

**RECORD OF VOTES TAKEN AT THE MEETING OF THE EXECUTIVE  
ON TUESDAY 9 JUNE 2015**

Councillors in attendance:

|               |                |                |               |
|---------------|----------------|----------------|---------------|
| Jim Blackwood | Gerry Goldie   | Craig Martin   | Robert Spears |
| Tom Coleman   | Linda Gow      | Craig R Martin |               |
| Dennis Goldie | Adrian Mahoney | Alan Nimmo     |               |

Councillors not in attendance –

David Alexander and Malcolm Nicol.

| <b>Agenda Item: 9</b>  | <b>Subject:</b> | <b>DENNY TOWN CENTRE REGENERATION UPDATE</b> |
|--|-----------------|--|
| <p><b>MOTION</b></p> <p>Committee agrees:-</p> <ul style="list-style-type: none"> <li>(1) to note the above report on the progress of the Denny town centre regeneration project;</li> <li>(2) the closure of the Automated Public Convenience located on Stirling Street and that further proposals be developed for a comfort scheme for the town centre;</li> <li>(3) to authorise the Director of Development Services to invite County Properties to provide a further submission confirming operator interest and reviewing the masterplan on the basis of the Design Guidance document provided, reporting back to the Executive on the revised proposal; and</li> <li>(4) to note the outcome of the survey on the final location for the War Memorial and the continued and to the permanent siting in the Broompark Community Garden.</li> </ul> <p><b>Moved by: Dennis Goldie</b><br/><b>Seconded by: Jim Blackwood</b></p> |                 |  |
| <p><b>AMENDMENT</b></p> <p>Committee agrees the terms of the motion with clause (3) substituted with the following:-</p> <ul style="list-style-type: none"> <li>(iii) rejects the offer from County Properties and agrees to withhold marketing of the Phase 2 site until completion of Phase 1.</li> </ul> <p><b>Moved by: Tom Coleman</b><br/><b>Seconded by: Robert Spears</b></p>  |                 |  |

**VOTE**

**For the motion (8)**

|               |                |
|---------------|----------------|
| Jim Blackwood | Adrian Mahoney |
| Dennis Goldie | Craig Martin   |
| Gerry Goldie  | Craig R Martin |
| Linda Gow     | Alan Nimmo     |

**For the amendment (2)**

|               |  |
|---------------|--|
| Tom Coleman   |  |
| Robert Spears |  |
|               |  |
|               |  |

**DECISION: Motion carried.**

**Notes**

1. This voting record is subject to approval of the formal minute at the next meeting of the Executive on 19 August 2015.
2. Only those items where a vote was taken are recorded here. For information about decisions reached on any other items considered at this meeting, please contact Brian Pirie, 01324 506110.

**FALKIRK COUNCIL**

**MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 19 MAY 2015 at 9.30 a.m.**

**COUNCILLORS:**

|                 |                         |
|-----------------|-------------------------|
| David Alexander | Linda Gow               |
| Jim Blackwood   | Adrian Mahoney          |
| Tom Coleman     | Craig Martin (Convener) |
| Dennis Goldie   | Dr Craig R Martin       |
| Gerry Goldie    | Alan Nimmo              |

**OFFICERS:**

Sally Buchanan, Welfare Reform Project Manager  
Rhona Geisler, Director of Development Services  
Rose Mary Glackin, Chief Governance Officer  
Brian Pirie, Democratic Services Manager  
Mary Pitcaithly, Chief Executive  
Stuart Ritchie, Director of Corporate & Neighbourhood Services  
Bryan Smail, Chief Finance Officer

**ALSO ATTENDING:**

Lesley O'Hare, Culture and Libraries Manager, Falkirk  
Community Trust

**EX8. APOLOGIES**

Apologies were intimated on behalf of Councillors Nicol and Spears.

**EX9. DECLARATIONS OF INTEREST**

Councillor Mahoney declared a non-financial interest in item EX11 as a member of the Friends of Kinneil and Historic Scotland but did not consider that this required him to recuse himself from consideration of the item having had regard to the objective test in the Code of Conduct.

**EX10. MINUTE**

**Decision**

**The minute of the meeting of the Executive held on 28 April 2015 was approved.**

**EX11. HERITAGE DELIVERY PLAN – FALKIRK COMMUNITY TRUST**

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting the Heritage Delivery Plan for Falkirk 2015 – 18.

Following a Policy Development Panel review of the draft Culture and Sport Strategy (Inspiring Active Lives), the Executive agreed, on 18 March 2014 (ref EX133), a protocol

for the development and approval of each of the delivery plans which would be developed to take the Strategy forward, including final approval of each delivery plan by the Executive.

The Heritage Delivery Plan, which was developed by Falkirk Community Trust, sets out the direction for heritage delivery across the Falkirk area as part of the vision and framework set out in the Culture and Sport Strategy. A report, by the Chief Executive, Falkirk Community Trust, appended to the report, summarised the Plan, highlighting key areas of on-going work. The Plan will be subject to annual review.

Councillor Mahoney, seconded by Councillor C Martin, moved that the Executive approves the proposed Heritage Delivery Plan for Falkirk 2015-18 as appended to the report, subject to the inclusion of recent developments funded by the Heritage Lottery Fund at Muiravonside Country Park and that authority is delegated to the Director of Development Services, in consultation with Councillor Mahoney, as portfolio holder, to approve the revised Delivery Plan.

### **Decision**

**The Executive agreed the motion.**

Councillor Gow joined the meeting during the consideration of the previous item

## **EX12. PROPOSAL TO DESIGNATE ZETLAND PARK AS A WORLD WAR ONE CENTENARY FIELD**

The Executive considered a report by the Director of Development Services setting out a proposal to designate an area of Zetland Park, Grangemouth as a World War 1 Centenary Field.

Fields in Trust, in conjunction with the British Legion and Poppy Scotland, is seeking the Council's commitment to a nationwide initiative to designate at least one green space in each Local Authority area in the UK as a Centenary Field in commemoration of the sacrifice made by all who lost their lives in World War 1. Each such green space area will be so designated and protected in perpetuity by means of a Deed of Dedication.

The report summarised the Centenary Fields qualification criteria together with the legal implications and likely costs involved. It was proposed that the older part of Zetland Park, in Grangemouth, is designated as the Centenary Field in the Falkirk area.

### **Decision**

**The Executive agreed:-**

- (1) to support the Fields in Trust Centenary Field Initiative; and**
- (2) that the older part of Zetland Park as set out in the report, should become Falkirk Council's nominated Centenary Field and to accept the legal protection that this incurs.**

### EX13. WELFARE REFORM UPDATE

The Executive considered a report by the Director of Corporate and Neighbourhood Services on Welfare Reform changes and the work being undertaken to support those affected by the changes.

The report provided the background to and implications of:-

- the introduction of Universal Credit in May 2015 in the Falkirk Council area;
- funding for Discretionary Housing Payments (DHP); and
- the roll out of Personal Independence Payments in the FK postcode area from 30 March 2015.

In regard to size criteria mitigation for 2014/15, the DWP and the Scottish Government provided £1,213,695 to Falkirk Council. However, in 2014/15 £1,335,274 was committed. The Council will apply for further funding in May 2015 for reimbursement of the additional costs (£121,579.32).

In 2015/16 Falkirk Council will receive £1,184,794. As in 2014/15 Council will commit more than the allocated budget and will be able to seek reimbursement in May 2016.

It was proposed that the DHP policy in non-size criteria cases is reviewed in light of a successful appeal in England against the inclusion of disability related benefits in the assessment of income.

Councillor C Martin, seconded by Councillor G Goldie, moved that Executive agrees:-

- (1) to enter into a Delivery Partnership Agreement with the Department of Work and Pensions in support of the roll out of Universal Credit;
- (2) to a Member specific awareness session on Universal Credit; and
- (3) that the Discretionary Housing Payments policy should be reviewed as a consequence of Disability Benefits not being included as income in the non-size criteria cases where a financial assessment is carried out.

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved clauses (1) and (2) of the motion and that, in addition:-

- (3) Council should make direct contact with the relevant Ministers outlining the damage done to the lives and well-being of some of the most vulnerable people in Falkirk district and pointing out that our people voted decisively for an end to austerity on 7 May; and
- (4) that Council was informed at the time that Disability Benefits should be excluded as it is not income assessed but chose to ignore that advice resulting in applicants who should have received DHP being denied that benefit. The Executive

therefore agrees to request a report as soon as possible outlining the steps to be taken to review and rectify each claimant wrongly refused for this reason.

Following discussion, Councillor Martin, with the consent of Councillor G Goldie, as his seconder, adjusted the terms of his motion as follows:-

- (1) to enter into a Delivery Partnership Agreement with the Department of Work and Pensions in support of the roll out of Universal Credit;
- (2) to a Member specific awareness session on Universal Credit;
- (3) to make direct contact with the relevant Ministers outlining the damage done to the lives and well-being of some of the most vulnerable people in Falkirk district and pointing out that our people voted decisively for an end to austerity on 7 May; and
- (4) that the Discretionary Housing Payments policy should be reviewed in light of the recent judgement that Disability Benefits should not be included as income in the non-size criteria cases where a financial assessment is carried out, the report to be submitted to the Executive and to include information about the impact on those who have not received Discretionary Housing Payments as a consequence of Council's policy and any action that may be taken thereon.

Councillor Alexander, with the consent of Councillor Martin, as Convener, and Councillor Coleman as his seconder, agreed, having heard the terms of the adjusted motion, to withdraw his amendment.

## **Decision**

**The Executive agreed the adjusted motion.**

**FALKIRK COUNCIL**

**SUBJECT: REVIEW OF CARE HOMES FOR OLDER PEOPLE**  
**MEETING: EXECUTIVE**  
**DATE: 9 JUNE 2015**  
**AUTHOR: DIRECTOR OF SOCIAL WORK SERVICES**

**1. PURPOSE**

- 1.1 The purpose of this report is to provide members with information of the outcome of a review of care home and other accommodation based provision for older people in the Falkirk area. The report recommends the reprovision of 2 Council care homes through the creation of a new purpose built facility.

**2. BACKGROUND**

- 2.1 In November 2012 Members of the Council's Housing & Social Care Committee approved a proposal to undertake a review of the efficacy of residential and other high dependency services for older people in the Falkirk Council area. It was noted at that time that an application had been made for funding from the East Central Hub Company to enable detailed scoping work to be undertaken on potential capital developments which would enable the council to be better placed to meet future needs.
- 2.2 A particular driver for this work was challenges which the Council faced in relation to the appropriateness of the physical environment of 2 of our current care homes, Oakbank and Summerford House. Although fit for purpose at the time they were built, these care homes are no longer compliant with modern standards the bedrooms are too small, corridors too long, bathrooms small with no natural light and lack of ensuite facilities. This led to the Care Inspectorate over successive inspections classifying these care homes as being weak measured against the quality standards relating to the physical environment. The Council had made a significant financial provision of £3.459m in the capital programme for refurbishment of care homes, however, before committing this capital resource to a specific project or projects it was considered to be important to;
- a) Review the future need for care home provision in order to be sure that continued care home provision was justified.
  - b) To undertake a review of the technical feasibility of bringing the 2 existing care homes up to a standard in a cost effective manner.

- 2.3 In February 2013 the Council succeeded in attracting the sum of £116,633 with a further £26,010 in the process of being claimed in this financial year in the form of capital enabling monies from Hub East Central Scotland which could be deployed to take forward both aspects of this review. The review is taking place alongside the development of the Joint Commissioning Plan for Older People, which was approved by Members in January 2014. The outcome of the review, outlined in the remainder of this report, is entirely consistent with the vision and priorities set out in the Joint Commissioning Plan for Older People.

### **3 THE REVIEW**

- 3.1 The review is being led by The Hub East Central Scotland and has been a highly participative process involving a range of stakeholders. It has also involved consideration of models of good practice elsewhere in Scotland.
- 3.2 The first stage of the review considered the demography of the area and the scale of current provision including occupancy rates as an indicator of demand. Key issues which were identified;
- The population of older people has risen significantly in the last 5 years with the projections indicating an increase of 13.9% over the period 2010 – 2015.
  - The population is expected to increase further by 2020 with an overall increase of 24.4% anticipated.
  - Existing care home provision consists of 23 care homes with a combined total of 974 places. Of these 6 care homes are operated by Falkirk Council providing a total of 164 beds. These care homes are Burnbrae, Cunningham House, Grahamston House, Oakbank, Summerford and Torwoodhall.
  - The split between Council care homes and those run by the Private/Independent Sector is 17% to 83% which is similar to Scotland as a whole.
  - The level of care home provision in the area equates to 86 places per 1000 population which is slightly below the Scottish average of 91 per 1000 population.
  - The vacancy levels across care homes in Falkirk are very low and over the last 5 years average 1.7% which indicates both a high level of demand and occupancy.
- 3.3 In order to reach recommendation based on a full understanding of the range of high dependency provision in the area, an analysis was also undertaken of Housing with Care provision, albeit this is considered in much more detail in the work Housing Services undertake to plan for the needs of older people.

Members will be aware of the report to Housing and Social Care committee in 2011 which requested the preparation of an Older Peoples' Housing Plan be carried out by Corporate and Neighbourhood, Social Work Services, Health and the Third Sector. This will be informed by the following work streams:



- Council Housing with Care review including analysis of demand for the current model of housing with care, consultation with stakeholders, a survey with the Citizens Panel and focus groups with Older People;
- Change Fund project on mainstreaming Disabled Adaptations;
- The Strategic Commissioning Plan and the Housing Contribution statement;
- The Hubco review.

The report which is attached at Appendix 1 included a desk top exercise carried out by the consultants. This is an initial feasibility study which will be progressed through detailed consideration by Council technical staff, detailed analysis of the need for housing with care extra and consultation with Council tenants currently living in Housing with Care developments.

In the past year there has been a shift in focus from some Registered Social Landlords who are looking to move away from specialist housing with support due to a number of reasons including low demand for the current model.

There are also national changes relating to Health and Social Care integration which will be considered in the Older Peoples' Housing Plan. From a housing perspective these relate to private sector and Council disabled adaptations which are included in health and social care integration.

Also on-going at present is the Housing Need and Demand Assessment specifically the section relating to specialist housing.

The Older Peoples' Housing Plan will consider all of the above and a joint report will be brought forward to Executive before the end of the year from Corporate and Neighbourhood Services.

- 3.4 Community Hospital provision was not able to be considered in detail as the view of the NHS was that this provision should not be part of any potential redesign.
- 3.5 From the information gathered, consideration was given to whether there was sufficient evidence to warrant the maintenance or growth of care home provision in this area and, if so whether places should be provided directly by the Council, commissioned from the Private/Independent Sector or a mixture of both.
- 3.6 Sufficient evidence was established from the demographic trends and from the analysis of occupancy of local care homes to lead to the conclusion that care home provision should at the very least be maintained and could potentially grow further over the coming years. In reaching this conclusion account was also taken of;
  - The impact that current occupancy levels have on the ability of older people to exercise choice over placements which is a key factor which contributes to people being delayed in hospital (delayed discharge).

- The ability of independent providers to “pick and choose” who they will offer places to which can result in certain people, including those with more challenging conditions and those who are publically funded, having difficulty in accessing places.
- The risks inherent in the Council being overly reliant on external provision which was evident in recent years when a major national care home provider went into liquidation.

3.7 At this stage in the review it also became apparent that an existing care home provider was progressing plans to open up a new facility which could potentially provide an additional 60 places. This was seen as a very welcome development which could undoubtedly create greater choice for local residents, however, it was not considered that this alleviated the need for the Council to maintain similar level of council provision in order to be able to meet the needs of those people who currently experience difficulty in accessing places.

## **4 THE REVIEW STAGE 2**

4.1 The second stage of the review considered the feasibility of meeting some of the future care needs within either of the 2 existing sites of Summerford and Oakbank. The technical analysis of the Oakbank site indicated that layout of the site was such that a redevelopment of sufficient scale and design to meet the Council’s future needs would not be feasible on this site. However it was identified that there was considerable scope within the Summerford site to build a new care home which would meet the model of provision which was regarded as fit for purpose. The design brief which has been developed includes the following;

- The new care facility would be a specialist resource to the people of Falkirk and would not have a specific locality focus.
- The accommodation would be required to enable 24 hour care provision for residents with complex care and behavioural challenges.
- Those residents would generally be aged 60 plus, have complex care needs associated with conditions such as dementia, stroke and be generally less ambulant.
- Bedroom and ensuite facility would be sized and equipped appropriate to the target resident profile care needs.
- Accommodation would be arranged as 4 x 8 bedroom zones with the potential to reorganise operationally into 2 x 16 bedroom zones, thus providing the flexibility for different zones to be used for different purposes.
- Each 8 bed zone would have its own day space assisted bathroom, linen storage area, controlled garden access and external views.
- Building access for staff, residents and visitors would be a single centrally located main reception area.

- A central communal café would be provided as a destination point for residents, staff and visitors.
- Gardens would be safe and secure and comprise a mix of private local bedroom zone garden spaces and communal landscape spaces.
- The facility would make optimal use of technology to support safe care delivery.
- Person to person voice connectivity and staff messaging/alarm repeating would be a feature of the staff alert/call system.

4.2 A full feasibility review has been undertaken including a technical analysis of the Summerford site. This is attached at appendix 1.

The technical analysis has indicated that there are contamination issues on the Summerford site which will incur additional costs to deal with. These will inflate the cost of the project by approximately £444k but the project nevertheless still represents a more cost effective and modern long term option than current provision and a safer option than increasing our reliance on a care home market that can be volatile.

It should also be noted that no alternative site has been able to be identified and that advice from Development Services has been obtained on this matter.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 The overall capital cost of the proposed new provision is £3.729m
- 5.2 The capital programme currently has provision of £3.459m, specifically for care home development, a short fall of £270k.
- 5.3 It is proposed that the short fall of £270k is made by provision from Social Work's Repairs and Renewals Fund.
- 5.4 Savings of £109k per annum are anticipated in operating costs, as compared to the combined operating costs of Oakbank and Summerford, as indicated in Appendix 2. This will meet part of the Social Work Service target of £300,000 the balance of which will be met from non property savings.

