## Agenda Item 3

# Minute

#### <u>Draft</u>

#### FALKIRK COUNCIL

## Minute of meeting of the EXECUTIVE held on Tuesday 4 October 2022 at the Lesser Town Hall, Falkirk at 10.30 a.m.

Councillors: Gary Bouse William Buchanan James Bundy Stacey Devine Paul Garner Anne Hannah James Kerr Cecil Meiklejohn (Convener) Alan Nimmo Siobhan Paterson Iain Sinclair Euan Stainbank

Officers: Karen Algie, Director of Transformation, Communities & Corporate Services Malcolm Bennie, Director of Place Services Richard Broadley, Planning & Environment Manager Jack Frawley, Team Leader – Committee Services Kenny Gillespie, Head of Housing & Communities Paul Kettrick, Head of Invest Falkirk Kenneth Lawrie. Chief Executive Michael McGuinness, Head of Growth, Planning & Climate Change Colin Moodie, Chief Governance Officer Natalie Moore-Young, Strategy & Performance Manager Mari-Claire Morgan, Energy and Climate Change Co-Ordinator Robert Naylor, Director of Children's Services Anna Perks, Biodiversity Officer Brian Pirie, Democratic Services Manager Amanda Templeman, Chief Finance Officer Danny Thallon, Environment Co-ordinator Martin Thom. Head of Integration

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.

#### EX27. Apologies

There were no apologies.

#### EX28. Declarations of Interest

There were no declarations.

#### EX29. Minute

Decision

## The minute of the meeting of the Executive held on 23 August 2022 was agreed as a correct record.

#### EX30. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 23 August 2022 was provided. Items 543 - Biodiversity and Sustainable Grass Management Pilot; 580 - Kinneil Walled Garden Masterplan; and 601 – UK Levelling Up Fund – Champany Junction Proposals and A801 Avon Gorge Update, were all subject of reports on the agenda for this meeting and subsequently fell from the action log.

#### Decision

The Executive noted the rolling action log.

#### EX31. Referral Corporate Partnership Forum

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which presented the Hybrid Working Policy and Recovery of Overpayments Policy from the Corporate Partnership Forum of August 2022 for consideration and approval.

The hybrid working policy was a new policy and had been developed as part of the Council of the Future Anytime Anywhere Project which allowed and promoted office-based employees to work from home and different locations. Whilst home working was in place prior to the pandemic, the pandemic accelerated this way of working, with all office-based employees provided with suitable technology to work from home. The main purpose of the policy was to:-

- Identify workstyle categories, with different categories applied depending on specific roles
- Reflect the new ways of working and outline expectations and behaviours of hybrid working
- Outline the modern workplace specification and how to book a desk
- Confirm how an employee could opt in or opt out of hybrid working, offering employees the opportunity to opt in and out on a voluntary basis.

The Recovery of Overpayments Policy had been updated and the main changes were:-

- updating the process used to communicate with Payroll about overpayments.
- reflect updates in the Financial Regulations in that managers were expected to access monthly staffing information on PowerBI rather than via reports issued by Payroll
- provide information on financial and emotional support available to employees through the Council's website
- document reviewed into new format and amended to improve clarity and readability.

#### Decision

#### The Executive approved the:-

- (1) new Hybrid Working Policy for immediate implementation, and
- (2) updated Recovery of Overpayments Policy for immediate implementation

#### EX32. Climate Emergency Update

The Executive considered a report by the Director of Place Services which provided an update on the work undertaken to date and sought agreement in relation to implementation of future actions of the Climate Emergency Strategy.

The report highlighted the progress that had been made to date on the journey to Net Zero and identified the challenges that the Council faced in reaching this target. Significant amongst these was the lack of capital investment available to undertake improvement works and the lack of projects in development to meet the target. Officers would continue to drive forward the ambition but at present there was a real risk that the target would not be met unless these factors could be addressed in the coming years.

