the percentage of properties allocated to Home seekers from 45% to 70% as detailed in section 3.19 of the report to be reviewed after a period of 3 months with an opportunity to consider whether the initiative requires to be further extended.**

EX69. Scottish Housing Regulatory Annual Assurance Statement

The Executive considered a report by the Director of Corporate and Housing Services which provided an Annual Assurance Statement on the activities of the Council's Housing Service for approval.

In preparation of the Annual Assurance Statement the Service considered: the required level of assurance; sources of assurance and the evidence to support, and the need for independent assurance from Internal Audit.

Despite the challenge of the pandemic, the service met the majority of the regulatory requirements and statutory responsibilities. However, the full regulatory requirements were not met for Quality of Housing and Repairs. This was due to the impact of the Covid-19 pandemic. Details of the standards/outcomes reported as not fully compliant could be viewed in the Scottish Social Housing Charter under outcomes/standards 4 & 5. Further information on the challenges and the Services' response could be found at appendix 2 to the report. As restrictions eased, the aim was to be fully compliant again in 2022.

The Annual Assurance Statement complemented a number of internal and external reports that demonstrated the Service's commitment to performance reporting and scrutiny. These included the Annual Return to the Charter, which was tenant approved before submission to the Regulator, and had also been subject to both internal and external audit checks. Performance was also reported to the Scrutiny Committee.

Decision

The Executive approved the Annual Assurance Statement, prior to its submission to the Scottish Housing Regulator.

EX70. Strategic Housing Investment Plan 2022/23 to 2026/27

The Executive considered a report by the Director of Corporate and Housing Services which presented the Strategic Housing Investment Plan (SHIP) 2022/23 to 2026/27 and sought approval for submission to the Scottish Government. This included alternative approaches to affordable housing supply and an update on the Buy Back Scheme.

Scottish Government required the SHIP to be submitted by 29 October 2021 and projects to be prioritised using a scoring methodology. This methodology took into account:-

- Strategic direction from the Falkirk Council LHS and assessment of housing need;
- Project deliverability and funding required;
- Size, tenure and house type;
- Number of accessible units;
- Sustainability relating to energy efficiency.

The Buy Back scheme purchased former Council flats of one and two bedrooms and houses of all sizes. The Housing Need and Demand Assessment and Rapid Rehousing Transition Plan identified that most housing need was for smaller properties. However, there was an acute need for more larger properties. There was also a need for adapted properties for people with disabilities. There were consistently fewer larger properties marketed and they were of higher value.

The District Valuer experienced high demand for service and staffing issues which impacted on their ability to deliver the pre pandemic level of service within the agreed timescales. Whilst alternative arrangements were established to ensure the scheme could continue there was a risk to a delay in the Buy Back process. Therefore, it was proposed to use the Royal Institute of Chartered Surveyor (RICs) to provide flexibility in extenuating circumstances until a full Options Appraisal was undertaken and reported back.

Decision

The Executive:

- (1) approved the Strategic Housing Investment Plan 2022/23 to 2026/27 to be submitted to Scottish Government;**

- (2) agreed to the use of an alternative Royal Institute of Chartered Surveyor for Buybacks in extenuating circumstances, and**
- (3) noted that officers would adapt the SHIP in line with available resources in order to maximise the supply of affordable housing locally and provide updates on any changes.**

EX71. Kinneil Walled Garden Masterplan

The Executive considered a report by the Acting Director of Development Services which presented the Masterplan for Kinneil Walled Garden for approval.

A vision for the Walled Garden had been formulated based on site analysis along with comments and ideas put forward during public consultation conducted between June 2019 and March 2020. The vision presented was intended to create a better and healthier place to live, work and visit with opportunities for improving health and well-being, reducing carbon emissions and enabling post-Covid recovery. The proposal accorded with the delivery of 20-minute neighbourhoods – giving local people the ability to meet most of their daily needs within a 20-minute walk from home. The Walled Garden project was anticipated to help deliver the following for the Bo'ness community:-

- Lifelong learning opportunities;
- Local employment opportunities
- Safe spaces, community gardens and green spaces; and
- Walkability and safe cycling networks (site is adjacent to John Muir Way and National Cycle Network route 76).

The site was large (1 hectare) and the plan for the site was deliberately flexible to allow for a range of uses, changing community requirements and available funding that may evolve over time. The masterplan set out a spatial framework, rather than a fixed masterplan for the site. This would allow the creation of an adaptable space that could accommodate a range of uses and be developed in phases.