## **6 NEXT STEPS**

- 6.1 If this development is supported by the Executive then national guidance would be followed in relation to the closure of Summerford in order to enable the work to proceed and the closure of Oakbank following the completion of the new build on the Summerford site. This is obviously a very sensitive matter for residents, families and staff, and would be managed accordingly in consultation with residents and families. It should be noted that a similar process was adopted when the refurbishment of Burnbrae took place. It should also be noted that, in order to minimise the disruption to residents, both care homes wherever possible, have been used to provide short term placements. This practise would continue until the project was completed.

- 6.2 A full Equality Impact Assessment would be undertaken following consultation with residents and families.

## **7 RECOMMENDATION**

**That Members of the Executive:-**

- 1 Note the feasibility study which has been undertaken and the proposals set out in section 4 of this report.**
- 2 Ask the Chief Executive to ensure that residents and families in both Summerford and Oakbank are consulted about how this new development can be taken forward in a way that minimises disruption to residents and meets their needs.**
- 3 Ask the Chief Executive to provide an update to Members following the consultation and completion of the Equality Impact Assessment in order to enable a final decision to be taken.**

.....  
Margaret Anderson  
Director Social Work Services  
Contact 4035  
Date: 29 May 2015

### **LIST OF BACKGROUND PAPERS**

**None**



**Falkirk Council**

Draft Report

# Feasibility Review for the provision of a new care home at Summerford



## Contents

- 1.0 Executive Summary
- 2.0 Background
- 3.0 Validation Exercise Approach
- 4.0 Housing with Care Extra - Applicability to Existing Properties
- 5.0 Future Council Care Home Capacity
- 6.0 Further Specialist Care Home Design Development
- 7.0 Conclusions and Recommendations

Appendix 1 – Applicability of Housing with Care Extra

Part 1 – Desktop Space Analysis of HWC Level 1 & 2 Properties

Part 2 - Conversion Proposals for Tygetshaugh and Dorrator

Appendix 2 – Future Council Social Care Capacity Discussion Paper

Appendix 3 – Further Specialist Care Home Design Development

Part 1 – Architectural Design Development

Part 2 – Topographical Survey and Building Location

Part 3 – Site Investigation

Part 4 – High Level M&E Strategy Overview

## 1.0 EXECUTIVE SUMMARY

In discussion with Falkirk Council it was agreed that the intent of this Validation Exercise should be to undertake additional work that would both validate the rationale for and bring greater definition to the development of a specialist care home on the site of the existing Summerford House. This Validation Exercise therefore provides additional information that adds weight to the Preferred Service Model Option and Preferred Accommodation Option and supports the Council's internal Business Case for provision of a new specialist care home.

In fulfilling the above noted intent, the Validation Exercise's three areas of focus have been:

1. How the Housing with Care Extra element of the preferred Service Model Option might be implemented in a cost effective way using existing Council stock as a compliment to specialist care home provision
2. Where the development of a new 32 bed specialist care home will likely sit within an overall Council picture of future social care / care home capacity
3. Those aspects of the specialist care home design brief and design concept that would benefit from greater clarity and enhance delivery certainty

The key findings of the Validation Exercise in each area of focus are as follows:

1. How the Housing with Care Extra element of the preferred Service Model Option might be implemented in a cost effective way using existing Council stock as a compliment to specialist care home provision
  - An initial space planning review of the Council's 5 HWC Level 1 & 2 properties, identified Dorrator Court and Tygetshaugh Court as having the greatest potential for conversion to HWC Extra.
  - As Dorrator Court already provides Housing with Care Level 1 and has production kitchen and dining facilities, the key objective has been to convert the one bedroom bedsits into one bedroom flats and achieve greater usage of the dining and lounge areas. In so doing it is believed that not only could the level of care provided in these facilities be elevated to 'Extra' but also the attractiveness of the 1 bedroom units for rent could be increased.
  - At Tygetshaugh Court (currently HWC Level 2) the key objectives have been to increase accessibility within the flats to more closely benchmark against the exemplar flat layouts and allow them to function better, create production kitchen and dining functionality and increase lounge availability. The adoption of such changes would allow Tygetshaugh to be elevated to HWC 'Extra'.
  - These two facilities comprise a total of 63 flat units and represent an opportunity (if capital is available) to achieve HWC Extra in a number of units greater than the care home beds not being replaced under the preferred Service Model.
2. Where the development of the new 32 bed specialist care home will likely sit within an overall Council picture of future social care / care home capacity

- The proposals to re-provide care home capacity currently delivered at Oakbank and Summerford House (currently 62 beds but at only 60% occupancy) through a single 32 bed facility would appear to be well within the total future council owned care home capacity likely to be required (82 – 135 beds)
  - There is probably no argument to suggest that the facility will not be required as a result of future capacity requirements
  - The new facility would represent between 24% and 39% of the total Council capacity required based on the assumptions documented
  - The drop in beds within the care home segment represented by these proposals appear entirely consistent with the opportunity to commission more capacity from the private sector through the joint commissioning strategy, subject to the strategic objectives of this strategy and agreement of what “core” Council operated capacity should be
  - Considering future capacity requirements is likely to increase both global and core Council capacity requirements, providing ample opportunities for controlled re-shaping of services in the context of global commissioning over a longer period of time
3. Those aspects of the specialist care home design brief and design concept that would benefit from greater clarity and enhance delivery certainty
- Architectural design aspects such as Landscaping Strategy, Destination Mapping and Wander Routes, Communal Café / Lounge Appearance, Internal Layouts & Area Sizing and general specification have all been developed in more detail with the Council working group
  - M&E Strategy has been developed and clarified in key areas such as Monitoring and Energy
  - The Site Investigation has identified significant quantities of made ground and the widespread presence of Chromium contamination. Whilst, considered serious, these issues can be addressed through appropriate technical solutions. There is however a significant site specific cost associated with these solutions which may challenge the financial viability of developing the specialist care home solution on this particular site
  - In order to mitigate these potential costs the Civil & Structural Engineer has had dialogue with the Council’s Contaminated Land Officer to establish if a less onerous technical treatment might be applicable. Indications are that, based on the age profile of the site occupiers (ie adults rather than children) the potential may exist not to restrict treatment to capping rather than capping and removal. Technical calculations and risk assessments will be required to validate this. Hubco has instructed this work and awaits the outcome.
  - The additional site specific cost associated with these two issues is estimated at £444k with a resultant capital cost total of £3.729m. This pricing assumes a favourable treatment can be agreed in due course with the Council’s Contaminated Land Officer. At the current time this agreement is not yet in place and technical work remains ongoing.



## 2.0 BACKGROUND

Hub East Central Scotland has been engaged by Falkirk Council to implement a process that will help it identify how best to address concerns over the physical condition of two existing Council owned Care Homes, Oakbank and Summerford House, through consideration of alternatives beyond simply a “like for like” replacement. The agreed process has consisted of four sequential steps as outlined below:

1. Strategic Service Planning Review of current High End Care provision and analysis of key drivers for change. The output of this exercise was to identify a range of high-level service delivery and care provision options within a set of defined parameters for further consideration and appraisal; COMPLETE
2. Strategic Option Appraisal of short-listed service model options to identify a preferred service model. The development of accommodation requirements, enabling accommodation options and a review of accommodation options leading to a preferred approach; COMPLETE
3. Feasibility Review of the viability and financial deliverability of the preferred accommodation option; COMPLETE
4. Detailed validation of Feasibility Review assumptions to enable the development by Falkirk Council of a Business Case and in due course an associated Hub New Project Request; COMPLETE

The outcome of the Strategic Service Planning Review and Service Model Option Appraisal exercise provided a clear steer that the Council’s preferred approach is not to re-provide an equivalent number of care home beds but rather a mix of care home and Housing with Care accommodation. The rationale underpinning this preference is a strategic commitment to meet the key objectives of the Joint Commissioning Plan and the national direction of travel around helping people to live at home for longer.

Crucially, by placing the resident at the centre of the Service Option and Accommodation Option development process it has allowed the Council to form a clearer view moving forward on the nature of the care groups to whom it should be providing a service. In the context of this exercise covering Oakbank and Summerford this represents a strategic shift away from providing beds for residents with ‘typical’ care home needs towards those with the most complex and challenging care needs and behaviours.

This strategic shift means not only is the number of Council Care Home beds going to change but crucially the way in which the Council provides care to the people of Falkirk with the most complex and challenging needs is going to be safeguarded. The development of a more specialist care home environment constitutes a resource that will be accessible on an area wide rather than locality specific basis. The care home element of this strategic shift is

developed further through this Feasibility Review and is described more fully in the following sections.

Similarly, from a Housing with Care perspective it has been recognised that the Council's ability to focus on care groups with the most challenging needs in a more homely setting requires the development of a Housing with Care 'Extra' model that sits beyond its current Housing with Care Level 1. The Accommodation Option Appraisal exercise previously undertaken recognised that whilst, any form of new facility provision would likely be more economically provide by the 'market' the potential may exist to adapt / extend / reconfigure some of the Council's existing Housing with Care Level 1 and 2 properties..

### 3.0 VALIDATION EXERCISE APPROACH

In discussion with Falkirk Council it was agreed that the intent of this Validation Exercise should be to undertake additional work that would both validate the rationale for and bring greater definition to the development of a specialist care home on the site of the existing Summerford House. This Validation Exercise therefore provides additional information that adds weight to the Preferred Service Model Option and Preferred Accommodation Option and supports the Council's internal Business Case for provision of a new specialist care home.

In fulfilling the above noted intent, the Validation Exercise's three areas of focus have been:

- How the Housing with Care Extra element of the preferred Service Model Option might be implemented in a cost effective way using existing Council stock as a compliment to specialist care home provision
- Where the development of a new 32 bed specialist care home will likely sit within an overall Council picture of future social care / care home capacity
- Those aspects of the specialist care home design brief and design concept that would benefit from greater clarity and enhance delivery certainty

Hubco has undertaken the Validation exercise with the support of its Private Sector Development Partner, Amber Blue and the following appropriately experienced specialist advisors who have supported the strategic review from the outset:

- |                                 |                          |
|---------------------------------|--------------------------|
| • Service Planning              | Buchan Associates        |
| • Architect                     | Aitken & Turnbull        |
| • M&E Consultant                | TUV SUD Wallace Whittle  |
| • Civil / Structural Consultant | Scott Bennett Associates |
| • Cost Advisor                  | Red Skye Consulting      |

### 4.0 HOUSING WITH CARE EXTRA – APPLICABILITY TO EXISTING PROPERTIES

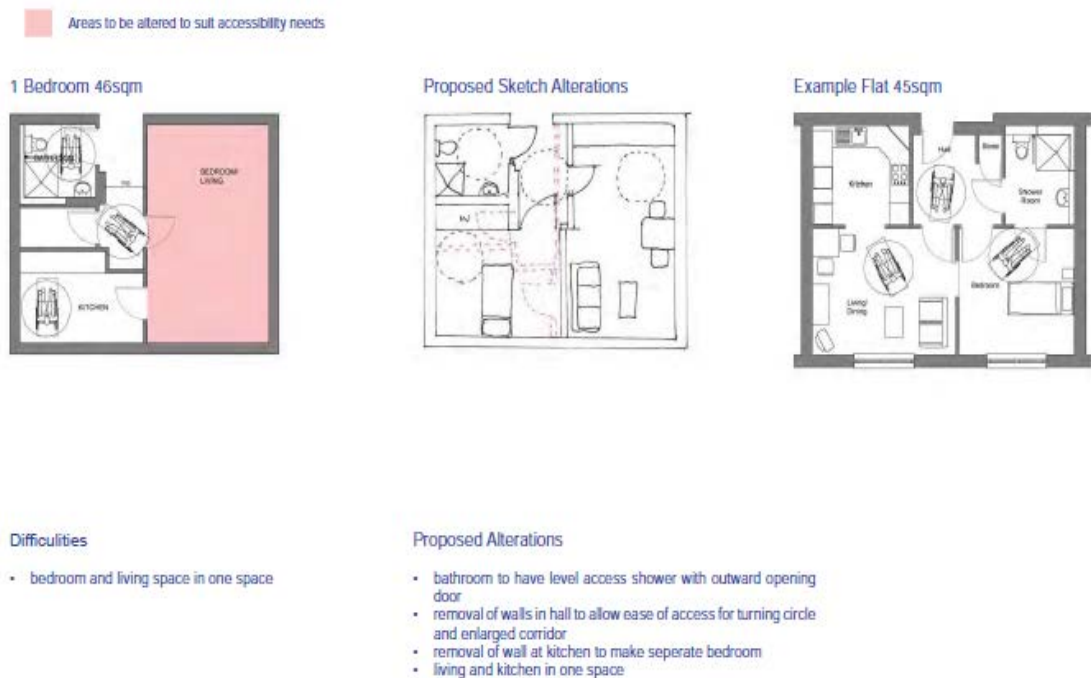
The conclusion of the Service Model Option Appraisal was that the existing 62 care home beds currently provided at Oakbank and Summerford should not be re-provided and instead a new model of care should be pursued. This new service model would focus on those Falkirk

residents with the most challenging and complex needs, caring for them in a more homely setting where possible and in a more specialist facility where not. In order to achieve this strategic shift in provision it was agreed that a new specialist care home should be developed further for the benefit of all Falkirk residents and a review of existing Council Housing with Care Level 1 and 2 properties should be assessed for their potential to be converted to more closely resemble a Housing with Care Extra model. A two stage analysis and development process was instigated.

Initially, the Council's Housing with Care Level 1 property at Dorrator Court and 4 Housing with Care Level 2 properties at Tygetshaugh Court, Salmon Court, Glenfuir Court and Glenbrae Court were the subject of an initial desktop space planning test. The Accommodation Option Appraisal exercise developed a series of exemplar flat layouts that would support a Housing with Care Extra model based on an extra care philosophy. The initial test undertaken compared these exemplar flat layouts to a variety of flat layouts in the existing properties and demonstrated the extent and nature of changes that would be required.

The output of this initial testing exercise can be found in Appendix 1, Part 1 - Desktop Space Analysis of HWC Level 1 & 2 Properties. The findings were reviewed with the Council working group in a workshop environment and the two properties with the greatest potential for conversion to HWC Extra were identified as Dorrator Court and Tygetshaugh Court. These two facilities comprise a total of 63 flat units.

The second stage moved beyond an analysis of flat layouts and additionally considered the properties more holistically and in particular examined lounge and dining spaces. These spaces were seen as key to offering a more supported level of Housing with Care. As Dorrator Court already provides Housing with Care Level 1 and has production kitchen and dining facilities. The key objective was to convert the one bedroom bedsits into one bedroom flats and achieve greater usage of the dining and lounge areas. In so doing it was believed that not only could the level of care provided in these facilities be elevated to 'Extra' but also the attractiveness of the 1 bedroom units for rent could be increased. An example of the conversion proposals is shown below:



At Tygetshaugh Court (currently HWC Level 2) the key objectives were to increase accessibility within the flats to more closely benchmark against the exemplar flat layouts and allow them to function better, create production kitchen and dining functionality and increase lounge availability. The adoption of such changes should allow Tygetshaugh to be elevated to above HWC Level 1 status and provide extra care. In total 4 options were developed ranging from a minimal intervention strategy to addition of a new facility / extension.

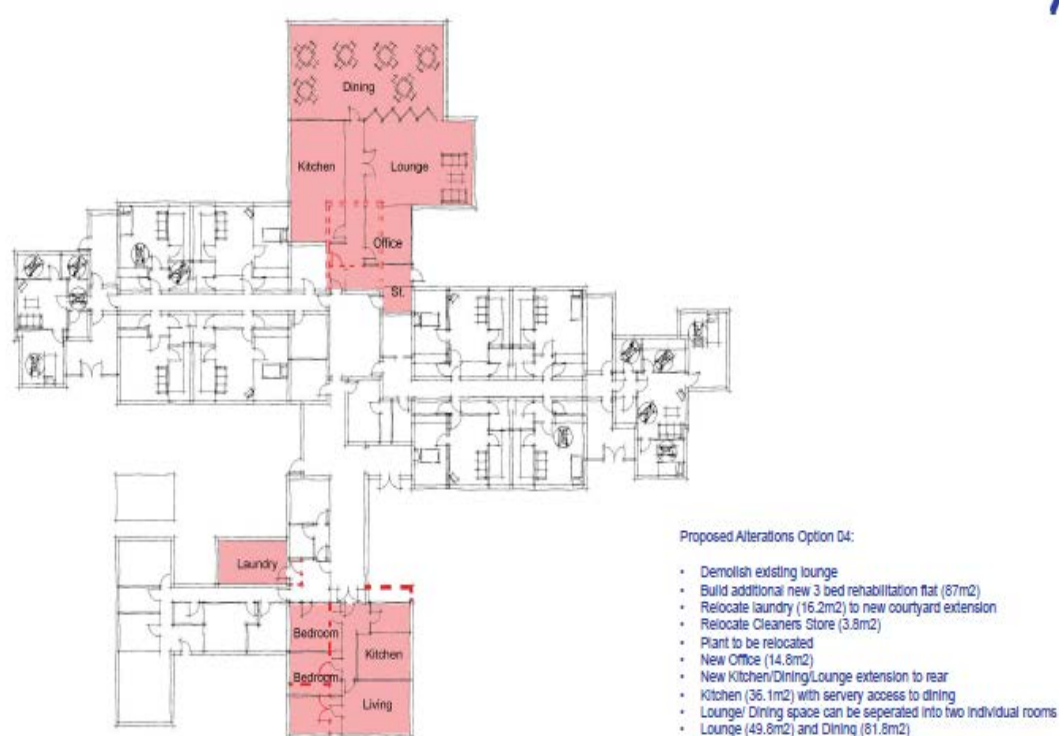
Option 1 - Minimal intervention to the existing facility providing an enhanced suite of kitchen, lounge and dining accommodation at the front of the existing building. This option requires alteration work to the existing re-ablement flat and provides an enlarged staff office.