The report provided further detailed information on:-

- Reduction scenarios
- Closing additional office buildings
- Converting all vehicles (excluding refuse vehicles) to EV
- Local Heat and Energy Efficiency Strategies
- Carbon Budgeting
- Climate Change Governance
- Screening Template for Committee Reports.

#### Decision

The Executive:-

- agreed that a Climate Emergency Strategy be developed for approval in 2023; and that the strategy would require consideration of displacement into Scope 3 when decisions were made or actions taken to reduce Scope 1 and Scope 2 emissions;
- (2) noted the developing decarbonisation priorities set out in appendix 2 to the report, and
- (3) agreed the proposed standardisation of net zero screening in section 3 of committee reports.

#### EX33. Local Housing Strategy 2017 – 2022 Annual Review

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which provided an update on progress with actions in the final year of the current Local Housing Strategy (LHS) 2017-2022 and sought approval to submit the annual update to Scottish Government.

The report provided detail updates against each of the six LHS Priorities. The priorities were:-

- Priority 1 The supply of housing is increased
- Priority 2 Creating sustainable communities
- Priority 3 Improve access to housing
- Priority 4 Housing and Support for Vulnerable Groups
- Priority 5 Sustainable housing: fuel poverty and climate change

Priority 6 – Improving housing conditions

#### Decision

- (1) noted progress in delivering the Local Housing Strategy 2017-2022;
- (2) approved the LHS Update for submission to Scottish Government;
- (3) noted the new tenant approved Tenant & Customer Participation Strategy 2022 – 2025, and
- (4) noted the key findings of the draft Housing Need and Demand Assessment.

#### EX34. Strategic Housing Investment Plan 2023/24 – 2027/28

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which presented the Strategic Housing Investment Plan (SHIP) 2023/24 to 2027/28 and sought approval of the contents for submission to the Scottish Government.

The SHIP outlined the strategic investment priorities for affordable housing over a 5-year period, to achieve the targets specified in the Local Housing Strategy (LHS). The SHIP programme was fluid and adaptable and may change in response to a range of factors.

Housing would explore new ways of increasing the affordable housing supply, this included considering design and build partnerships, joint developments with other social housing providers. A Graduate had joined the Strategy & Development team to research innovative practice across the UK to inform the approach. The affordable housing supply target set out in the LHS was 123 additional new build homes per year.

Scottish Government required the SHIP to be submitted by 28 October 2022 and it must demonstrate an auditable decision-making process. Scottish Government SHIP guidance stated an expectation to produce a balanced and realistic development programme, on the basis of RPA +25%, to help ensure that the targets for spend and unit numbers were delivered.

The Buy Back Scheme had purchased 730 ex-local authority homes since 2013/14. The SHIP outlined a target to purchase 500 over the next 5 years. The average cost to purchase a property through the Buy Back Scheme had increased from £56,935 in 2013/14 to £95,698 in 2021/2022.

#### Decision

- (1) approved the Strategic Housing Investment Plan 2023/24 2027/28 for submission to Scottish Government;
- (2) noted the risks associated with rising costs of Council new builds, and
- (3) agreed that the SHIP be adapted in line with available resources in order to maximise the supply of affordable housing options set out in the Affordable Housing Policy to the Local Development Plan approved in May 2021.

#### EX35. Scottish Housing Regulator Annual Assurance Statement

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which presented the Annual Assurance Statement on the activities of the Council's Housing Service for approval, as required by the Scottish Housing Regulator Regulatory Framework.

In development of the annual assurance statements the Service engaged Internal Audit to undertake and independent validation and had been awarded substantial assurance based on the evidence provided. The Executive was invited to consider whether it had sufficient evidence to be assured approve the Annual Assurance Statement as appended to the report.

The Annual Assurance Statement complemented several 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 submitting to the Regulator, and had also been subject to both internal and external audit checks. Performance was also reported to the Council's Scrutiny Committee.

#### Decision

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

#### EX36. Review of Transport (Zero Based Budgeting Project)

The Executive considered a report by the Director of Place Services which provided an update on progress of the Zero Based Budgeting (ZBB) Review of Transport across Council services, this had a specific focus on areas where the Council had overprovision of services above statutory levels of service.