Councillor Meiklejohn seconded by Councillor Garner, moved that the Executive agrees: -

- (1) the proposed plan as the Council's preferred vision for Kinneil Walled Garden;
- (2) that officers proceed to work with partners to deliver this vision, and

- (3) that it is important that future plans for the walled garden are part of the Kinneil Estate masterplan. It is the centenary year next year of Kinneil Estate being in public ownership, this is the ideal time to ensure that the masterplan reflects the hopes and aspirations of Bo'ness residents, the Friends of Kinneil and other stakeholders, to ensure that the walled garden space is developed accordingly, it's requested that a report be brought back next spring with definite plans for Kinneil estate including options for a potential Heritage Lottery Bid.

As an amendment, in substitution for the motion, Councillor Bissett, seconded by Councillor Black, moved that the Executive agrees:-

- (1) that the work of the Friends of Kinneil and Sustainable Thinking Scotland, are valued by the community and wider public, and should be commended, it is agreed to proceed with the works at section 6 of the report on page 139:-

Phase 1 enabling infrastructure works totalling £132,604;
Phase 2 structural alterations £28,161, and
Phase 3 other services £79,056.

- (2) that it is important that future plans for the walled garden are part of the Kinneil Estate masterplan. It is the centenary year next year of Kinneil Estate being in public ownership, this is the ideal time to ensure that the masterplan reflects the hopes and aspirations of Bo'ness residents, the Friends of Kinneil and other stakeholders, to ensure that the walled garden space is developed accordingly, it is requested that a report be brought back next spring with definite plans for Kinneil estate including options for a potential Heritage Lottery Bid.

The Executive adjourned at 1.15pm and reconvened at 2.00pm with all members present as per the sederunt.

In terms of Standing order 22.1, the vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (5) – Councillors Alexander, Bouse, Garner, Hughes, and Meiklejohn.

For the amendment (6) – Councillors Bissett, Black, Coombes, Harris, Kerr and Munro.

Decision

The Executive agreed the amendment.

EX72. Community Council Elections 2021

The Executive considered a report by the Director of Corporate and Housing Services which proposed that the 2021 Community Council elections were postponed to spring 2022.

The aim of the election process was to establish all of the 23 Community Councils in the area. The results from the most recent election process, in 2017, showed that interest in standing as a Community Councillor was, in the majority of wards, low. A series of workshops were held with the Community Council Forum in July and September 2021 to better understand why this might be. The main reasons were:-

- public indifference towards standing for office
- a lack of engagement with the community ahead of the election process
- a lack of understanding within communities of the role and value of Community Councils
- a perception within communities of a lack of success by Community Councils in achieving results
- a lack of support from the Council once established
- the timing of the election process

An engagement strategy had been developed in conjunction with the Forum that would allow the first five points to be addressed. However, the timing of the election was an issue which gave the Forum the most immediate concern as the engagement work which should have been carried out by now had been delayed due to covid. The Forum also strongly considered that holding an election in October/ November would be a mistake which would result in minimal interest. This view concurred with officers' views that engagement at this point in the year would not generate public interest.

It was proposed to postpone the election to allow the Council and Community Councils to work together to engage with their communities and allow the election to be held at a more suitable time for communities. The proposed postponement was to spring 2022.

Decision

The Executive agreed to postpone the 2021 Community Council elections to a date following the Local Government elections in May 2022.

EX73. Capital Programmes Update Report

The Executive considered a report by the Director of Corporate and Housing Services which provided an update on the 2021/22 Capital Programmes for Housing and the General Fund. The forecast for the General Fund Services Capital Programme was c£61.1m against a revised budget of £66.9m; a potential further underspend of c£5.8m. For the Housing Capital Programme the approved 2021/22 budget was £53.5m, with a forecast of £45.1m. This represented a potential underspend of £8.4m.

There was a high risk that spend on the General Fund capital programme would be lower than currently projected. Some of the reasons behind this were outwith control, for example:-

- Issues with supply chains
- High levels of staff absence, both internally and externally due to the impact of Covid
- Long lead in times for contract works

Continued slippage in the General Fund meant that borrowing undertaken in year would be less than originally anticipated and therefore budgeted for. While this may result in short term benefit to the revenue budget, there was a risk that the Council's investment activity was not appropriately spread across a number of years.