Option 2 - Demolition and re provision of existing re-ablement accommodation to provide additional dining and kitchen facilities also to the front of the building.

Option 3 - Option 3 explores the use of an area of ground to the rear of the existing building for the provision of a new kitchen and dining area and an enlarged staff office. This would require the relocation of the existing laundry and some external plant, but involves a minimal intervention to the existing building.

Option 4 - The final option in our study provides an entirely new lounge, dining and kitchen facility to the rear of the existing building and through the demolition of the existing lounge allows for the extension of the existing re-ablement accommodation.

Option 4 layout shown below as an example:



The output of this more detailed exercise can be found in Appendix 1, Part 2 Conversion Proposals for Tygetshaugh Court and Dorrator Court.

## 5.0 FUTURE COUNCIL CARE HOME CAPACITY

The original Hubco brief was very clearly to review provision at Oakbank and Summerford rather than Council care home provision as a whole. As part of the validation process it was felt appropriate by the working group to test how the proposed solution might fit within likely future Council Health and Social Care strategy.

In support of the proposal to develop a new specialist care home that replaces the existing Oakbank and Summerford House facilities, an exercise was therefore undertaken to determine future Council owned/operated care home capacity requirement in order that this potential development could be seen in context. Specifically, it sought to understand the care home capacity that it may always be advantageous for the Council to deliver directly, even in the context of a joint strategically commissioned care home model. This exercise was taken forward by a small joint Council/Hubco sub-group consisting of; Susan Nixon, Service Manager, Older Peoples Services; Sarah McKenna, Service Development Officer (Care Homes); and Norman Sutherland, Health & Social Care Planning Consultant, Buchan + Associates (for Hubco).

It is important to note that the remit of the sub group was not to determine future overall (global) care home capacity requirements or to pre-empt a future joint strategic commissioning strategy in any way. Rather, it was responsible for developing initial

assumptions relating to the potential baseline for Council owned/operated (core) care home capacity in the Falkirk Council area. This was primarily to ensure that any impact on the case for the new build care home facility as proposed was appropriately considered. As such the element of the Validation Exercise should be regarded as for 'discussion and development'.

The total care home provision across Falkirk is 974 beds across 23 different facilities. This equates to 86 care home beds/1000 population aged over 75 in Falkirk compared to 81 beds per 1000 population aged over 75 across the whole of Scotland. Of these total beds/facilities, 164 beds in 6 facilities are operated by Falkirk Council. These are; Burnbrae; Cunningham House; Grahamstone House; Oakbank; Summerford House; and Torwoodhall. In addition, St Margaret's is operated by a charity on a voluntary basis. Overall this equates to a Council: Private: Voluntary run ratio of 17%:79%:4% for Falkirk compared to 18%:69%:13% for Scotland as a whole.

Consistent with the Service Model Option Appraisal exercise, the group sought to focus on those client groups who may represent future "core capacity" in order to inform a wider discussion/debate on the matter, identifying it as "that element of overall capacity there may be an argument for retaining Council owned/operated care homes, even in an optimally out-sourced joint strategic commissioning model". The following capacity considerations were considered by the sub-group:

- The capacity associated with residents who now reside in Council owned/operated care homes following their transfer from privately owned/operated facilities as a result of the private facility being unable to cope with their specific care needs or behaviours.
- The capacity associated with current "unmet" need, as represented by those clients who have been refused a place at one or more private care homes and whose care needs have consequently had to be managed in a different way, often through complex and expensive care packages.
- The capacity associated with any contingency planning requirements, specifically any physical capacity required to deliver required contingency in the event of a provider going out of business or being unable to deliver required capacity for other reasons.
- The capacity associated with specific complex and/or condition-specific care needs that may be optimally delivered from council owned/operated facilities even in the context of a global commissioning model.

The detailed exploration of these issues by the sub-group can be found in Appendix 2. The output of this initial review (based on the provisional assumptions documented indicate a future baseline requirement of between 82 and 135 Council care home beds (as a component of overall care home capacity) before any element of future growth, occupancy or other factors / challenges are considered. This broadly equates to the following allowances:

|                         |            |
|-------------------------|------------|
| Challenging behaviours: | 22-36 beds |
| Existing "unmet need":  | 20-45 beds |
| Contingency planning:   | 12-24 beds |

|  |                    |
|--|--------------------|
| Complex/"condition-specific" care needs: | 28-30 beds         |
| <b>TOTAL</b>                             | <b>82-135 beds</b> |

Now that better data is now being routinely gathered by the Council a more accurate picture will emerge over time. Based on the 'provisional' information used to inform this initial review it indicates that:

- the proposals to re-provide care home capacity currently delivered at Oakbank and Summerford House (currently 62 beds but at only 60% occupancy) through a single 32 bed facility would appear to be well within the total future council owned care home capacity likely to be required
- there is probably no argument to suggest that the facility will not be required as a result of future capacity requirements
- the new facility would represent between 24% and 39% of the total council capacity required based on the assumptions documented
- the drop in beds within the care home segment represented by these proposals appear entirely consistent with the opportunity to commission more capacity from the private sector through the joint commissioning strategy, subject to the strategic objectives of this strategy and agreement of what "core" council operated capacity should be
- the information presented here is restricted to council – not global capacity requirements. It is also important to note that the current project is also seeking to create alternative additional capacity within the Housing With Care segment of the overall social care model
- considering future capacity requirements is likely to increase both global and core local authority capacity requirements, providing ample opportunities for controlled re-shaping of services in the context of global commissioning over a longer period of time

A full capture of the Future Council Care Home Capacity can be found in Appendix 2.

## 5.0 FURTHER SPECIALIST CARE HOME DESIGN DEVELOPMENT

During the initial Validation Exercise workshop it was agreed that further development of the following areas of design would bring greater clarity and definition to what the Council might ultimately choose to procure. A high level summary of each aspect is highlighted in the following text and the more detailed work can be found in the referenced appendices.

### Landscaping Strategy

The brief required a range of safe, secure and accessible external spaces which will be easy to maintain and use. The architect has carried out an initial assessment of the extent of existing green spaces and landscaped areas at Summerford, those included in the new proposals and provided a visual comparison so the extent of new landscaped areas is clear. The design intention has been to increase the path network and access for those using the building, and to provide a rationalised road and parking network, without increasing the area.

The private garden spaces accessed from the bedroom wings will provide areas of reflection,



and wander routes for the residents in a safe, peaceful environment. The central communal gardens spaces will include high level planters, paths and seating for all to enjoy. Accessible paths throughout will allow all residents to have access to the gardens, including seating areas, bird tables and other landscaping features can be incorporated.

The landscaping should be easily maintained therefore both some hard landscaping paths and grass areas are included. Window and door positions have been used to maximise both natural light and views for the residents including views near and in the distance with the existing trees providing some points of interest.

A visual capture of the Landscaping Strategy can be found in Appendix 3 - Part 1, pages 2, 3 & 4.

### **Destination mapping and Wander Routes**

The working group had expressed a real desire for light to be a key feature of the building. Natural light to communal and circulation spaces has therefore been maximised, with glazed links between the central hub and accommodation areas and roof lights to the corridors in the wings. A Natural Light Indicative Areas assessment has been carried out and can be seen in Appendix 3 – Part 1, page 4.

Also shown on Appendix 3 – Part 1, page 4 is a profiling of internal wander routes for residents, staff and visitors. From the main entrance, all residents, visitors and staff have a clear view to the central café lounge space which will act as a destination point for the residents. The entrance area will have views out to the main communal garden to the south, to allow both light and views.

The Central Hub building allows for shorter corridors to each wing, again with views out to garden spaces beyond. Within each wing Internal routes allow residents to wander to the day space located at each end or to have access to the garden spaces from the centre point of the wing.

### **Community Café/ Lounge**

Perhaps the greatest area of interest amongst the operational members of the working group was the role the communal café / lounge would play in the day to day lives of the building users. Appendix 3 – Part 1, page 5 provides some indicative 3D images to capture how the communal café / lounge might feel and how it could be flexibly used.

The Café/Hub space is located at the entrance and is intended to provide a central focus for all building users and their visitors, providing additional lounge space and an internet access area. Also near the café is the hairdressers room, both are located in the hub to provide easy access for all residents and to promote the idea of 'going out' while staying within the safety of the building. A private enclosed conference and meeting space is included within the café space and this can be flexibly opened up when a larger central space is required.



### Internal Layouts and Area Sizing

During the Validation stage workshops with the working group the following design aspects were updated:

- More detailed communal café space layout developed
- Laundry shape adjusted to allow for dual access / egress as per informal Care Commission comment to Council
- Plant room size increased to reflect M&E strategy
- Inboard bathroom model adopted and changed to a mirrored arrangement to allow for a shared central service zone.
- Day lounge location shifted slightly to enable easier wheelchair access into bedroom wing garden areas
- Greater security and privacy to the bedroom wing staff base space

By way of overview the following aspects of the draft design concept were re-visited in discussion and confirmed during the Validation Exercise;

- 32 bed care home on a single level with individual wings attached to central hub to create a sense of community and scale of a 'house'
- preferred option of a bedrooms situated into 8 bed units (sized to staffing clusters) With scaleable 16 bed clusters.
- each unit to have 1 larger bedroom (21m<sup>2</sup>) to allow for more specialist residents (extra room for hoists etc)
- each unit to have clinical support/staff areas (Assisted bathrooms/DSR/Clinical) to allow for staff to be near residents.
- distributed day space so each unit has a day lounge/ with small kitchenette area (35m<sup>2</sup>)
- private gardens for each unit to allow safe wander routes for patients around the bedroom cluster and to the outside.
- small staff touch down base at 2 x 16bed units to allow for safety of patients
- bedrooms all with views to gardens either communal or private
- main central hub to include Entrance and central staff functions with a café/lounge as destination point for both visitors and residents to use
- conference room incorporated into the café to maximise potential for flexibility of space
- plant room has been sized by M&E consultant to reflect services strategy
- all kitchen/plant/services located to the north of the site near the main entrance- good accessibility
- car parking to be kept to the north to minimise road disruption to the south and provide good access to the main entrance (23 spaces & 3 disabled)
- maximise views and south light for communal gardens and glazed circulation corridors
- monopitch roof to reduce mass and use the glazed circulation corridors as points of interest/views through from the main reception to the communal garden etc.
- mixture of brick and render externally and varying heights of each block of the building.

A capture of the Internal Layouts and Area Sizing can be found in Appendix 3 - Part 1, page 6.

### Topographical Survey and Building Location

Given the varying levels across the Summerford site it was considered beneficial to undertake a full topographical survey to ensure the building was positioned in the most economical location. The Civil & Structural Engineer has, for the purposes of a scheme design, restricted access routes for the car park and footpaths to a 1 in 20 gradient (on the basis of the end users needs) and this generates a floor level of circa 41.8m.

Falkirk High End Care  
Revised Site Plan (Overlay with Topo)



When reviewed in connection with external boundary levels to both the south and west boundaries, the requirement for 1 in 2 embankments was identified with the loss of the existing fir trees which form the boundaries in some areas. The Civil & Structural Engineers suspect this loss of existing boundary planting will be unacceptable.

It has therefore been suggested that to accommodate the level differences between the floor level and south / west boundaries that the building footprint is moved both north and east – which looks to be readily achievable and will allow, at detail design stage, the existing boundary levels and landscaping to be respected more fully.

A capture of the Topographical Survey and updated Building Location plan can be found in Appendix 3 - Part 2.

### Site Investigation

During the Accommodation Options Appraisal and Feasibility Review stage the past usage of the Summerford site was noted. Whilst the review of ground investigation data from the Council's neighbouring Windsor Road housing scheme suggested a manageable level of risk, it was considered prudent to undertake trial holes and laboratory analysis in various locations across the site. These are shown below:



The results of the laboratory tests and the Civil & Structural Engineers accompanying report were received on 9 March 2015. A full capture of the Site Investigation findings can be found in Appendix 3, Part 3. The report identifies two significant areas of concern, these are:

1. **Made Ground** – made ground soils were generally established to be comparatively thick across the area with recorded depths of 1.7 to >3m. This would not be considered suitable for accepting foundation loadings in an unimproved condition. Scott Bennett Associates is of the opinion, at this time, that it is likely that vibro compaction will be the optimum solution due to the depth to competent strata. An allowance should therefore be made for these works and strip foundations should be enhanced to 250mm thick with 2 layers B785 mesh.
2. **Chemical Contamination** – initial analytical data indicated the widespread presence of Chromium within the made ground which could affect the health of site users. Scott Bennett Associates consider that due to the elevated levels of contaminants a 600mm clean inert, imported, capping layer (sub-soil / topsoil) should be provided to all landscape and garden areas, this should include an allowance for excavation and removal off site of sufficient material to allow the capping to be provided. At this stage an excavation of 300mm is suggested once the capping is placed ground levels will be circa 300mm higher than existing. This would then be the target to achieve during detail level

design. An allowance should also be made to upgrade the water supply pipes to barrier pipe.

Both of these site specific issues carry a potential significant adverse cost impact in the region of £0.5m-£1.0m. In order to mitigate these potential costs the Civil & Structural Engineer has had dialogue with the Council's contaminated Land Officer to establish if a less onerous technical treatment might be applicable. Indications are that, based on the age profile of the site occupiers (ie adults rather than children) the potential may exist not to restrict treatment to capping rather than capping and removal. Technical calculations and risk assessments will be required to validate this. Hubco has instructed this work and awaits the outcome.

The Red Skye indicative cost plan included in Appendix 4 includes site specific extra over costs based on this more favourable treatment of £444k, giving a resultant revised total project capital cost of £3.729m. This figure can only be confirmed once the discussions have been concluded with the Council's Contaminated Land Officer.

### **High Level M&E Strategy Overview**

The High Level M&E Strategy developed during the Feasibility Review Stage has been revisited and key areas such as Monitoring Strategy re-confirmed and Energy Consumption comparators developed for various Heat Source options.

A capture of the High Level M&E Strategy Overview can be found in Appendix 3, Part 4.

## **6.0 KEY VALIDATION EXERCISE FINDINGS**

The key findings of the Validation Exercise in each area of focus are as follows:

1. How the Housing with Care Extra element of the preferred Service Model Option might be implemented in a cost effective way using existing Council stock as a compliment to specialist care home provision
  - An initial space planning review of the Council's 5 HWC Level 1 & 2 properties, identified Dorrator Court and Tygetshaugh Court as having the greatest potential for conversion to HWC Extra.
  - As Dorrator Court already provides Housing with Care Level 1 and has production kitchen and dining facilities, the key objective has been to convert the one bedroom bedsits into one bedroom flats and achieve greater usage of the dining and lounge areas. In so doing it is believed that not only could the level of care provided in these facilities be elevated to 'Extra' but also the attractiveness of the 1 bedroom units for rent could be increased.
  - At Tygetshaugh Court (currently HWC Level 2) the key objectives have been to increase accessibility within the flats to more closely benchmark against the exemplar flat layouts and allow them to function better, create production

- kitchen and dining functionality and increase lounge availability. The adoption of such changes would allow Tygetshaugh to be elevated to HWC 'Extra'.
- These two facilities comprise a total of 63 flat units and represent an opportunity (if capital is available) to achieve HWC Extra in a number of units greater than the care home beds not being replaced under the preferred Service Model.
2. Where the development of the new 32 bed specialist care home will likely sit within an overall Council picture of future social care / care home capacity
- The proposals to re-provide care home capacity currently delivered at Oakbank and Summerford House (currently 62 beds but at only 60% occupancy) through a single 32 bed facility would appear to be well within the total future council owned care home capacity likely to be required (82 – 135 beds)
  - There is probably no argument to suggest that the facility will not be required as a result of future capacity requirements
  - The new facility would represent between 24% and 39% of the total Council capacity required based on the assumptions documented
  - The drop in beds within the care home segment represented by these proposals appear entirely consistent with the opportunity to commission more capacity from the private sector though the joint commissioning strategy, subject to the strategic objectives of this strategy and agreement of what "core" Council operated capacity should be
  - Considering future capacity requirements is likely to increase both global and core Council capacity requirements, providing ample opportunities for controlled re-shaping of services in the context of global commissioning over a longer period of time
3. Those aspects of the specialist care home design brief and design concept that would benefit from greater clarity and enhance delivery certainty
- Architectural design aspects such as Landscaping Strategy, Destination Mapping and Wander Routes, Communal Café / Lounge Appearance, Internal Layouts & Area Sizing and general specification have all been developed in more detail with the Council working group
  - M&E Strategy has been developed and clarified in key areas such as Monitoring and Energy
  - Topographical surveys and Trial hole site investigations have been undertaken and informed the design concept
  - The Site Investigation has identified significant quantities of made ground and the widespread presence of Chromium contamination. Whilst, considered serious, these issues can be addressed through appropriate technical solutions. There is however a significant site specific cost associated with these solutions which may challenge the financial viability of developing the specialist care home solution on this particular site
  - In order to mitigate these potential costs the Civil & Structural Engineer has had dialogue with the Council's contaminated Land Officer to establish if a less onerous technical treatment might be applicable. Indications are that, based on

the age profile of the site occupiers (ie adults rather than children) the potential may exist not to restrict treatment to capping rather than capping and removal. Technical calculations and risk assessments will be required to validate this. Hubco has instructed this work and awaits the outcome.