The Council had had an above-average accident rate across its 600 strong fleet of vehicles for several years which had fed through to higher insurance premiums. Actions would be taken forward to address this.

The provision of a School Crossing Patrol service was non-statutory and the responsibility for getting a child to/from school lay with the parent/guardian. The Council's criteria was significantly more generous than the national for provision of a school crossing patrol. Reducing Falkirk Council's criteria to the national level would result in:-

- 9 School Crossing Patrol points being withdrawn;
- 9 School Crossing Patrollers needing to be redeployed or made redundant (1.48 FTE); and
- An ongoing financial saving of approximately £32,000 per annum.

The Council spent £1.1m to subsidise local bus services on routes that were not commercially viable to private operators. There was no statutory obligation for local authorities to provide subsidised bus services.

Each day, Falkirk Council transported c.3,500 mainstream pupils to and from school using around 120 vehicles costing approximately £2.9million per year. The current distance entitlement criteria for free school transport was:-

- pupils who were under 8 years of age and lived more than 1 mile from their catchment school,
- pupils who were 8 years of age or older and lived more than 2 miles from their catchment school.

Distances were measured using the nearest available safe walking route. Across Scotland 50% of Councils offered free transport based on criteria closer to the statutory requirement, mainly 2 miles for primary and 3 miles for secondary. If the Council moved to this model savings could be achieved.

ASN transport was provided for approximately 560 children each day at an annual cost of approximately £2m. It was recommended that a review of the ASN transport policy was undertaken in 2023 to determine if all pupils currently receiving ASN transport required to do so, whether or not they needed a passenger transport assistant, and whether they could travel in a vehicle with other pupils. The revised policy would also include an annual review of transport entitlement.

#### Decision

- (1) noted the progress of the ZBB Transport project;
- (2) noted the activity under delegated authority linked to vehicle hires, employee travel and insurance premiums;
- (3) agreed that a report be submitted to a future meeting reviewing the provision of school crossing patrollers at the nine locations which were above the national statutory requirements;
- (4) requested development of demand responsive transport options for consideration that could potentially replace subsidised bus routes that had low usage levels;
- (5) agreed that a report considering a statutory consultation on a change to the school transport criteria be submitted to the next Education, Children and Young People Executive, and
- (6) agreed that a review of ASN transport take place in 2023/24.

#### EX37. Avon Gorge (A801) Update

The Executive considered a report by the Director of Place Services which provided an update on progress of the Avon Gorge (A801) project with West Lothian Council and Transport Scotland.

A significant amount of work had been done by all partners to move the project forward. Whilst construction costs were reviewed in 2020 and were estimated at approx. £52m, they only reflected increases in construction costs and design standards. Market forces resulting in substantial inflationary pressures on material, labour and wider business costs had escalated over the past two years and more dramatically over the past 6 months. Current high level outline estimates were that the project would cost approximately £70m.

The Scottish Government's "Infrastructure Investment Plan for Scotland 2021/22 to 2025/26" gave a commitment for Transport Scotland to support Falkirk and West Lothian Councils in the delivery of the Avon Gorge (A801) strategic infrastructure project and included provision of £22m from Scottish Government.

Transport Scotland had drafted a Memorandum of Understanding which would establish the principles for the delivery of the project and the responsibilities of each of the partners. They were also considering support that may be available to progress the development of the business case.

An update report would be provided to Executive following more detailed development of the business case including, consideration of the updated costs, the terms of the proposed Memorandum of Understanding, and discussions with both Scottish Government, UK Government and WLC on future financial implications including the proposed Levelling Up Fund bid.

#### Decision

The Executive noted:-

- (1) the current position on the Avon Gorge (A801) project;
- (2) that on current cost estimates the project was unaffordable;
- (3) the ongoing discussions and proposed memorandum of understanding to be entered into with West Lothian Council and Transport Scotland, and
- (4) noted the initial outline timescales to progress the project business case stages (subject to funding) and proposed arrangements for engagement with stakeholders.