Council previously agreed to the installation of gas to a number of villages across the area. That decision would require borrowing of up to £2.8m for the General Fund and £5.5m for Housing. Work to determine the timescale associated with the spend, including any potential impact on 2021/22, would be undertaken and reported back.

Decision

The Executive noted:-

- (1) the forecast spend by Services for both the General Fund Services (£61.1m) and Housing Capital Programmes (£45.1m), and**
- (2) the Prudential Indicators.**

EX74. Projected Financial Position 2021/22

The Executive considered a report by the Director of Corporate and Housing Services which provided an update on the financial position of the Council for 2021/22. While the report reflected the current information available, the ongoing impact of COVID 19 continued to create a degree of certainty and circumstances may change during the course of the financial year.

Net expenditure at 31 March 2022 was forecast to be £382m which was £2.807m (0.7%) below the resources available. This was a significant improvement of £10.125m from the last projection. The main reason was the application of fiscal flexibilities in the current financial year, which displaced the application of COVID funding carried forward from the previous year.

Overall Children's Services was marginally under budget, with a favourable movement of £0.562m from the August projection.

Place Services was currently projected to be marginally under budget. The main pressure remained roads maintenance, which was projected to be c£1.6m overbudget. The overspend was largely due to higher material costs and the under achievement of anticipated savings. Waste collection and treatment was still projected to overspend by £1.2m due to changes in operating arrangements and an increase in household waste, both arising from COVID. Additional COVID resources of c£2m and other operational savings had helped to reduce the impact of these two budget pressures.

Corporate and Housing Services was currently projected to underspend, an improvement of c£0.4 from the August position. The reclassification of IT spend on licences from capital to revenue, noted in the last report, had resulted in additional costs of over £1m, however this was being offset by property savings and operational savings arising from staffing vacancies. The service would continue to review the financial position for the current year on an ongoing basis.

For 2021/22, a sum of £72.675m (£70.934m from the General Fund) was passed to the IJB. Total expenditure was expected to remain within budget and a breakeven position was currently forecast for the year. However, this position masked significant financial and operational service pressures within Home Care due to increased demand and complexity together with ongoing short staffing issues. As a result, the number of people currently waiting for packages of care was unprecedented and several external providers were operating under business continuity measures or handing back packages of care (which in turn impacted on the internal service). These pressures were largely being offset by fortuitous underspends in other service areas reflecting lower residential care costs, vacancies within the assessment and care planning team and non-recurring savings within respite and day care services.

In relation to Falkirk Community Trust, the COVID 19 pandemic had significantly impacted on the business of the Trust, including its income generating activities. This resulted in a service payment of £13.755m to the Trust following a detailed financial assessment of the ongoing impact of COVID on customer income in the current financial year.

Decision

The Executive:-

- (1) noted the Council's projected year-end financial position for 2021/22;**
- (2) noted the position with respect to Reserves;**
- (3) noted the progress on the achievement of approved savings, and**
- (4) instructed Service Directors to continue to take appropriate actions to maintain costs within the approved budget.**

EX75. Treasury Management - Interim Review 2021/22

The Executive considered a report by the Director of Corporate and Housing Services which provided a summary of the factors affecting treasury management along with a position statement on the Council's treasury management activities at the half year point.

The report provided information on:-

- The economic and interest rate outlook;
- borrowing strategy;
- investment strategy;
- Treasury Management Prudential Indicators;
- Treasury Management Advisors;
- Member Training, and
- Benchmarking.

Decision

The Executive:-

- (1) noted the progress of the Council's Treasury Management Strategy for 2021/22;**
- (2) noted the reduction in the long term borrowing requirement for 2021/22, and**
- (3) referred the report to Council for consideration.**

EX76. Budget Update

The Executive considered a report by the Director of Corporate and Housing Services which provided an update on the Revenue Budget and Medium-Term Financial Plan [MTFP] and represented a significant milestone in the Budget cycle. In particular, it updated the Budget Gap projections, set out savings options identified to date by officers and the means of Budget engagement with stakeholders.

The Scottish Government Budget would be on 9 December 2021, and it would be a one-year budget. The timing of the Spending Review had still to be announced, but there was a suggestion that this may not be until the Spring of 2022. A commitment had been given to publish a Medium-Term Strategy. It was anticipated that the Local Government Financial Settlement would follow perhaps a week later, with the Finance Circular issued 20 December 2021.