- The additional site specific cost associated with these two issues is estimated at £444k with a resultant capital cost total of £3.729m. This pricing assumes a favourable treatment can be agreed in due course with the Council's Contaminated Land Officer. At the current time this agreement is not yet in place and technical work remains ongoing.

| <b>Cost Category</b>                  | <b>New Care Home Costs</b> | <b>Existing Summerford Costs*</b> | <b>Existing Oakbank Costs*</b> |
|---------------------------------------|----------------------------|-----------------------------------|--------------------------------|
| Maintenance Costs (25 yrs)            | £588,400                   | £785,088                          | £596,130                       |
| Energy Costs (25 yrs)                 | £625,175                   | £850,000                          | £800,000                       |
| Life Cycle Costs (25 yrs)             | £735,500                   | £725,000                          | £915,000                       |
| <b>Whole Life Operating</b>           | <b>£1,949,075</b>          | <b>2,360,088</b>                  | <b>£2,311,130</b>              |
| GIFA                                  | 1,471                      | 1,363                             | 1,282                          |
| <b>Whole Life Operating Costs per</b> | <b>£1,325</b>              | <b>£1,732</b>                     | <b>£1,803</b>                  |
| <b>Average Annual Operating</b>       | <b>£77,963</b>             | <b>£94,403</b>                    | <b>£92,445</b>                 |

\*Cost in use information provided by the Council and extrapolated by Hubco

Nb/ all whole life costs are projected in today's cost terms (ie un-inflated and non-discounted)





## **AGENDA ITEM 5**

### **FALKIRK COUNCIL**

**Subject: BEREAVEMENT SERVICES POLICY DEVELOPMENT**  
**Meeting: SPECIAL EXECUTIVE**  
**Date: 9 JUNE 2015**  
**Author: DIRECTOR OF CORPORATE AND NEIGHBOURHOOD SERVICES**

#### **1. INTRODUCTION**

- 1.1 Members will be aware of the report to Executive on 18 March 2014 outlining the outcomes of the Policy Development Panel (PDP) established to review Bereavement Services. It was agreed at that meeting that consultation on the recommendations of the PDP be undertaken and the outcomes reported back to Executive for consideration. A copy of the recommendations is attached to this report (Appendix 1) for Member information.
- 1.2 This report outlines:
- the outcomes of the consultation exercise
  - proposals in relation to maintaining older headstones and
  - the proposed scope of works and implications arising from the planned upgrading of Falkirk Crematorium.

#### **2. CONSULTATION OUTCOMES**

- 2.1 In order to carry out the decision of Executive a number of different approaches were adopted to provide a variety of opportunities for citizens to feed into the Bereavement Service consultation. These included engagement with citizens who provide feedback to Council consultations (Citizen Panel members); direct contact with service users; an open invitation to attend scheduled public meetings; discussion groups and direct contact with specific stakeholders e.g.: memorial masons and the Still Birth & Neonatal Death charity (SANDS). Feedback from the consultation exercise is detailed in Appendix 2 (a, b & c).
- 2.2 An article was placed in the Falkirk Council News (summer edition) highlighting a consultation was underway and inviting participation in the process by either e-mail or invitation to join the Citizen Panel to allow responses to a more detailed questionnaire. The questionnaire contained six questions relating to the Bereavement service covering the following areas:
- Crematorium
  - Cemetery Rules & Regulations
  - Memorial benches and trees
  - Size of memorial headstones
  - If they would like to be part of a discussion group

- 2.3 A total of 639 respondents completing the Citizen Panel questionnaire (Appendix 2a). Outlined below is a breakdown of those responses to each of the six questions.

70% of respondents had visited a Falkirk cemetery or crematorium in the last year  
44% of respondents didn't know about the Cemetery Rules & Regulations  
26% of respondents were interested in attending an open day at the Crematorium  
91% of respondents thought we should provide areas for memorial benches and trees  
63% of respondents thought we should not permit headstones over 4ft because of safety concerns  
24% of respondents expressed an interest in partaking in a discussion group.

- 2.4 There was also an opportunity for respondents to provide comments on the management of the cemeteries to which 125 comments were received. These were varied and ranged from very complimentary comments on the standard of maintenance within the cemeteries and work undertaken by the cemeteries staff to complaints about the maintenance of some cemeteries being poor along with the infestation of rabbits eating flowers/tributes.

- 2.5 The questionnaire completed by Citizen Panel members was also posted to 100 randomly selected users of the Bereavement Service over the last 24 months. This consultation resulted in 25 completed questionnaires (Appendix 2b) being returned. Again the comments were varied. Outlined below is a breakdown of responses obtained from those persons who have used the Bereavement service in the last 24 months.

76% of respondents had visited a Falkirk cemetery or crematorium in the last year  
25% of respondents didn't know about the Cemetery Rules & regulations  
21% of respondents were interested in attending an open day at the Crematorium  
92% of respondents thought we should provide areas for memorial benches and trees  
56% of respondents thought we should not permit headstones over 4ft because of safety concerns  
20% of respondents expressed an interest in partaking in a discussion group.

- 2.6 Invitations were also sent to those Citizen Panel members and Bereavement service users (Appendix 2c) who had expressed an interest in participating in a discussion group offering them a choice of attending one of three evening meetings to facilitate this element of the consultation. These were held in Falkirk town centre, Bo'ness and Head of Muir, Denny. The groups consisted of between 3 and 10 attendees with a split of approximately 50:50 male and female participants; with a predominant age range of 40 years and upwards. Their expressed interest in the consultation was in most part due to holding a family lair, recent loss of a family member or general curiosity of the Bereavement service.

- 2.7 Local commercial and business groups from the bereavement industry were also consulted on a number of the proposed recommendations specifically those relating to memorial headstones; height, material type and their views on implementing a Memorial Mason Registration Scheme.

- 2.8 Contact was also made with a number of other Local Authorities and they have indicated that they have limitations on the permitted height of memorial headstones. Clackmannanshire Council limit memorial headstones to a height of 5ft, Perth & Kinross Council, Scottish Borders, East Lothian Council limit memorial headstones to 4ft in height and West Dunbartonshire Council limit headstones to 3ft 6ins.
- 2.9 Feedback from the PDP also highlighted a desire to extend service times at the Crematorium from 30mins – 45 minutes to assist the flow of mourners between services and remove the “rushed conveyor belt” experience. As such, extended 45mins service times were introduced on a pilot basis from 1 August 2014. Feedback has been sought from stakeholders on the change, with responses indicating that the change has made a significant improvement. It is therefore proposed that the Crematorium service times be permanently extended to 45 minutes.
- 2.10 Based on the feedback from the consultation, proposed recommendations aligned to the PDP recommendations considered by Executive in March 2014 are outlined in Appendix 3.

### **3. HEADSTONE MAINTENANCE**

- 3.1 At the Executive meeting on 18 March 2014 Members requested that officers consider the ongoing maintenance issues relating to old memorial headstones within the Councils burial grounds.
- 3.2 Falkirk Councils Estates Services manages and maintains a total of nineteen burial grounds. Thirteen of these burial grounds remain active (full coffin committals being undertaken) whilst the remaining six are inactive with only grounds maintenance activities carried out. Within the 19 burial grounds there are a total of over 36,000 gravestones. Within these burial grounds there are a wide and varied selection of memorial headstones in size, form and condition. Within the older historical sections some of these memorials can reach a height of between 2-2.5m and a weight of 3-4 tonnes. It is acknowledged that they also provide focal points of interest within our burial grounds and a wealth of historical information.
- 3.3 All headstones are privately owned and are therefore responsibility for the headstone lies solely with the individual lair owner. However, under the Health and Safety at Work Act 1974 (HSWA74), the Occupiers' Liability (Scotland) Act 1960 and associated regulations such as Management of Health and Safety at Work Regulations 1999, Councils have a responsibility and duty of care to ensure that risks within their cemeteries are properly managed. To do this, Councils must inspect all headstones in their cemeteries to ensure that such memorials can withstand a reasonable pressure that might occur when, for example a visitor to a cemetery slips and uses the headstone as a means to stabilise themselves. This duty includes minimising risk to its own employees as well as to the general public.

- 3.4 Under the HSWA74, the enforcing authority for local burial grounds and churchyards is the Health and Safety Executive. The Executive works closely with the UK Government Ministry of Justice. Although designed for English authorities, a UK Government ministry of Justice publication 'Managing the Safety of Burial Ground Memorials – Practical advice for dealing with unstable memorials' has been adopted by Scottish Local Authorities. The document recommends that all headstones are erected to the National Association of Memorial Masons (NAMM) Code of Working Practice using its approved fixing systems.
- 3.5 At present there is no control or safe guards requested from the Bereavement Service from memorial masons other than having sufficient Employee and Public Liability insurance cover. There is no scrutiny of their fixing systems between component parts of the headstone and the foundation.
- 3.6 Eight people have been killed by unstable headstones in the UK over the last 30 years with countless accidents also having occurred. However, given the large number of headstones and cemetery visitors, the risk of injury is considered to be low.
- 3.7 The most common causes of failure of memorial headstones are;
- Soil erosion from beneath the headstone and foundation
  - Poor construction techniques of the foundation
  - Ground settlement after an interment has been carried out
  - Method of fixing the various components of the memorial together and to the foundation is not meeting industry standards
- 3.8 Whilst risk is not confined to any one type or age of memorial, information obtained from other local authorities highlight memorials constructed between the mid 19<sup>th</sup> century and mid 20<sup>th</sup> century pose the greatest risk of collapse. Many of these memorials are large and typically made of granite or sandstone. Often memorials such as these are formed from two or more pieces lacking proper fixings between the component parts and are set upon inadequate brick foundations. It is not only the complete toppling of a memorial that can cause severe injury. Smaller parts of a memorial can cause severe or even fatal injuries.
- 3.9 Each of the 19 cemeteries have now been surveyed by Estates Officers and it is proposed that in order to address the Councils "Duty of Care" within its cemeteries, the Council needs first of all to highlight the risk to cemetery users (employees and the public) by erecting warning signs at all entrances and egresses fore warning persons that there maybe unsafe headstones within the burial grounds. Secondly, to commence with a rolling programme of inspections in order to identify those memorials with the highest risk of failure and potential to injure or harm members of the public and employees.
- 3.10 As such, all memorials within each burial ground would be inspected on a prioritised basis and would involve both a visual inspection and a physical "push test" to determine if there is any movement when pressure is applied. This would commence by identifying and prioritising the burial grounds that pose the greatest risk; age of the burial ground, visitor numbers, type of memorials, age of memorials etc. Each burial ground would be prioritised within a programme of inspections.

- 3.11 Following inspection, each memorial would be classified into one of three priority ratings:
- 1 – Unsafe and requires immediate action
  - 2 – Safe and re-inspected within one year
  - 3 – Safe and re-inspect within three years
- 3.12 Those memorials found to be unstable and requiring immediate action should be either laid flat, provided with structural support, cordoned off or repaired. In addition to this, general warning signs would be erected and placed within the burial ground to ensure all visitors are aware of the potential hazards. This operation may however result in large numbers of older memorials being left safely on the ground on the lair. This may be seen as being unmaintained or managed. It may also hinder some grounds maintenance operations within the vicinity of these lairs. The general public would therefore be informed in advance through a variety of means; signage within burial grounds, local press articles, via local memorial masons etc, to minimise any adverse reaction.
- 3.13 Bereavement Services would attempt to contact all registered lair owners of memorials given a Priority 1 rating, to inform them of the urgent need of repair. Where our lair owner records are up to date we will provide a list of registered/local memorial masons as a means to address the underlying safety concerns. It would be expected that a large number of memorials classified as Priority 1's will have been in situ for some considerable period of time and lair ownership records may not be up to date and therefore impossible to contact or trace the lair owner or family. In such circumstances or where the lair owner does not respond and there has not been a burial in the grave for over 40 years, the Council would reserve the right to make the headstone safe on a permanent basis within a three-month period.
- 3.14 It would be envisaged that the programme of inspections will require to be undertaken by suitably trained Estate Management operatives, with costs met from within current Estate Management budgets.
- 3.15 In addition, it would also be proposed to introduce a Memorial Mason Registration Scheme to ensure that all future memorials erected within our cemeteries and churchyards follow the National Association of Memorial Masons (NAMM) Code of Safe Working Practice. Memorial Mason Registration Schemes operate within the majority of all Scottish local authorities, including; North Lanarkshire, Edinburgh, Stirling and Dundee.
- 3.16 The scheme would require memorial masons to fix memorials in accordance with the NAMM Code of Practice and sets standards regarding general behaviour of masons when operating within our burial grounds. This would offer a level of protection to the Council on those working within the cemetery and also the public in safeguarding them in regard to the quality of workmanship undertaken. This approach will help ensure that unsafe memorials do not continue.
- 3.17 A Memorial Registration Scheme would require a memorial mason wishing to carry out any works within a Falkirk Council burial ground to obtain a permit each year to enable them to operate within our burial grounds. A small charge would however require to be levied each year to each Memorial Mason for administering the scheme.

#### **4. CREMATORIUM REFURBISHMENT**

- 4.1 Falkirk Crematorium is managed by Corporate & Neighbourhood Services and carries out c2,000 cremations a year. The Crematorium serves Falkirk Council residents and residents of neighbouring Council areas which do not have crematorium facilities e.g. Stirling, Clackmannan, North Lanarkshire. There are slightly more non-resident cremations (52%) carried out than residents cremations (48%).
- 4.2 The Crematorium and its associated buildings were built in the 1960's and contain significant design features of this time which are still considered to be attractive. However, despite an ongoing building maintenance programme there is now an urgent need to undertake a significant backlog of repairs and refurbishment, as highlighted in the Property Condition Survey. In addition, the Cremators were last replaced over 20 years ago and are at the end of their recommended life-span.
- 4.3 A programme of investment is therefore considered essential to maintain and develop this facility. There are 4 primary elements to the scope of improvement works required at the Crematorium:
- Replacement cremators
  - Essential building repairs, in line with the Property Condition Survey
  - Building and other associated improvements to better meet user requirements
  - Installation of mercury abatement equipment

##### ***Replacement Cremators***

- 4.4 The three current cremators are nearing their “end of life” stage. The cremators are already incurring substantive repair and maintenance costs and these costs are certain to increase over time. Operational failure of one or more of the three cremators, would also present significant risks and service disruption, particularly as the facility is currently operating at over 70% capacity for the year and at times all three cremators are often in operation, supporting a maximum of 10 services each day and 4 services on a Saturday morning. The current cremators are also less energy efficient than modern equipment and replacement therefore presents an opportunity to explore more sustainable and energy efficient systems.

##### ***Essential Building Repairs***

- 4.5 A detailed property condition survey has been undertaken to review the condition of the building fabric and its associated services and also to accommodate the proposed investment in new cremators. The building was found to be generally in a reasonable state of repair considering its age. However, it has some significant defects and therefore key refurbishment work is required. An overall programme of essential works is therefore required in order to achieve a building which is fit for purpose and meets current technical standards.

##### ***Building and Associated Improvements***

- 4.6 Feedback from stakeholders and users participating in the Bereavement Services consultation has also identified the need for various other improvements to improve the facility.

Issues raised include; improving the accessibility to the building to enhance the entrance and egress to accommodate the increased number of mourners attending services, thereby providing a more private and personal feel to the cremation process, removing the feeling of a “conveyor belt” process that has been expressed by some bereaved families. The creation of a more enclosed corridor from the current floral tribute area, leading to an anteroom for paying respects to family of the deceased before mourners exit to the car park, would further improve the facilities for those attending service. Other improvements include; an extension to the car parking facilities for both the funeral cortege and mourners vehicles and the redesign and planting of the memorial garden, incorporating a feature wall or columbarium or combination of the two to provide an area of peace and contemplation and an area for families to have memorial plaques sited on a Remembrance Wall.

### ***Mercury Emissions Abatement***

- 4.7 The Crematorium operates under a permit from SEPA and this is subject to continuous emissions monitoring and regular inspection. An urgent environmental concern is mercury emissions, which arise from cremated mercury dental fillings. Current legislation stipulates that crematorium operators must install mercury abatement systems or alternatively should sign a “burden sharing agreement”.
- 4.8 The Government accepts “burden sharing” as a flexible way of achieving these reductions in mercury emissions. The Federation of British Cremation Authorities (FBCA), in association with the Cremation Society, has established a scheme, namely CAMEO, which enables crematorium operators to combine in order to achieve burden sharing. The scheme is designed to spread the cost burden over the duration of the upgrading period, as well as to provide the Government with data to show that the legislation objectives are being met. Falkirk Council are signed up to this method of burden sharing to meet their obligations.
- 4.9 There is currently no legal requirement or obligation to fit mercury abatement in established crematoria. This gives Falkirk Council the option of continuing with the current Cameo arrangement and therefore continuing to pay the annual fee of c£50,000pa. Installing abatement equipment would however save the Council incurring the current annual revenue CAMEO fees and could also generate an income stream of c£50kpa through receipt of fee income via the CAMEO scheme. In revenue terms the Council would therefore benefit by c£100kpa through the installation of mercury abatement equipment.
- 4.10 The Capital Programme for 2015-2018 approved on 11 February 2015 includes provision of £3.1m to undertake improvement works within the Crematorium. In consultation with Development Services (Design Services), preliminary design proposals; programme timescales and provisional estimated costs have been identified for the proposed works.
- 4.11 Based on the proposed scale of works and indicative timescales necessary for design; procurement; planning approvals; mobilisation and construction, it is envisaged that works would be predominantly spread over 3 financial years, commencing in 2014/15 with the preparatory works including design work. External works in relation to extending car parking; establishment of the memorial wall and garden and upgrading of electrical sub-station are anticipated to take place in mid 2015/16, with the main construction period estimated to be in early 2016/17. The indicative programme is however subject to review, in order to identify any opportunities to reduce this timescale.