#### EX38. Strategic Parks Masterplanning

The Executive considered a report by the Director of Place Services which provided a progress update, with definite plans for Kinneil Estate including options for a potential Heritage Lottery Bid. In addition, the report proposed how the Council responded to the transition of management of Kinneil Estate along with three other Strategic Parks (Muiravonside Country Park, Callendar Park and the Helix) back from Falkirk Community Trust to Falkirk Council as of 1 April 2022.

Kinneil Estate had a limited annual revenue budget (£14k/annum) and no dedicated capital budget other than that ringfenced for repair and development of the Walled Garden. There was no income target for the Estate but it had generated an average annual income of £3.5k per year (between 2017/18 and 2021/22). Implementation of the existing Estate Masterplan was not complete. The Kinneil Advisory Group had historically overseen masterplan implementation at the site.

Muiravonside Country Park (including Newparks Farm) had a modest annual revenue budget (c£84k/annum excluding staff costs) alongside a commensurate annual income target (c£72k/annum). Typically, annual income at Muiravonside had not met this target (average income 2017/18 – 2021/22 was £52k/annum) and expenditure at the park had also exceeded the available budget. The management plan for the park was beyond its original outlook and there were significant financial challenges which needed to be addressed if the park was to run more sustainably.

In light of this it was recommended that a report was brought forward on the feasibility of transferring Newparks Farm to a third-sector or commercial organisation in an effort to reduce the cost to the Council of running Muiravonside Country Park.

The Helix Park had an annual budget of c£785k (excluding staffing costs) which reflected the costs of running an internationally recognised VisitScotland 5-star visitor attraction. The budget was used to fund site maintenance and management, building maintenance and management, events, catering and retail costs. The income target for the 2022/23 for the site was c£1.4 million. The Park Management Plan would be reviewed in 2025.

Preparation of park masterplans was resource intensive over a long time period and included community consultation and specialist consultant input, prior to the reporting and adoption of any masterplan.

#### Decision

#### The Executive agreed that:-

(1) reviews of the masterplans for Callendar Park, then Muiravonside Country Park and then Kinneil Estate were undertaken along the indicative timescales as set out in paragraph 5.23 of the report, and

## (2) a report was submitted to Executive to provide an update on the feasibility of transferring Newparks Farm to a third-party organisation to reduce ongoing costs.

The Executive adjourned at 12.50pm and reconvened at 1.35pm with all members present as per the sederunt.

### EX39. Sustainable Grass Management Pilot: Project Report and Recommendations

The Executive considered a report by the Director of Place Services which provided an update on the delivery and outcomes of the Sustainable Grass Management Pilot Project. The Executive had previously approved the delivery of the Sustainable Grass Management Pilot Project with a request that a future report set out the results of the pilot and made further recommendations.

Delivery of the Sustainable Grass Management Pilot Project at the 35 pilot sites commenced in January 2021. Most changes and enhancements were complete by Spring 2022. The 35 pilot sites included wide road verges, industrial estates, informal open space, open space near houses, and parks. The physical changes and enhancements delivered at the pilot sites included naturalised grass, wildflower meadow, orchards, native woodland and spring bulbs.

An online consultation about the project was run between 25th May 2021 and 1st June 2022 and received 592 responses. The majority of respondents agreed or strongly agreed that the Council should change the way it managed its parks and open spaces to:-

- benefit nature (56.76%)
- absorb carbon dioxide and combat climate change (60.64%)
- deliver healthier places (73.48%)

The majority of respondents (73.48%) disagreed or strongly disagreed that these changes should be made to save money.

The results of the project were considered under four themes: Biodiversity, Climate Change, Health & Well-being, and Finance & Resources.