Decision

The Executive noted: -

- (1) the overall position set out in the report;**
- (2) that Services would continue work to identify further significant savings options, and**
- (3) that an updated Business Plan would be submitted to Council at the same time as the Budget in March 2022.**

Councillor Garner left the meeting prior to consideration of the following item in line with his earlier declaration of interest.

EX77. Land Surplus to Requirements – Westfield, Town House Street, Denny

The Executive considered a report by the Acting Director of Development Services which sought approval for an area of land, adjacent to Dunipace Football Club, Westfield, Denny, to be declared surplus to operational requirements for disposal.

A request had been received from Stoneywood Community Project to acquire an area of land owned by the Council to create a community garden. There were no operational requirements to retain the property and its disposal would generate a capital receipt to support the Council's General Services Capital Programme.

Decision

The Executive agreed to:-

- (1) declare 1,988 sq.m land adjacent to Dunipace Football Club surplus to requirements;**
- (2) authorise the Acting Director of Development Services to conclude the disposal by negotiated agreement to Stoneywood Community Project, and**
- (3) authorise the Acting Director of Development Services to agree and conclude a new servitude right with Dunipace Juniors FC for egress into subject site.**

Councillor Garner re-joined the meeting following consideration of the previous item.

EX78. Exclusion of Public

The Executive resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7 of the said Act.

EX79. Falkirk Gateway Update Report

The Executive considered a report by the Acting Director of Development Services which provided an update on the progress of the Falkirk Gateway project including the progress of work with the developers, Fintry/Hargreaves on establishing a Development Agreement for the site, noting that a workshop had been held involving Elected Members, officers and the developers to consider the proposals in more detail prior to reaching a decision on the Agreement and sought agreement of the next steps for delivery of the project.

At its meeting of 5 October 2021 (ref EX62) the Executive agreed to continue the item to this meeting.

A motion and amendment had been proposed at the meeting of 5 October 2021.

As a motion, Councillor Meiklejohn, seconded by Councillor Garner, had moved that the Executive:-

- (1) notes the progress of the Falkirk Gateway project, and
- (2) authorises the acting Director of Development Services to conclude in acceptable terms a Development Agreement to be entered into by the Council with Hargreaves Property Ventures Ltd (a joint venture between Hargreaves Services plc and Fintry Estates Ltd) incorporating the proposed masterplan and approve revised receipt of £4.1m.

As an amendment, in substitution for the motion, Councillor Bissett, seconded by Councillor Coombes, had moved that the Executive terminates the partnership agreement with Fintry Estates Ltd/Hargreaves.

Councillor Meiklejohn confirmed that she would continue with her motion as set out at the previous meeting.

Councillor Bissett, having confirmed that he was content with the terms of the motion, withdrew his amendment.

Decision

The Executive:-

- (1) noted the progress of the Falkirk Gateway project, and**
- (2) authorised the acting Director of Development Services to conclude in acceptable terms a Development Agreement to be entered into by the Council with Hargreaves Property Ventures Ltd (a joint venture between Hargreaves Services plc and Fintry Estates Ltd) incorporating the proposed masterplan and approved a revised receipt of £4.1m.**

EX80. Minute

Extract of Minute of Meeting of Executive held on 5 October 2021 - agreed as a correct record.

In terms of Standing Order 9.1 the following item had been included on the agenda by reason of special circumstance. The special circumstance was that a decision on gas connection cost recovery was required to commence the works. The information contained in the report had not been available when the agenda was issued.

EX81. Gas Connection Cost Recovery

The Executive considered a report by the Director of Corporate and Housing Services seeking approval for the cost recovery scheme that SGN (Scottish Gas Networks) would establish to recover costs from owner occupiers wishing to connect to the gas network.

At its meeting on 29 September 2021 (ref FC44) Council had agreed to meet the cost of gas installation to Avonbridge, California, Letham, Slamannan and Whitecross. This would require additional borrowing of up to £2.8m with additional revenue costs of circa £186k.

Some of the costs could be offset by charging owner occupiers for gas network connections. However, due to changes to gas boilers in the future there was a risk of low uptake from private owners. This risk was transferred to the Council by SGN, with the Council meeting the costs in full. The Council requested that SGN established appropriate mechanisms to recover costs from owner occupiers wishing to connect to the gas network.

Decision

The Executive agreed to:-

- (1) request that SGN set up a Gas Connection Cost Recovery Programme for 20 years, and**
- (2) set a £2k connection fee per private home gas connection.**