- 4.12 Acknowledging the significant capital investment required, consideration of other options has been given. The option of not undertaking the work and effectively “running down” and closing the facility was discounted for a number of reasons including the current and future pressure on burial space; the revenue income generated and the valued asset to the community.
- 4.13 Another option considered was building a new Crematorium. However, the relocation and construction of a new Crematorium could involve a lengthy site selection and planning process, with no guarantee of success. There is no provision for an alternative site in the Development Plan and any proposed Crematorium site near a built up area is likely to generate local objections. Sites which are more remote from built up areas might generate access difficulties, and may therefore prove to be less popular than the existing established location. The total cost of a new-build crematorium on this site, based on actual costs of similar facilities, is estimated at c£4m, which is in excess of the refurbishment costs. For the purpose of the options appraisal an alternative location out with the existing footprint of Falkirk Crematorium was therefore not considered viable.
- 4.14 It is acknowledged that the cremation service is a highly sensitive part of the bereavement process for families and any small intrusion (noise) or disruption can have a negative impression on their experience of the service provided. In order to facilitate the construction works identified, it will be inevitable that there will need to be periods of closure of the facility, during the works. The exact period of closure is not known at this time and will only be known once the tendering process has been completed, although a period of c12-16 weeks is envisaged. A number of measures are being considered to minimise the length of closure and mitigate the disruption during a period of closure, these include:
- Provision within the tender including evening and weekend working
  - Phased programming of work
  - Early contract award, enabling a substantive mobilisation period
  - Consideration of incentives and/or additional weighting provided for early completion of works
- 4.15 In order to help mitigate the disruption caused by closure, a number of other measures will also be considered including:
- Programming of a number of works during the traditionally quieter periods of spring and summer
  - Consideration of alternative facilities for undertaking memorial services within the Falkirk Council area
  - Early and regular engagement with undertakers and other crematoria providers
  - Public awareness of alternative arrangements locally and at crematorium facilities in neighbouring areas.
- 4.16 As timescales become clearer through the tender and subsequent mobilisation periods, firmer dates and times will form part of on-going communications as indicated above. A more detailed report on the planned works and implications will also be provided to Executive, once the project details become more definitive.



- 4.17 A period of closure will also have an impact on income received by the Council. Provision for c£300,000 reduced income has been factored into the forthcoming 3 year revenue budget process.

## **5. RECOMMENDATIONS**

**It is recommended that the Executive:**

- 5.1 Consider the feedback from the consultation requested by the Executive and the recommendations set out in Appendix 3 that officers prepare and implement a revised set of Cemetery Rules and Regulations based on the decision of this Executive on these recommendations;
- 5.2 Agree the principle of establishing a Memorial Inspection regime of all its burial grounds;
- 5.3 Agree to the establishment of a Memorial Mason Registration Scheme; and
- 5.4 Note the proposed works to the Crematorium and that further updates will be provided to Executive as the project progresses.

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## **DIRECTOR OF CORPORATE AND NEIGHBOURHOOD SERVICES**

Date: 28 April 2015  
Ref: AAP190515 – Bereavement Services  
Contact Officer: David McGhee Ext: 0788

## **LIST OF BACKGROUND PAPERS**

1. Report to Executive 18 March 2014

## **POLICY DEVELOPMENT PANEL SUMMARY OF RECOMMENDATIONS**

### **1. INTRODUCTION**

*Further to the Policy Development Panel (PDP) meeting with external partners held on the 14 January 2014 (see appendix 1b), the Policy Development Panel obtained positive feedback and comment on all of the issues previously highlighted during the course of the PDP site visits to cemeteries and Falkirk Crematorium.*

*As an outcome of the discussions with the external partners and deliberations with Bereavement Services officers, the PDP would ask that the following recommendations are taken forward.*

*All the recommendations and changes to existing regulations etc are numbered within this report, as follows;*

### **2. REVIEW OF CEMETERY RULES & REGULATIONS**

*On the basis of the issues seen and raised during the PDP meetings and visits to the various cemeteries, there is an apparent need to review Cemetery Rules and Regulations which was last undertaken in 1996. This will include updating the existing Rules and Regulations but also adding new items to address the ongoing issues seen at first hand by the PDP and discussed with our external partners on the 14 January 2014. They include the following items;*

#### **Headstone Size**

- 2.1** Restricting the size of new headstones to a maximum dimension of height 4ft (1219mm), width 3ft 8ins (1117mm) and depth (thickness, excluding base stone) 5ins (125mm). *Single headstones will only be permitted on each lair. One continuous headstone will not be permitted to straddle two or more full lairs.*
- 2.2** Headstones shall only be constructed of approved granite, stone or terrazzo materials.
- 2.3** That details of headstone size and content would be required to be submitted in advance of its installation and approval would ultimately be at the discretion of the Director of Corporate and Neighbourhood Services.

#### **Memorial Headstone Foundations**

- 2.4** In all new cemetery extensions or sections, concrete raft foundations should be installed within the headstone borders, in order to provide a sound and consistent foundation for headstones to be erected, where ground conditions permit.

- 2.5 Charges for the foundation would only be sought at the point of receiving a request to have a memorial headstone erected and not before. This ensures bereaved families are not charged in advance for an item they may opt not to use.
- 2.6 To implement a Memorial Registration Scheme which provides effective controls and to ensure the highest quality of workmanship and competence are applied within Falkirk Council burial grounds.

### **Tree and Shrub Planting within Headstone Borders**

- 2.7 To propose that no trees, shrubs or plants be planted directly into the soil within a headstone border.

### **Suggested interim measures:**

If an existing lair is being re-opened and an existing tree/shrub has been identified as causing a potential problem, contact will be made with the lair owner advising of impact/problem and the proposed action to be taken by Estates Management staff. Reasons will be and given for this action.

### ***Tributes and Inscriptions***

*This issue was the most debated issue and one that gave the PDP and its external partners the most difficulty in trying to address, due to the sensitive nature of tributes placed at the graveside. However due to the ongoing grounds maintenance issues encountered by Estates Services and the potential conflict encountered by neighbouring lair owners and cemetery users, a general consensus of opinion was obtained for the following;*

- 2.8 That flowers, tributes and soft toys would initially be permitted on the burial space (Lair) for two weeks after the burial date, and thereafter removed to allow unhindered cemetery maintenance operations to recommence
- 2.9 That Christmas season holly wreaths will be permitted to remain in situ no later than 31 January in each year before being removed and disposed of.
- 2.10 That the number of raised wrought iron flower vases to display floral tributes be restricted to a maximum of 2 at each lair and must be professionally installed by a memorial mason within the concrete raft foundation.
- 2.11 There will be no limit on the number of flower vases which can be placed at the space provided at the head of each lair (i.e. the crown head or the base of the memorial). No glass or pottery containers will be allowed.
- 2.12 That no audible tributes should be permitted at the graveside e.g. wind chimes.
- 2.13 To permit the placement of seasonal bulbs/flowers, all plants should require to be contained within a pot. The pot can be accommodated on the headstone foundation/concrete raft foundation, but is not permitted to plant within the headstone border area or on the area of the lair.

- 2.14** That the size of images on monuments be restricted to a maximum size of 100mm x 100mm and not likely to cause offence due to it being construed as sectarian, racist, sexist or any other inflammatory image which could potentially cause legitimate offence to another user of cemeteries. Approval of images would ultimately be at the discretion of the Director of Corporate and Neighbourhood Services

### ***Memorial Benches and Trees***

*To compliment the recommendation above in regard to no permitted tree and shrub planting within headstone borders. The PDP have considered the following as an alternative provision for family members wishing to commemorate their lost loved ones.*

- 2.15** To pursue and develop a memorial tree planting and memorial bench scheme, that allows members of the public the opportunity to purchase a tree and/or bench via the Council to be located, where a predetermined cemetery layout plan permits.

### **Other Considerations**

- 2.16** Due to limited availability of space within certain burial grounds, that further work be undertaken to explore additional areas for siting of memorial benches and planting of memorial trees within all of the Councils parks and open spaces.
- 2.17** Explore options in relation to woodland burial sites.
- 2.18** Explore the possibility of the Criminal Justice Service (community payback) supplying standardised memorial benches.
- 2.19** Explore the possibility of the erection, feasibility and cost of a memorial wall at Falkirk Crematorium.
- 2.20** Bereavement Services officers will liaise with SANDS on the benefits and feasibility of having an additional baby memorial within one of the Council's other burial ground(s).
- 2.21** Revised Cemetery Rules & Regulations are to be drafted based upon the recommendations above and submitted to the Executive for final approval prior to implementation.
- 2.22** Once the new Cemetery Rules & Regulations have been approved, the Panel suggests that the Rules & Regulations are displayed at the entrance to each burial ground and incorporated within all new lair title deeds issued to lair owners

### **3. CEMETERY PROVISION/SPACE/ADVANCE LAIR PURCHASE**

*Following consideration of the space constraints within a number of the cemeteries, an examination of the potential solutions to those, views of external organisations, the Panel recommends:*

- 3.1** To continue the cessation of advance lair purchases at all Falkirk Council burial sites, with exception for persons who have been diagnosed as terminally ill, and to note that the panel obtained supportive comments from stakeholders on this recommendation.
- 3.2** To monitor the provision of the existing Muslim faith burial ground within Hills of Dunipace Cemetery, to ensure future use/need.
- 3.3** To only consider any future requests for separate burial ground provision where existing cemetery layout and orientation does not meet a particular faiths' physical needs in regard to lair orientation.



### **4. POLICY PRINCIPLES FOR CREMATION AT FALKIRK CREMATORIUM**

- 4.1** To support, in principle the Council's continued compliance via the CAMEO scheme for mercury abatement.
- 4.2** To look at options on ways to facilitate a selection of service times to cater for both shorter and longer services.
- 4.3** To explore the creation of a privacy corridor, subject to funding becoming available.
- 4.4** To look at alternative options to help alleviate the traffic flow and parking issues at Falkirk Crematorium.
- 4.5** To explore and identify different funding options which could help with the cost of sound proofing the waiting room doors, renewing hymn books, installation of a digital music library, introduction of webcasting services etc – including establishing external donations etc.
- 4.6** To pursue the option of utilising excess heat generated by the new cremators to heat the crematorium building.
- 4.7** Noting the need to avoid implementing Sunday cremations.
- 4.8** To note that the linking of cremations and interments costs to encourage preservation of burial space was not supported by the stakeholders.




### **Other Considerations**

- 4.9** To explore the possibility of having an “open day” for Falkirk Crematorium for those interested members of the public and stakeholders.
- 4.10** To explore the potential to reduce the time allocated for the internment of ashes.
- 4.11** It was confirmed that the number of ground maintenance staff assigned for a committal is appropriate for the duties to be undertaken with the minimum being 2 grave diggers being present at the graveside.
- 4.12** Creation of a Bereavement Forum to meet on an annual basis and to engage with the services customers and appropriate stakeholders.


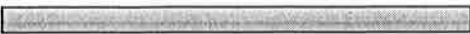
**10. Have you visited a Falkirk cemetery or the crematorium in the last year?**

|                   |   | Response<br>Percent | Response<br>Count |
|-------------------|---|---------------------|-------------------|
| Yes               |  | 70.0%               | 431               |
| No                |  | 30.0%               | 185               |
| answered question |   |                     | 616               |
| skipped question  |   |                     | 23                |

**11. Do you know about the Cemetery Rules and Regulations?**






|   |   | Response<br>Percent | Response<br>Count |
|---|---|---------------------|-------------------|
| Yes, I've a reasonable idea of what's in them             |    | 23.3%               | 142               |
| I've heard of them, but I don't really know what they say |  | 32.8%               | 200               |
| No  |  | 43.9%               | 268               |
| answered question   |   |                     | 610               |
| skipped question  |   |                     | 29                |

**12. Would you be interested in coming along to an Open Day at the Crematorium?**




|                   |  | Response<br>Percent | Response<br>Count |
|-------------------|--|---------------------|-------------------|
| Yes               |   | 26.2%               | 158               |
| No                |  | 73.8%               | 444               |
| answered question |  |                     | 602               |
| skipped question  |  |                     | 37                |

Note – the Citizen Panel questions contained in Appendix 2a were part of a wider Citizen Panel consultation which also included questions from Development Services which ranged from 1 - 9

**13. Do you think we should provide areas for memorial benches and memorial trees?**

|                                  |   | Response<br>Percent | Response<br>Count |
|----------------------------------|---|---------------------|-------------------|
| Yes – memorial benches only      |  |                     | 45                |
| Yes – memorial trees only        |  |                     | 65                |
| Yes – memorial benches and trees |  |                     | 391               |
| No                               |  |                     | 53                |
| Don't know                       |  |                     | 59                |
| answered question                |   |                     | 613               |
| skipped question                 |   |                     | 26                |

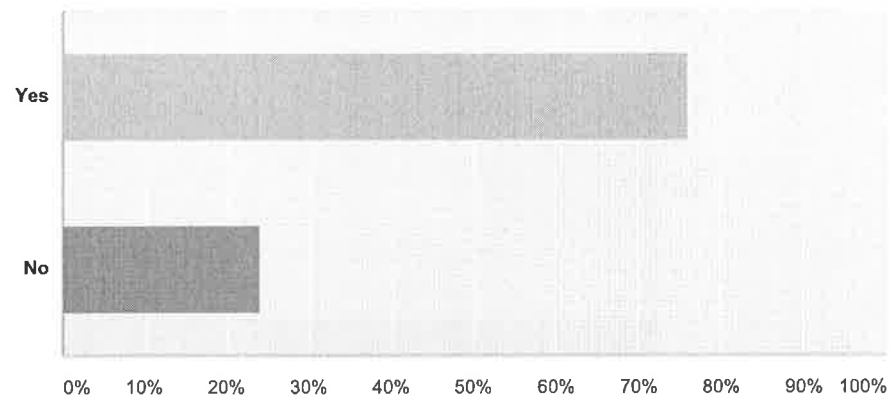
**14. We are considering restricting headstones to a maximum of 4 ft (1.22m) high because of concerns that taller ones can become unstable and topple over in time. What do you think?**

|  |   | Response<br>Percent | Response<br>Count |
|--|---|---------------------|-------------------|
| Families should be able to choose any headstone they like                  |  | 28.9%               | 177               |
| Taller headstones should not be permitted because of safety considerations |  | 62.5%               | 383               |
| Don't know   |  | 8.6%                | 53                |
| answered question  |   |                     | 613               |
| skipped question   |   |                     | 26                |



### Q1 Have you visited a Falkirk cemetery or the crematorium in the last year?

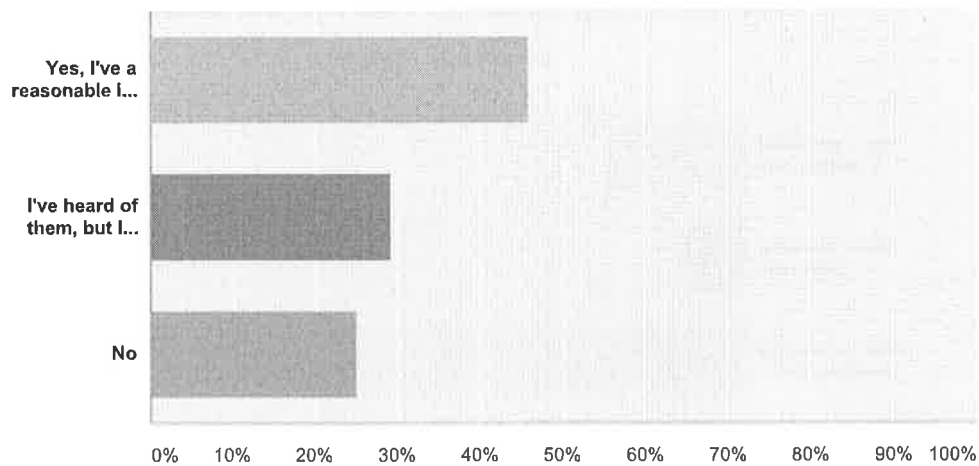
Answered: 25 Skipped: 0



| Answer Choices | Responses |
|----------------|-----------|
| Yes            | 76.00% 19 |
| No             | 24.00% 6  |
| <b>Total</b>   | <b>25</b> |

### Q2 Do you know about the Cemetery Rules and Regulations?

Answered: 24 Skipped: 1

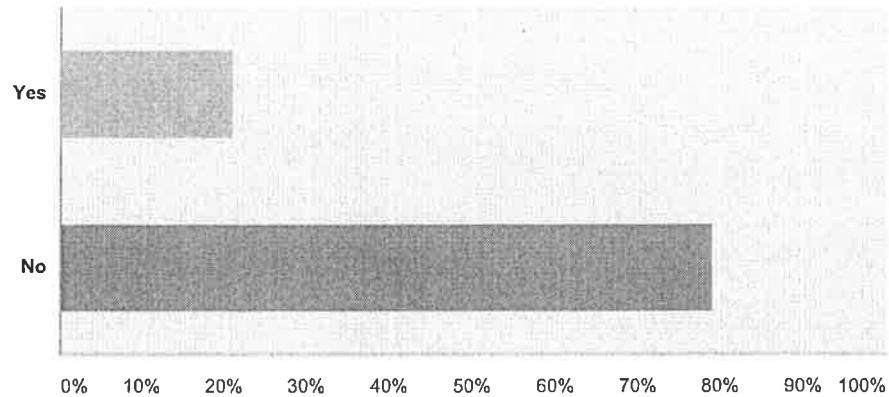


| Answer Choices  | Responses |
|---|-----------|
| Yes, I've a reasonable idea of what's in them             | 45.83% 11 |
| I've heard of them, but I don't really know what they say | 29.17% 7  |
| No  | 25.00% 6  |

|              |        |           |
|--------------|--------|-----------|
| No           | 25.00% | 6         |
| <b>Total</b> |        | <b>24</b> |