#### Decision

The Executive agreed:-

- (1) to retain the changes made to the 35 pilot sites subject to the minor alterations/enhancements as outlined in appendix 1 to the report;
- (2) that alterations be made to the naturalised grass areas and to carry out additional environmental enhancements (e.g. bulb, flower or tree planting) at a small number of sites to address accessibility and amenity issues as outlined in appendix 1 section 9 of the report;
- (3) to address concerns about ticks and dog fouling through appropriate on-site information, and
- (4) to deliver a mainstreaming of the Sustainable Grass Management Project, with a focus on less high-profile sites and areas that were not accessed directly from residential properties or immediately overlooked by residential properties, reporting progress annually thereafter through the Council's information bulletin.

#### EX40. Community Council Elections 2022 Update

The Executive considered a report by the Chief Executive which set out the results of the community council nomination process and made recommendations in respect of those community councils which failed to attract sufficient nominees to be formed.

The process to establish community councils was set out in the Scheme for the Establishment of community councils. Nominations were invited. Where the number of nominations received equalled the number of vacancies the community council was formed. Where the number exceeded the number of vacancies a ballot was held.

In the case of Bo'ness Community Council 10 nominations were received for 10 places and accordingly the community council was formed.

Where the number of candidates was fewer than the number of vacancies previous practice had been to allow, at this stage, those community councils with fewer than 1/3 of the positions unfilled to establish and co-opt members to the unfilled places. The Community Councils where nominations for two-thirds or more of the vacancies were received, and for which the Executive was asked to form with further co-option of members possible, were:-

- Airth Parish 4 nominations for 6 places
- Banknock, Haggs and Longcroft 6 nominations for 7 places
- Brightons 4 nominations for 6 places

- Grangemouth 9 nominations for 12 places
- Polmont 5 nominations for 7 places

Community Councils with nominations of fewer than two-thirds of the number of vacant positions were:-

- Avonbridge and Standburn 0 nominations for 6 places
- Blackness 0 nominations for 6 places
- Bonnybridge 0 nominations for 8 places
- Camelon, Bantaskine and Tamfourhill 1 nomination for 9 places
- Carron and Carronshore 0 nominations for 7 places
- Denny and Distrcit 4 nominations for 10 places
- Falkirk Central 0 nomination for 7 places
- Falkirk South 0 nominations for 7 places
- Grahamston, Middlefield and Westfield 0 nominations for 8 places
- Langlees, Bainsford and New Carron 1 nominations for 8 places
- Larbert, Stenhousemuir and Torwood 1 nominations for 11 places
- Lower Braes 0 nominations for 7 places
- Maddiston 0 nominations for 6 places
- Reddingmuirhead and Wallacestone 3 nomination for 6 places
- Shieldhill and California 3 nominations for 7 places
- Slamannan and Limerigg 1 nomination for 6 places
- Whitecross 0 nominations for 6 places

For the Community Councils above with nominations to less than two thirds of the vacancies the Executive was invited to extend the nomination process to 9 December 2022.

#### Decision

- (1) noted the outcome of the nomination process for the 2022 Community Council elections;
- (2) noted the formation of Bo'ness Community Council;
- (3) agreed to permit the formation of the community councils referred to in paragraph 5.4.1 of the report with the remaining vacancies being filled by co-option;
- (4) agreed to extend the nominations period for the community councils referred to in paragraph 5.4.3 of the report, and
- (5) noted that an update on the outcome of the processes referred to in (3) and (4) above would be submitted to the next meeting.

#### EX41. Projected Financial Position 2022/23

The Executive considered a report by the Director of Transformation, Communities and Corporate Services which presented an update on the financial position of the Council for 2022/23, the report included an update on the expected outturn, the impact of that outturn on reserves and a summary of the financial pressures that the Council faced.

The 2021/22 outturn had reported an increase in General Fund reserves of  $\pounds$ 6.7m, taking the opening reserves for 2022/23 to  $\pounds$ 16.510m. As part of the budget setting process, Council had approved the use of  $\pounds$ 5m of General Fund reserves in 2022/23. Previously a projected overspend of  $\pounds$ 1.9m for 2022/23 for General Fund Services was reported and did not include the impact of the pay award which was not settled at the time. In August the Executive had agreed the application of additional former Falkirk Community Trust reserves of  $\pounds$ 1.7m.