### Q3 Would you be interested in coming along to an Open Day at the Crematorium?

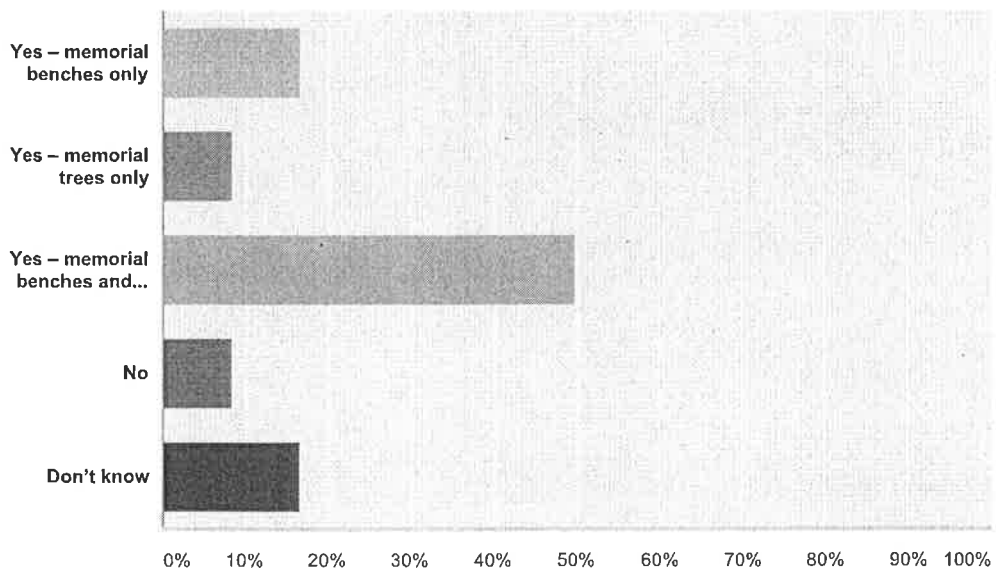
Answered: 24 Skipped: 1



| Answer Choices | Responses |           |
|----------------|-----------|-----------|
| Yes            | 20.83%    | 5         |
| No             | 79.17%    | 19        |
| <b>Total</b>   |           | <b>24</b> |

### Q4 Do you think we should provide areas for memorial benches and memorial trees?

Answered: 24 Skipped: 1

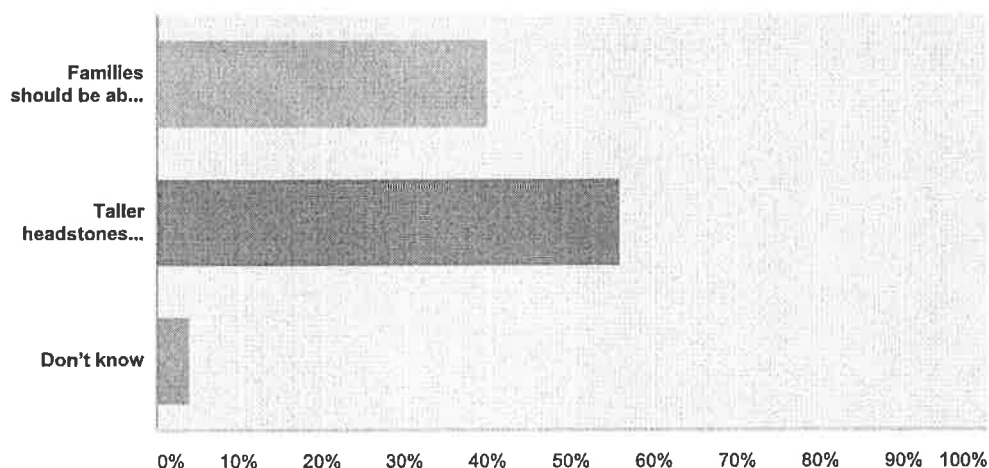


# Citizens Panel June 2014

| Answer Choices                   | Responses |           |
|----------------------------------|-----------|-----------|
| Yes – memorial benches only      | 16.67%    | 4         |
| Yes – memorial trees only        | 8.33%     | 2         |
| Yes – memorial benches and trees | 50.00%    | 12        |
| No                               | 8.33%     | 2         |
| Don't know                       | 16.67%    | 4         |
| <b>Total</b>                     |           | <b>24</b> |

**Q5 We are considering restricting headstones to a maximum of 4 ft (1.22m) high because of concerns that taller ones can become unstable and topple over in time. What do you think?**

Answered: 25 Skipped: 0



| Answer Choices   | Responses |           |
|--|-----------|-----------|
| Families should be able to choose any headstone they like                  | 40.00%    | 10        |
| Taller headstones should not be permitted because of safety considerations | 56.00%    | 14        |
| Don't know   | 4.00%     | 1         |
| <b>Total</b>   |           | <b>25</b> |

**POLICY DEVELOPMENT PANEL**

**SUMMARY OF RECOMMENDATIONS FOLLOWING CONSULTATION**

**Headstone Size**

- 2.1 Restricting the size of new headstones to a maximum dimension of height 4ft (1219mm), width 3ft 8ins (1117mm) and depth (thickness, excluding base stone) 5ins (125mm). *Single headstones will only be permitted on each lair. One continuous headstone will not be permitted to straddle two or more full lairs.*  
**Recommendation - Headstones are restricted to a maximum of 4ft in height**
- 2.2 Headstones shall only be constructed of approved granite, stone or terrazzo materials.  
**Recommendation - Only granite, stone or marble materials would be approved**
- 2.3 That details of headstone size and content would be required in advance of its installation and would ultimately be at the discretion of the Director of Corporate and Neighbourhood Services  
**Recommendation – no change to above.**

**Memorial Headstone Foundations**

- 2.4 In all new cemetery extensions or sections, concrete raft foundations are installed within the headstone borders in order to provide a sound and consistent foundation for headstones to be erected, where ground conditions permit.  
**Recommendation - no change to above**
- 2.5 Charges for the foundation would only be sought at the point of receiving a request to have a memorial headstone erected and not before. This ensures bereaved families are not charged in advance for an item they may never have the use for.  
**Recommendation - no change to above**
- 2.6 To implement a Memorial Registration Scheme to provide effective controls and to ensure the highest quality of workmanship and competence within Falkirk Council burial grounds.  
**Recommendation – Bereavement Service progress with the implementation of a MMRS**
- 2.7 To propose that no trees, shrubs or plants be planted directly into the soil within a headstone border.  
**Recommendation – No trees or shrubs are permitted to be planted within headstone borders**
- 2.8 That flowers, tributes and soft toys would initially be permitted on the burial space (Lair) for two weeks after the burial date and thereafter removed to allow unhindered cemetery maintenance operations to recommence  
**Recommendation – memorial wreaths and tributes shall generally not be removed for at least 14 days or until their appearance has substantially declined. This will allow unhindered cemetery operations to recommence.**

- 2.9 That holly wreaths will be permitted to remain in situ no later than 31 January in each year before being removed and disposed of.  
**Recommendations – as above however advance warning of removal date should be advertised in local press and within the cemetery**
- 2.10 That the number of raised wrought iron flower vases to display floral tributes be restricted to a maximum of 2 at each lair and must be professionally installed by a memorial mason within the concrete raft foundation.  
**Recommendation – No limit on the number of vases however they must be contained within the footprint of the headstone area and not encroach on to the burial space or neighbouring lairs.**
- 2.11 That a maximum of two flower vases be permitted on each lair and placed at the space provided at the head of each lair i.e the crown head or the base of the memorial. No glass or pottery containers will be allowed.  
**Recommendation – No limit on the number of vases however they must be contained within the footprint of the headstone area and not encroach on to the burial space or neighbouring lairs.**
- 2.12 That no audible tributes be permitted at the graveside e.g. wind chimes  
**Recommendation – Wind chimes would not be excluded**
- 2.13 To permit the placement of seasonal bulbs/flowers which require to be contained within a pot can be accommodated on the headstone foundation/concrete raft foundation but is not permitted to be planted within the headstone border area or placed on the lair.  
**Recommendation - no change from above**
- 2.14 That the size of images on monuments be restricted to a maximum size of 100mm x 100mm and not likely to cause offence due to it being construed as sectarian, racist, sexist or any other inflammatory image which could potentially cause legitimate offence to another user of cemeteries and would ultimately be at the discretion of the Director of Corporate and Neighbourhood Services  
**Recommendation - No restriction of size of image should be put in place but no image that is likely to being construed as sectarian, racist, sexist or any other inflammatory image which could potentially cause offence cause offence to another user of cemeteries and would ultimately be at the discretion of the Director of Corporate and Neighbourhood Services**
- 2.15 To pursue and develop a memorial tree planting and memorial bench scheme, that allows members of the public the opportunity to purchase a tree and/or bench via the Council to be located where a predetermined cemetery layout plan permits.  
**Recommendation - no change from above**

- 2.16 Due to limited availability in terms of space within certain burial grounds, that further work be undertaken in exploring additional areas for siting of memorial benches and planting of memorial trees within all of the Councils parks and open spaces.  
**Recommendation - Identify opportunities and locations for the siting of memorial benches and trees within the councils parks and open spaces.**
- 2.17 Explore options in relation to woodland burial sites.  
**Recommendation - The Council should explore opportunities to provide a woodland burial site**
- 2.18 Explore the possibility of the Criminal Justice Service (community payback) supplying standardised memorial benches. Still to be explored further.
- 2.19 Explore the possibility of the erection, feasibility and cost of a memorial wall at Falkirk Crematorium.  
**Recommendation – The creation of a memorial wall has been included within additional improvement works proposed to the Crematorium.**
- 2.20 Bereavement Services officers will liaise with SANDS on the benefits and feasibility of having an additional baby memorial within one of the Council's other burial ground(s).  
**Recommendation - To work with SANDS in exploring opportunities to create an additional baby memorial area in one of the Councils other burial grounds.**
- 2.21 Revised Cemetery Rules & Regulations are to be drafted based upon the recommendations above and submitted to the Executive for final approval prior to implementation.  
**No action and forms part of recommendations**
- 2.22 Once the new Cemetery Rules & Regulations have been approved, the Panel suggests that the Rules & Regulations are displayed at the entrance to each burial ground and incorporated within all new lair title deeds issued to lair owners.  
**Recommendation – once the review of the Cemetery Rules & Regulations is completed it is envisaged they will be sited and displayed at each cemetery with copies attached to each set of title deeds.**

## **CEMETERY PROVISION/SPACE**

- 3.1 To continue the cessation of advance lair purchases at all Falkirk Council burial sites with exception as those that have been diagnosed as terminally ill and to note that the panel obtained supportive comments from stakeholders on this recommendation.  
**Recommendation – no change from above**
- 3.2 To monitor the provision of the existing Muslim faith burial ground within Hills of Dunipace Cemetery to ensure future use/need.  
**Recommendation – no change from above**

- 3.3 To only consider any future requests for separate burial ground provision where existing cemetery layout and orientation does not meet a particular faiths physical needs in regard to lair orientation.

**Recommendation – no change from above**

## **POLICY PRINCIPALS FOR CREMATION AT FALKIRK CREMATORIUM**

- 4.1 To support, in principle the Council's continued compliance via the CAMEO scheme for mercury abatement.

**Recommendation – no change from above**

- 4.2 To look at options on ways to facilitate a selection of service times to cater for both shorter and longer services.

**Recommendation – service times have been extended to 45mins as of 1<sup>st</sup> August 2014**

- 4.3 To explore the creation of a privacy corridor, subject to funding becoming available.

**Recommendation – has been incorporated into the proposed improvement works to the Crematorium**

- 4.4 To look at alternative options to help alleviate the traffic flow and parking issues at Falkirk Crematorium.

**Recommendation - has been incorporated into improvement works proposed for the Crematorium**

- 4.5 To explore and identify funding options which could help with the cost of sound proofing the waiting room doors, renewing hymn books, installation of a digital music library, introduction of webcasting services etc.

**Recommendation – to explore the above opportunities in conjunction with the proposed additional improvements to the Crematorium**

- 4.6 To pursue the option of utilising excess heat generated by the new cremators to heat the crematorium building.

**Recommendation - this has been incorporated within the proposed improvements to the Crematorium**

- 4.7 Noting the need to avoid implementing Sunday cremations.

**Recommendation – do not implement Sunday cremations**

- 4.8 To note that the linking of cremations and interments costs to encourage preservation of burial space was not supported by the stakeholders

**Recommendation – noted**

### Other Considerations

- 4.9 To explore the possibility of having an “open day” for Falkirk Crematorium for those interested members of the public and stakeholders.  
**Recommendation - to arrange an annual open day of the crematorium in conjunction with the Scottish Civic Trust Doors Open Day festival.**
- 4.11 To explore the potential to reduce the time allocated for the internment of ashes.  
**Recommendation – no change to above**
- 4.12 It was confirmed that the number of ground maintenance staff assigned for a committal is appropriate for the duties to be undertaken with the minimum being 2 grave diggers being present at the graveside.  
**Recommendation – no change to the above**
- 4.13 Creation of a Bereavement Forum to meet on an annual basis and to engage with the services customers and appropriate stakeholders.  
**Recommendation – Bereavement services to set an annual Forum to meet external stakeholders; Funeral Directors, Memorial Masons, Faith Groups, Counselling Groups and members of the public.**



**FALKIRK COUNCIL**

**Subject: SCRUTINY PANEL CONCLUSIONS & RECOMMENDATIONS  
FALKIRK COUNCIL COMMUNITY INVOLVEMENT STRATEGY  
Meeting: SPECIAL EXECUTIVE  
Date: 09 JUNE 2015  
Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

**1. INTRODUCTION AND BACKGROUND**

- 1.1 Members of the Executive will be aware that the Scrutiny Panel established to review the Council's participation strategy 'Have Your Say' has concluded and made recommendations to the Scrutiny Committee at its meeting in May. This report asks that the Executive note the work of the Panel and its conclusions and then approves the recommendations agreed by Scrutiny Committee.
- 1.2 A copy of the cover report presented to Scrutiny Committee along with the Panel's final report is attached to this report as Appendix 1 and 2. These reports set out the process the Panel undertook to fulfil its remit along with the evidence it received in order to come to its conclusions and recommendations.

**2. RECOMMENDATIONS**

- 2.1 Having considered the strategy, the principles behind the strategy along with how these were being applied, the Panel determined a number of key recommendations that if agreed would further develop and enhance the Councils engagement with its communities. The Committee agreed to recommend to the Executive that the Council:
- (i) review the role, remit and membership of the Corporate Participation Group. This group has a central role in ensuring that there is a consistent approach to participation and engagement across the Council and promoting a best practice approach within Services;
  - (ii) develop a robust process for local community planning which sets out a defined process for the production of plans. This would include consideration of using 'place shaping' tools such as "Planning for Real" in a consistent manner;
  - (iii) develop a defined reporting framework for local community plans to ensure that reports on them are submitted to the Scrutiny Committee and then the Executive, prior to submission to the Community Planning Leadership Board;

- (iv) promote Have Your Say, the Plan for Local Involvement, and the principles set out within it more effectively, internally to Members and officers, and externally to communities and partner organisations. This would include producing a concise summary of the plan;
- (v) ensure appropriate training is put in place for officers to enable them to implement the principles set out in the plan, for example Plain English training, training in survey design etc;
- (vi) record all consultation activity in a corporate database of consultation activities, drawing on Service Plans, Community Planning, to avoid duplication of consultation/engagement. The effectiveness and accessibility of the current database will also be reviewed;
- (vii) provide information to the public/specific stakeholders prior to and after they have informed, consulted or engaged with communities, including feedback. There should also be a clear process for advising Members about consultations that are taking place and feeding the results back to them;
- (viii) provide more information on consultations, community engagement and Local Community Planning in the consultation section of the Council's website;
- (ix) explore different digital means of engaging with local and thematic communities. This could include the potential for using a bespoke online consultation platform such as Citizen Space. It would also include a review of how the Council's use of social media platforms could be expanded to support its engagement activities;
- (x) provide guidance and training to Members and officers on the use of social media to ensure this is being used more actively but appropriately;
- (xi) ensure that appropriate methods are used to effectively consult and/or engage with hard-to-reach groups and consideration will be given to specific training on consulting and/or engaging hard-to-reach groups;
- (xii) consider the impact of the Community Empowerment Bill and the Council's response to this in August 2015;
- (xiii) consider different ways of consulting on the budget employed by other Councils by August 2015 to inform the process going forward and include Councillors in this process; and
- (xiv) ask officers to report back to the Scrutiny Committee periodically on progress on the above.

### **3. RECOMMENDATIONS**

- 3.1 It is recommended that the Executive approve the recommendations noted above and that these are taken forward by Officers with progress reported back through the relevant Committee.

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

Date: 21 May 2015

Ref: ABB0515FC

Contact Name: Fiona Campbell

### **LIST OF BACKGROUND PAPERS**

1. Nil

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506004 and ask for Fiona Campbell

## FALKIRK COUNCIL

**Subject:** SCRUTINY PANEL CONCLUSIONS AND RECOMMENDATIONS:  
**Meeting:** FALKIRK COUNCIL COMMUNITY INVOLVEMENT STRATEGY  
**Date:** SCRUTINY COMMITTEE  
**Author:** 14 May 2015  
**Author:** DIRECTOR OF CORPORATE AND NEIGHBOURHOOD SERVICES

### 1. INTRODUCTION

- 1.1 This report sets out the findings and recommendations of the Scrutiny Panel established to review the Council's participation strategy – Have Your Say. The panel was established as part of the Scrutiny Committee's annual scrutiny plan and was established following the conclusion of the review of participation on external bodies.
- 1.2 The scope of this Panel was to examine the implementation of the Council's Community Involvement Strategy, 'Have Your Say', and make recommendations on changes in the strategy and practice where relevant. This report provides Members with information regarding the scrutiny process. The evidence provided at each of the scheduled meetings and the resultant conclusion and recommendations are provided within the appended report.
- 1.3 The Panel, chaired by Councillor Black and with other members being Councillor Murray and Provost Reid, agreed the scope of this scrutiny exercise, which was defined as: ***'To examine the implementation of the Council's Community Involvement Strategy and make recommendations for changes to the strategy and current practice where required'***.

### 2. SCRUTINY PROCESS

- 2.1 The Scrutiny process comprised a series of meetings which were planned to allow Members to gather evidence through presentations and discussion with a range of stakeholders.
- 2.2 To plan the process, Members of the Panel met to agree a scoping document, programme of work and meetings required to allow an effective scrutiny process to be undertaken. The schedule was:

|   | Purpose of Meeting   | Date            | Meeting Format |
|---|--|-----------------|----------------|
| 1 | <b>Scoping Meeting</b><br>The detailed scope of the scrutiny was established and agreed. | 6 November 2014 | Private        |

|   |  |                  |        |
|---|--|------------------|--------|
| 2 | <b>Background and Context</b><br>Caroline Binnie (Communications and Participation Manager) and Jonny Pickering (Stakeholder Engagement Officer) presented an overview of the Council's Community Involvement Strategy, approaches to informing, consulting, engaging and co-producing and barriers to consultation/engagement   | 26 November 2014 | Public |
| 3 | <b>Scrutiny Committee</b><br><i>Report scope of the Panel to Committee</i>   | 1 December 2014  | Public |
| 4 | <b>Service and Good Practice Overviews</b><br>i. Alan Christie (Community Engagement Co-ordinator, Housing Services) and David Love (Senior Neighbourhood Co-ordinator, Housing Services) presented on the consultation on tenant participation;<br>ii. Ross Fenwick (Waste Strategy Officer, Development Services) presented on community engagement around changes to the household refuse collection service in Falkirk;<br>iii. Richard Teed (Senior Forward Planning Officer, Education Planning and Resources) presented on engagement carried out around the proposed change to the schools admission policy;<br>iv. Leni Rademacher (Training Manager, Children and Families) presented on engagement activities with looked after children to encourage participation in the Referendum on Scottish Independence. | 15 January 2015  | Public |
| 5 | <b>Presentation from Community Learning &amp; Development/Public Session</b><br>Session A: Mark Meechan (Community Learning and Development Manager, Education Services), Kate Kane and Frank McChord (Local Community Planning Officers, Education Services) presented on Local Community Planning and CLD achievements to date.<br><br>Session B: Members of the public engaged in roundtable workshops to review the Community Involvement Strategy and their experiences of consultation and engagement.   | 17 February 2015 | Public |
| 6 | <b>External Good Practice</b><br>i. Jenny Kane (Team Manager, Children and Families) presented an overview of various pieces of consultation/engagement carried out with Social Work clients from different age ranges;<br>ii. David Stokoe (Service Manager, Communities, Cultural and Community Services) presented an overview of Perth and Kinross Council's approach to community engagement;<br>iii. Lorraine Gillies (Community Planning Manager), presented an overview of West Lothian Council's approach to community engagement via the Community Planning Partnership.   | 26 February 2015 | Public |

|    |   |                  |         |
|----|---|------------------|---------|
| 7  | <b>Review meeting</b><br>The Panel considered evidence presented to date and suggested recommendations for the final report.  | 26 February 2015 | Private |
| 8  | <b>Engaging Members</b><br>i. The Communications and Participation Manager and Stakeholder Engagement Officer presented an overview of the Panel process<br>ii. Members took part in a roundtable workshop with the Panel and supporting officers, focusing on the principles and practice of the Community Involvement Strategy. | 16 March 2015    | Private |
| 9  | <b>Draft Report followed by summing up on findings</b><br>Final meeting for Members to consider and amend the draft report.   | 21 April 2015    | Private |
| 10 | <b>Final Report to Scrutiny Committee</b>   | 14 May 2015      | Public  |
| 11 | <b>Report to Executive</b>  | TBC              | Public  |

2.3 During the initial scoping meeting, Members agreed a range of particular issues to be addressed over the course of the Panel. These were:

- Principles of community involvement;
- Approaches to informing, consulting and engaging communities;
- Methods of consulting and engaging communities;
- Provision of feedback;
- Barriers to community involvement; and
- Engaging hard-to-reach groups.

2.4 Panel Members were initially provided with an information pack containing a range of background information, including:

- Report on Your Community, Your Place (30/01/14);
- Your Community, Your Place Workshop Feedback;
- Local Community Planning Update (17/06/14);
- Summary of Customer Satisfaction Survey 2014;
- Summary of Findings from the Community Participation Strategy Consultation;
- Have Your Say: A Plan for Local Involvement;
- Citizens' Panel Questionnaire 10;
- Citizens' Panel Questionnaire 11;
- Best Value Toolkit on Community Engagement; and
- Consultation Practices with Scottish Local Authorities and Community Planning Partnerships.

### 3. SUMMARY AND CONCLUSIONS

- 3.1 The process of scrutiny undertaken was in line with procedural guidelines and allowed a full and transparent analysis of the scope set by the Scrutiny Panel, which was ***‘To examine the implementation of the Council’s Community Involvement Strategy and make recommendations for changes to the strategy and current practice where required’.***
- 3.2 The evidence the panel considered is summarised in appendix one along with the recommendations arising from the review. The main findings of the panel are:
- 3.3 The principles upon which the existing strategy is based are sound and should be used more rigorously to guide the Council’s approach to engagement and participation. They provide a firm foundation which if applied appropriately and systematically would ensure that the Council’s approach to participation guides effective outcomes. However, it was also identified that if there is not integrity to approaching engagement and participation and a ‘tick box’ approach is employed, then the outcomes of the work can be questioned. It may be that if engagement is undertaken poorly i.e. without clarity of purpose or thought about the methods, outcomes etc. then more resources have to be deployed to recover community goodwill.
- 3.4 It is important that even when undertaking statutory consultation that the principles within the strategy are applied and that engagement with communities happens prior to a formal statutory exercise. This again might be a better and more productive use of resources.
- 3.5 The principles are:
- **PURPOSE:** We will be clear whether we are informing, consulting or engaging with people. We will not consult when decisions have already been taken
  - **INVOLVEMENT:** We will try to identify anyone who might be interested in any consultation or engagement and encourage them to be involved.
  - **METHODS:** We will use the right methods of engagement in each situation.
  - **INFORMATION:** We will share the information needed for people to participate and make it available in clear, accessible language.
  - **WORKING TOGETHER:** We will treat all participants with respect. We may require people and organisations that represent their communities to show us how they collected the views of their community.
  - **FEEDBACK:** We will always explain how people will receive feedback before they participate. We will always try to show how people’s views have influenced the outcome.
  - **IMPROVEMENT:** We will monitor and evaluate our approaches to community participation so that we can improve over time.
- 3.6 The panel heard from a number of Services and a number of examples of good practice were highlighted. However it was clear that Services could learn from each other of the work being undertaken across the Council. While there was an acknowledgement that there was a process for co-ordinating the Council’s approach to engagement, services needed to participate in this more actively.

- 3.7 It was also noted that a range of consultation methods should be considered by services, depending on the issue, including surveys and focus groups and face-to-face meetings with community groups. Response times for consultations should be set to give the public sufficient time to respond and should take into account special considerations such as the time of year.
- 3.8 In addition the work being undertaken as part of the local community planning process needed to be more integrated into the strategic community planning process and also within the work of the Council. This, linked with the need to have a greater focus on 'place shaping' while developing a response to requirements of the Community Empowerment Bill, meant a greater emphasis having a robust process for local community planning.
- 3.9 To achieve the above, there is a need to develop a clear action plan underpinned by relevant training and co-ordinating. This would include further work being undertaken on the Council / services use of social media and further information on other Councils approaches to the budget consultation.
- 3.10 Recommendations arising from the work of the panel once considered by the Scrutiny Committee will be presented to the Executive. The Panel recommends that the Council:
1. review the role, remit and membership of the Corporate Participation Group. This group has a central role in ensuring that there is a consistent approach to participation and engagement across the Council and promoting a best practice approach within Services;
  2. develop a robust process for local community planning which sets out a defined process for the production of plans. This would include consideration of using 'place shaping' tools such as "Planning for Real" in a consistent manner;
  3. develop a defined reporting framework for local community plans to ensure that reports on them are submitted to the Scrutiny Committee and then the Executive, prior to submission to the Community Planning Leadership Board;
  4. promote **Have Your Say**, the Plan for Local Involvement, and the principles set out within it more effectively, internally to Members and officers, and externally to communities and partner organisations. This would include producing a concise summary of the plan;
  5. ensure appropriate training is put in place for officers to enable them to implement the principles set out in the plan, for example Plain English training, training in survey design etc;
  6. record all consultation activity in a corporate database of consultation activities, drawing on Service Plans, Community Planning, to avoid duplication of consultation/engagement. The effectiveness and accessibility of the current database will also be reviewed;



7. provide information to the public/specific stakeholders prior to and after they have informed, consulted or engaged with communities, including feedback. There should also be a clear process for advising Members about consultations that are taking place and feeding the results back to them;
8. provide more information on consultations, community engagement and Local Community Planning in the consultation section of the Council's website;
9. explore different digital means of engaging with local and thematic communities. This could include the potential for using a bespoke online consultation platform such as Citizen Space. It would also include a review of how the Council's use of social media platforms could be expanded to support its engagement activities;
10. provide guidance and training to Members and officers on the use of social media to ensure this is being used more actively but appropriately;
11. ensure that appropriate methods are used to effectively consult and/or engage with hard-to-reach groups and consideration will be given to specific training on consulting and/or engaging hard-to-reach groups;
12. consider the impact of the Community Empowerment Bill and the Council's response to this in August 2015;
13. consider different ways of consulting on the budget employed by other Councils by August 2015 to inform the process going forward; and
14. ask Officers to report back to the Executive on progress on the above before the end of the year.

#### **4. RECOMMENDATIONS**

- 4.1 **It is recommended that the scrutiny committee:**
- 4.2 **note the work and findings of the Panel, and**
- 4.3 **consider the panel's conclusions and recommendations and make recommendations to the Executive accordingly.**

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

Date: 21/04/15

Ref: ABC0515FC – Have your say.

Contact Name: Fiona Campbell ext 6004

## **LIST OF BACKGROUND PAPERS**

1. Nil

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506004 and ask for Fiona Campbell.

**FALKIRK COUNCIL**

**SCRUTINY PANEL**

**HAVE YOUR SAY – A PLAN FOR LOCAL INVOLVEMENT**

**FINAL REPORT AND RECOMMENDATIONS**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to provide an overview of the evidence gathered during scrutiny of Falkirk Council's 'Have Your Say: A Plan for Local Involvement', and to present the resulting conclusions and recommendations made by the Scrutiny Panel.
- 1.2 The Panel established and agreed the scope of the review as: 'To examine the implementation of the Council's Plan for Local Involvement and make recommendations for changes to the strategy and current practice where required'.
- 1.3 The members of the Scrutiny Panel were Councillor Allyson Black (Panel Chair), Councillor Rosie Murray and Provost Pat Reid.

**2. EVIDENCE GATHERED: 1 December 2014**

***Background and Context: Overview of 'Have Your Say'***

- 2.1 To set the background and context for the scrutiny exercise, an initial presentation was made to the Panel on the principles<sup>1</sup> and general approach contained within "Have Your Say" the Council's Plan for Local Involvement. The presentation set out the Council's agreed standards for carrying out engagement activities and covered the mechanics of informing, consulting and engaging communities. Members were also provided with a comprehensive information pack, including the "Have Your Say" strategy and briefing notes on recent activities by Services.
- 2.2 During the presentation Members had the opportunity to raise issues and ask questions. This discussion is captured fully within the minutes, however the text below summarises some of the issues raised.
- 2.3 The Panel asked about external ratings for Council websites. It was noted that the Council website's SocITM rating had increased from a one star to a three star rating after its recent redevelopment, one of only five redesigned sites in the UK to go up by two stars. All web content has been rewritten in plain English and the new website is mobile responsive.
- 2.4 They also asked about how consultation activity is evaluated by Services to ensure that any lessons are learned. It was noted that consultation reviews are part of the Plan for Local Involvement but were perhaps not carried out as systematically as they could be.

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<sup>1</sup> A summary of the principles of community involvement can be found in Appendix 1, alongside the National Standards of Community Engagement, National Principles of Community Engagement, Social Work's Participation and Engagement Strategy and NHS Participation Standard.

This is an improvement area that could be looked at, including scope for utilising review templates for services.

- 2.5 The Panel discussed the importance of language when carrying out engagement exercises and how to reach large numbers of people. Plain English is one of the principles of “Have Your Say” and a training programme has now been delivered to over 100 staff by a specialist trainer. It was noted that Plain English had been critical to the high rating of the new Council website.
- 2.6 The Citizens Panel was discussed. The panel was established in 2010 and is used to consult the public on a wide range of issues, from bereavement services to parks to community safety. The panel currently has approximately 1,500 members and is in the process of being refreshed with new members. Members asked if area-specific questions could be asked through the Citizens Panel. It was noted that although this is possible, there may be more effective ways of getting localised data, such as door-to-door surveys, depending on the time available to do consultation or engagement.
- 2.7 Members asked what work was ongoing to ensure that the Citizens Panel was as representative as possible. It was noted that stratified random sampling<sup>2</sup> could be used to make the Citizens Panel membership more representative of the Council area population as a whole.
- 2.8 The Panel discussed the role of Community Councils in consultation and highlighted the challenges where no Community Council was active as well as the potential issue for engagement to be with the same people, rather than a wider cross-section of the community. It was noted that the implementation of Participation Requests in the Community Empowerment (Scotland) Bill would give communities the opportunity to ask to be engaged in the development of local services. Further information will be prepared for Members once the Bill has been passed.
- 2.9 Members highlighted that where communities had provided comments it was important to give feedback afterwards, so that they knew what had been or had not been done and why.
- 2.10 The Panel asked how the voices of hard-to-reach groups could be included in consultations. It was noted that research had recently been carried out looking at the best ways of informing and engaging with hard-to-reach groups in relation to Welfare Reform advice services. This had been carried out by Jump Research, a specialist consultancy, and will be used to inform future consultations.
- 2.11 The Panel asked about the software used to analyse qualitative data. It was noted that qualitative data analysis software is available but is relatively expensive. Qualitative data collected, e.g. via discussion groups, is usually transcribed and then coded to identify key themes. Qualitative data is usually collected with relatively smaller numbers of people through interviews or focus groups, with surveys used mainly for quantitative data. The Council would generally use surveys to consult with larger numbers and from the results targeted drilling-down could then take place via focus groups. Ideally a mix of quantitative and qualitative methods would be used but this depends on the time available and the skill-sets of staff involved.

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<sup>2</sup> This is a sample in which units are randomly sampled from a population that has been divided into categories, for example, age, geography, socioeconomic background and so on.

- 2.12 The Panel asked about the Council's use of social media and whether this could be increased to improve and support public engagement. It was noted that the Council makes extensive use of Twitter to highlight service changes, consultation events and public meetings and to signpost people to the website, and that around 12,400 people are now following the Council's corporate account on Twitter. The majority of schools are on Twitter and there are Council-run Facebook accounts on specific themes, e.g. tourism. Members discussed the benefits of engaging through social media as the views of younger people were more likely to be captured. As well as social media, the Scottish Government and other local authorities are using new online platforms such as Mynewsdesk and Citizen Space to consult with stakeholders<sup>3</sup> and further research will be carried out into the costs and benefits of these.
- 2.13 The Panel asked about the involvement of young people, particularly following the implementation of Curriculum for Excellence which has citizenship as a key theme. Fiona Campbell discussed the participation of young people in communities and Pupil Councils and Members felt that high school pupils were more engaged than ever before.

### **3. EVIDENCE GATHERED- SERVICE PRESENTATIONS -15 January 2015**

- 3.1 Four presentations were delivered by services of specific interest to the Panel: Development Services, Housing Services, Education Services and Social Work Services.

*Housing services: Consultation on tenant participation – Corporate and Neighbourhood Services* (Alan Christie, Community Engagement Co-ordinator, and David Love, Senior Neighbourhood Co-ordinator)

- 3.2 The consultation on tenant participation was carried out in 2014 by Research Resource. 1034 tenants took part in a telephone survey to find out if they were satisfied with their opportunities to participate. As a result Housing has gained an insight into tenants' preferred means of participation.
- 3.3 Members asked which other Councils scored above the national average for tenant satisfaction and if they were doing anything different which could be learned from. It was noted that Aberdeenshire, North Lanarkshire and West Lothian Councils were above the national average, however methods depended on local community needs. Falkirk Council officers regularly meet with officers from Stirling and Clackmannanshire Councils as well as Paragon Housing Association and Link Housing (the largest Housing Associations in the Council area) to compare best practice.
- 3.4 The Panel asked if phone surveys were too labour intensive to carry out in-house despite their higher response rate. It was noted that phone surveys were occasionally used in-house, particularly where postal surveys achieved low response rates and follow-up work is carried out by telephone. There is, however, a need to balance resource use with results, which is why external providers had been used for the tenant participation survey.
- 3.5 Members asked for information on the cost of using an external supplier to carry out the telephone survey. It was noted that this was approximately £9,000 but that this included

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<sup>3</sup> For further information, please see: <http://blogs.scotland.gov.uk/digitalengagement/2015/04/02/citizen-space-the-scottish-governments-new-consultation-platform/>.

pre-survey meetings, formatting questions, carrying out the survey, analysing results, writing up a final report and delivering presentations. It was highlighted that an additional benefit of using an external supplier was that the data collection process was transparent and unbiased.

- 3.6 Members asked about the sampling of the survey. The sample was random and due to its size was fairly representative. Research Resource, the external contractor, had worked to ensure that responses were captured from across the geographical area and different housing types.
- 3.7 The Panel asked about the engagement of the private housing sector and were advised that the rent levels and service charges survey was carried out annually, but the response was not as large as the tenant participation survey.
- 3.8 Members asked what was done in the event of unpopular outcomes following consultations and were advised that the spirit of the Scottish Social Housing Charter was to ensure understanding, such as where rent increases were necessary to facilitate improvements. Housing Services worked to effectively communicate with communities, even where the work that was to be implemented was unpopular. It was noted that MORI IPOS research has found that the level of understanding of a service directly related to satisfaction ratings. Therefore, providing clarity about what work was being done was key. One of the principles of “Have Your Say” is that people should not be consulted about things which could not reasonably be done and the experience has been that people are much more understanding of delays, such as to housing repairs, when the issue causing the delay was explained to them.