As an appendix to the report the General Fund net expenditure by Services and how it was financed was set out. The key messages were:-

- Services were projected to overspend by c0.9% against budget £3.1m.
- The overspend projected in Childrens Services had increased by £0.961m (to £4.4m) mainly reflecting the impact of the school bus tender process.
- There was an improved position for both Place Services and Transformation, Communities and Corporate Services.
- Increased energy costs were significantly impacting budgets
- The Council would have to apply £6.450m of General Fund reserves in 2022/23 to balance the position based on current estimates, £1.450m more than budgeted.
- The projected year end position on General Fund reserves was £10.060m, within the policy range of £7.5m £11.0m. However, this was likely to be impacted by the final decision on the pay award.

#### Decision

- (1) noted the Council's projected year-end financial position for 2022/23;
- (2) noted that at the time of writing the pay award had not been settled and was therefore not reflected in the financial position;
- (3) noted the position with respect to Reserves;
- (4) noted the progress on the achievement of approved savings;

- (5) instructed Service Directors to take appropriate actions to maintain their costs within the approved budget and focus on essential spend only;
- (6) noted that Local Government, like our citizens, was suffering from the impacts of the cost living, in particular rising energy and fuel costs. It was important that we are able to continue to function to deliver essential services and support our communities particularly those individuals most affected by the cost of living, and
- (7) therefore agreed that the Leader of the Council write to UK Government in relation to financial assistance for local authorities as a statutory body to assist with the impacts of increasing energy and fuel costs.

#### EX42. Treasury Management - Interim Review 2022/23

The Executive considered a report by the Director of Transformation, Communities and Corporate 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:-

- Economic and Interest Rate Outlook
- Borrowing Strategy
- Investment Strategy
- Prudential Indicators
- Treasury Management Advisers
- Elected Member Training
- Benchmarking.

#### Decision

- (1) noted the progress of the Council's Treasury Management Strategy for 2022/23;
- (2) noted the reduction in the long term borrowing requirement for 2022/23, and
- (3) referred the report to Council for consideration.

#### EX43. Participation in Scotland Excel Flexible Framework Agreement for Children's Residential Care & Education Services (C/N: SXL/1121)

The Executive considered a report by the Director of Children's Services which recommended participation in the Scotland Excel Framework Agreement for Children's Residential Care and Education Services in accordance with Council Contract Standing Order 6.2(ii) relative to major contracts.

#### Decision

The Executive agreed to participate in the Scotland Excel Framework Agreement for Children's Residential Care and Education Services.

## EX44. Participation in Scotland Excel National Flexible Framework Agreement for Care and Support Services (C/N: SXL/1318)

The Executive considered a report by the Head of Integration which recommended participation in the Scotland Excel (SXL) National Flexible Framework Agreement for Care and Support Services (1318) in accordance with Council Contract Standing Order 6.2(ii) relative to major contracts.

#### Decision

#### The Executive agreed to participate in the Scotland Excel (SXL) National Flexible Framework Agreement for Care and Support Services.

#### EX45. Sale of Former Care Home at Carronvale Road, Larbert

The Executive considered a report by the Director of Place Services which provided an update on the recent outcome of the bench marking exercise and sought approval for disposal of the former Torwoodhall Care Home, Carronvale Road, Larbert.

#### Decision

The Executive agreed to dispose of the former Torwoodhall Care Home to Safe as Houses Investment PLC for £600,000, subject to any adjustments for proven abnormal costs authorised by the Director of Place Services.

#### EX46. Sale of Land - Murnin Road, Bonnybridge

The Executive considered a report by the Director of Place Services which sought approval for land at Murnin Road Industrial Estate, Bonnybridge to be declared surplus to operational requirements and sold by negotiation.

#### Decision

- (1) declared 3,796 sq.m (0.938 acres) of land at Murnin Road, Industrial Estate, Bonnybridge surplus to requirements, and
- (2) authorised the Director of Place Services to conclude the disposal of the land by negotiated agreement to Auto Doctor Ltd for £110,000.