***Community Engagement around changes to the household collection service – Development Services*** (Ross Fenwick, Waste Strategy Officer)

- 3.9 This information/consultation exercise was carried out between December 2013 and May 2014. The aim was to inform and better understand communities’ views of current and future refuse collection services. A combination of focus groups, letters, events and leaflets were used. The process identified effective ways of providing key messages to communities, whilst there were increases in food and general waste.
- 3.10 The Panel asked when door-to-door awareness raising work had been carried out. and were advised that the work was tailored so that the frequency was increased around the time that the change was to be implemented. This was done at weekends and weekdays between 5pm and 6pm, when working households were more likely to be inhabited.
- 3.11 Members asked if there were changes to the levels of waste during the Christmas period and increased use of the recycling centres. There was an increase, particularly as people had clear outs of old belongings, which had been replaced by new gifts. The service had run an article in *Falkirk Council News* emphasising that almost all Christmas material was recyclable.
- 3.12 The Panel asked about the level of interest in the service and issues around collection of nappies. Officers had visited people to increase awareness and in some extreme cases carried out more in-depth reviews.

- 3.13 Members asked about issues with rear-door collections. The service aims to have no missed collections. Each week a list of missed collections is compiled and officers worked with the contractor to eliminate issues.
- 3.14 The Panel asked if consultation had been carried out with other organisations and highlighted that Social Work staff could have helped to educate their service users about the changes. It was confirmed that the service had consulted with Housing Services on the changes.

***Schools Admission Policy – Education Services*** (Richard Teed, Senior Forward Planning Officer)

- 3.15 This was a statutory consultation on a proposed change to the admissions policy of St Mungo's High School. Statutory consultees were invited by email or letter to respond in writing or by pro forma. Three public meetings were held in Denny, Bo'ness and Falkirk. These were attended by 25 parents, with 114 written responses. The consultation commenced in April 2014 with a report produced in October that year. The majority of respondents were in favour of the proposal.
- 3.16 The Panel discussed the statutory requirements for consultation upon Education Services. The Panel asked if mass mailing information was the best consultation method. They were advised that discussions had been held with Legal Services to identify the minimum statutory requirement. In the case of the previous change to admissions for St Mungo's High School all primary six and sevens and all high schools were deemed to be affected and therefore needed to be consulted with. This is the best way to ensure that the statutory duty was complied with.
- 3.17 Members asked how much notice was given for public meetings, stating that their constituents had raised concerns that not enough notice was provided for shared Head Teacher meetings. It was confirmed that at least three weeks notice was provided. Notice was given in the local press, with consultation documents sent out in the first week. In regard to shared head teacher meetings, the public meetings were not required by statute so there was no set timetable to be followed.
- 3.18 Members asked about the input from school pupils as consultees in the Schools (Consultation) (Scotland) Act 2010. It was confirmed that the opinions of pupils were valued as they often came from unique perspectives and created ownership where changes affected the pupils directly. Education Services does not judge responses based on who submitted them and all responses are included, however, there are lessons to be learned regarding how to best engage high school pupils and alternative methods are being considered.
- 3.19 Members asked how to ensure that the opinions of all in attendance were aired at public meetings. The best way is to ensure that meetings are chaired effectively to make sure that all who wanted to speak were heard and not just the most vocal few. Further, people who do not want to speak at a public meeting could submit questions with at least two days notice prior to public meetings. The minutes of public meetings are not edited and fairly reflect the opinions of all.

***Engagement of looked after children in the referendum on Scottish independence – Social Work Services*** (Leni Rademacher, Training Manager)

- 3.20 This community engagement work aimed to fulfil the Council's responsibility to ensure that all eligible looked after young people and care leavers were assisted in the process of registering to vote and to provide access to relevant information. This was done in partnership between SWS and CLD. Leaflets and letters were sent to all 160 young people, with 19 subsequently attending two events (including presentations by members of the Scottish Youth Parliament, mock debates and a mock vote). 10 of those young people registered to vote.
- 3.21 The Panel asked if Social Work Services had expected a higher turn out for the events. More attendees had been hoped for, but this was outwith the Service's control. For example, one residential unit were on holiday during the period of the events so none of those young people were able to attend. However, it was noted that those who did attend took a lot from the events.
- 3.22 Members asked if an evaluation of the events had been carried out. Leni Rademacher advised that comments from the young people had been recorded on video or left on post-it notes as evaluation forms were not appropriate to the group.
- 3.23 The Panel discussed engagement with hard-to-reach groups and requested that Social Work Services provide further information on other consultations carried out.

**4. EVIDENCE GATHERED: LOCAL COMMUNITY PLANNING -17 February 2015**

- 4.1 This session was split into two parts; with a presentation on Local Community Planning, followed by roundtable workshops with invited members of the public.

***Local Community Planning and the CLD Approach – Community Learning and Development*** (Mark Meechan, Community Learning and Development Manager; Kate Kane and Frank McChord, Local Community Planning Officers)

- 4.2 The presentation focused on the aims, means and outcomes of Local Community Planning. Community Action Plans were developed in seven areas through a mix of tools, including events, focus groups, surveys and Participatory Budgeting. Outcomes include, for example, the capacity building of 60 community groups, 10,000 young people either informed or consulted and over £800,000 attracted into the Council area for local communities.
- 4.3 Members asked how large Community Planning Partnership areas were and it was stated that communities could be viewed as large areas, such as Falkirk wide, or broken down to smaller neighbourhoods and thematic groups within. CLD involved communities within Local Community Planning and services were required to be flexible, due to different sets of expectations and aspirations.
- 4.4 The Panel asked if CLD had taken learning from the Audit Scotland report on the Falkirk Community Planning Partnership. It was confirmed that the service had taken on board learning from the report and were aware of the challenges faced going forward



- 4.5 Over the past year CLD had assisted the delivery of 36,000 learning opportunities and the participation of 10,000 young people in events. Members asked for more information on the events young people were participating in. Youth fairs had been run in the local high schools and youth MSPs, for example, had been invited. There had also been open space events, the work with Social Work Services to engage with looked after children in the referendum, and many night-time community events.
- 4.6 The Panel asked if it was better to engage young people within their local communities rather than inviting them to an event outside their locality and were advised that going to local communities is more productive and that involving the youth MSPs, for example, had been successful.
- 4.7 Key partners which CLD engages with include Falkirk Community Trust, the Environment Trust, Sustran, Police Scotland's Community Safety Team and Council Services, depending on the issue.
- 4.8 The Panel asked how CLD engaged with migrant workers and were advised that there could be challenges in engaging with migrant communities with strong existing cultures. CLD engaged with Forth Valley Migrant Support Network. A community worker is involved with supporting people from black and minority ethnic backgrounds.
- 4.9 Members asked about the representation of the gypsy/traveller community at the holocaust memorial event. This had been triggered through dialogue with gypsy/travellers families and a subsequent Small Grants Scheme application.
- 4.10 The Panel asked about the University of the Third Age. There are over 100 local Members who came from a various socio-economic backgrounds.

## **5. PUBLIC FOCUS GROUP SESSION – 17 FEBRUARY 2015**

- 5.1 The 18 attendees formed three discussion groups and the Elected Members, assisted by an officer, rotated around the groups to facilitate discussion on three topics.

### ***Principles of Community Involvement***

- 5.2 Many participants had not seen the principles prior to the session. However, they generally agreed with the content of the principles. Some people stated that community groups would be interested in some principles more than others based on the group's purpose, personal interests and mix of skills. For example, 'treat all participants with respect' and 'we will not consult when decisions have already been made' were cited and these arguably are of particular concern to equalities-themed community groups or representatives bodies, respectively.
- 5.3 The first principle – 'We will be clear whether we are informing, consulting or engaging with people. We will not consult when decisions have already been taken' – was queried by participants across discussion groups as they felt that sometimes consultations took place when decisions had already been made within the Council. Some therefore questioned whether or not consultations were worthwhile. The recent budget consultation was used as an example of this in all discussion groups.

- 5.4 It was suggested that the revised community involvement policy could have a more concise, easy-read, perhaps more visual, version that specifically covered the principles with a link to the more substantive strategy document. It was also requested that the strategic document have an executive summary.
- 5.5 It was emphasised that local people should be consulted if local impacts would result from Council decisions. Similarly, service-users should be consulted or engaged on service-specific issues or proposals. The emphasis here is clearly on engaging the right people at the right time, thus linking specifically with our second and third principles.
- 5.6 The Council was perceived to be inconsistent at delivering feedback and specific instances were cited from housing consultations or local community planning, for example. It was argued that feedback should be delivered back within a prescribed timeframe and, where possible, delivered in person to participants.
- 5.7 The need for effective evaluation was highlighted in discussions. Participants felt that 'We Asked, You Said, We Did' was not necessarily evidenced and they asked how we measured 'success' in particular. It was suggested that any evaluation we do should focus on key learning points as well as outcomes. That is, collecting and analysing qualitative as well as quantitative data.
- 5.8 People emphasised that the end-product of community engagement should be an increased quality of life for our communities. This was articulated variably as local areas being good and safe places to live, people helping one another, family values being promoted or churches thriving.
- 5.9 It was asked how Local Community Planning fitted with the Council's decision making process. It was emphasised that the 'community vision' should be reflected in the Council's (and Trust's) plans.

### ***Methods of Community Involvement***

- 5.10 It was noted by a number of participants that the Council is generally better at involving communities than Falkirk Community Trust.
- 5.11 Most popular information sources on Council activities included *Falkirk Council News* in particular and also local media, social media, the website, One Stop Shops and word of mouth. Tenant Talk, the Council magazine for tenants, was also mentioned.
- 5.12 Several participants emphasised that meaningful participation requires adequate information to be given in advance of engagement or consultation. Also, specific information on other community groups seems to be required, so that they could work in partnership at a local level. Participants suggested that readily accessible information on local community groups would connect people to their local communities.
- 5.13 Several participants did not read the Falkirk Herald and thus suggested placing information in other local press, such as the Bo'ness Journal and Gazette. Falkirk Council News was again identified as a good source of information.
- 5.14 Participants in two discussion groups mentioned increased use of noticeboards and plasma screens in Council offices as a means of disseminating information. Whilst

noticeboards are located in many (Council, Trust and NHS) premises, they are often overcrowded with information. Some participants stated they had been actively engaged in refreshing the information displayed within Council offices, suggesting a degree of co-design by some of our services with the public. It was however noted that leaflets were not the best means of communication due to information going out of date.

- 5.15 It was noted that community groups had disseminated Council information to members who did not have access to or could not use a computer. That said, many participants said they used social media to get information from the Council. It was suggested in two discussion groups that either Registered Tenants Organisations or Community Councils could act effectively as a focal point for informing local communities.
- 5.16 Several participants had been involved in various consultations or community engagement processes. Examples included the biomass plant proposal, Zetland Park usage, changes to Kinneil Kerse landfill site, local Community Action Plans and the John Muir Way.
- 5.17 Encouraging civic pride or place attachment was put forward in two discussion groups as a way of getting and keeping people involved. It was suggested that passion about key issues or 'problems' that required a solution were also motivations for participation.

### ***Barriers to Community Involvement***

- 5.18 A reasonable length of time for responses to be submitted is necessary for consultation or community engagement to be meaningful. For example, the budget consultation was mentioned as taking place over too brief a period of time, particularly given the time of year.
- 5.19 It was emphasised in all discussion groups that many members of the public find it difficult to attend events during the day due to work commitments. (Two people who wished to attend had given their apologies to the Scrutiny Panel for this very reason.)
- 5.20 It was suggested that some sections of the public in Falkirk have a relative lack of voice. Young people were cited as being not as well engaged as other, older age groups. Following on from that it was argued that young people do take part in community-life, just not necessarily with adults or older people.
- 5.21 Reaching out beyond the same people to a wider section of the public was seen to be difficult. Conflicting opinions within communities, apathy or a lack of encouragement were also suggested as barriers.
- 5.22 Social isolation was discussed, particularly in relation to ensuring that frail older people and people with disabilities were actively engaged within communities. It was put forward that older people have skills that can be utilised in community-led projects but there was nothing for them. This is something has been specifically targeted in recent times, with the formation of the Make It Happen Forum, University of the Third Age and a number of CLD-led local 50+ projects.
- 5.23 A lack of consistency in our approach to consultation, particularly with regards to the planning process, was put forward as a barrier. It was recognised though that we should

use different methods depending on the nature of the consultation. This relates to our third community involvement principle.

- 5.24 One participant, who was unemployed, stated that the possibility of sanctions precluded certain types of community involvement, including some volunteering opportunities. This was agreed by other members of the discussion. Transport costs were also suggested as a barrier for people on low incomes, either in work or not. In one discussion group, this was put forward as a rationale for decentralised Council premises such as One Stop Shops or community centres. For many people, these premises could be visited on foot. Knowledge of the location of Council offices was varied amongst attendees, with One Stop Shops apparently the most visible premises.

## **6. EVIDENCE GATHERED: HARD TO REACH CLIENTS AND AN EXTERNAL PERSPECTIVE - 26 February 2015**

*Consulting and Engaging Social Work Clients - Social Work Services* (Jenny Kane, Team Manager)

- 6.1 Background information on various consultation or engagement work led by or involving Social Work including, for example, Tremanna participation day, focus groups with young people who attend Children's Panels, a peer mentoring programme for women offenders, 1940s tearoom in Oakbank, engaging MECS users and Self Directed Support (SDS) information events.
- 6.2 Participation is a particular challenge for Social Work as they deal with hard-to-reach groups. Although the numbers engaged by Social Work are relatively low, often groups are involved who do not normally get consulted or engaged with by the Council.
- 6.3 Staff at Tremanna had involved residents in planning the future direction of the service. This included involving young people in discussions about what they wanted from the service, what made a good member of staff and what would make Tremanna a good place to live. Actions were agreed and a person assigned to take each forward. The young people were responsible for some of the actions and were supported to carry them out. A residents group had been established and the young people communicated with each other to raise issues which would be taken to the staff team to address.
- 6.4 Young people aged six and over, had been given the opportunity to provide feedback and suggest improvements based on their experience of the Children's Hearing System. There were working together meetings scheduled for June 2015 where Panel Members, staff and foster carers would review the process.
- 6.5 Members asked how the experience of young people was included in preparatory training for Children's Panel. Social Work Services invited members of Children's Panels to residential homes, to see the Leaving Care Team and to shadow various Social Work Teams.
- 6.6 Participation work with children and young people with disabilities include Autism focus groups which helped to evidence need when submitting funding bids for support for children with autism. They also looked at how to best support the transition from school

and what the young people wanted to achieve. The focus groups involved the team manager, children's rights worker, children with autism and families.

- 6.7 Offenders were involved in decision making about the service they received and that this showed a marked shift in societal attitudes. Peer mentoring had proven successful, not least because offenders were more comfortable engaging with their peers than professionals. There were six fully trained peer mentors who had received skills-based training. This training had raised their confidence levels and employment aspirations.
- 6.8 It was highlighted that when working with hard-to-reach groups, progress was often slow due to initial resistance to engaging with formal authorities. Members asked what methods had been most successful in getting hard-to-reach groups to engage. Peer mentoring was a particularly good method as people were able to deal with individuals who had similar experiences to them and did not have to deal with formal professionals, which could be a barrier to engagement for people from hard to reach groups.
- 6.9 Viewpoint is an electronic tool which was used by looked-after-children to give their views to meetings. The system included games and allowed the user to stop and start as desired. There were two versions of the tool; one targeted at children and one for teenagers. The tool had been developed as the service recognised that looked-after-children and young people did not like formal forms. Also highlighted was the use of ipads for children without verbal communication and the use of a graffiti wall used by young people to express their views.
- 6.10 Members asked if the service could do better with engagement of hard-to-reach groups. Improvements had been made through focussing on evidencing engagement following the implementation of the participation and engagement strategy. The traditional view was that Social Work Services were 'done to' people but now the focus was on providing services 'with' people. The service was positive about participation and was improving the engagement of hard-to-reach groups.

***Perth and Kinross Council's Community Engagement Approach*** (David Stokoe, Service Manager; Communities; Cultural and Community Services)

- 6.11 The presentation emphasised values of enabling a genuine voice for people, giving a reason for people to get involved and helping create a sense of responsibility for communities. Communities have a role in informing the priorities of the Community Plan, whilst engagement is joint resourced by the CPP. Participatory Budgeting, participatory research is being piloted in Perth and Kinross. Qualitative data is used to compliment statistics to develop 'stories of place' – what it is really like to live in an area.
- 6.12 Members asked who at Perth and Kinross Council was responsible for the delivery of the place-based scrutiny pilot mentioned in the presentation. David Stokoe stated that the community planning partnership (CPP) was responsible and that the remit sat within the Council's Education and Children's Service. The work had focussed on not being tokenistic in engagement, looking beyond the deficit model of CLD and instead taking an asset-based approach<sup>4</sup>.

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<sup>4</sup> Asset-based approaches refer to a form of community development that focuses on (i) place, (ii) the building up or creation of assets and (iii) the improvement of quality of life. This way of working focuses on the potential of an area and thus differs from a traditional deficit-based approach, which focuses on a particular negative issue like poverty.

- 6.13 Following discussion on Participatory Budgeting<sup>5</sup>, the Panel asked where there was good practice outside of the UK in alternative engagement methods. David Stokoe stated that Brazil was a leader in Participatory Budgeting and that good work was also present in Germany. There were strong examples of good citizens' Panel type work across Scandinavia as well as work on up-skilling communities. However, he stated that other questions needed addressed if utilising those methods of engagement such as what was the role of Elected Members and how to mobilise less engaged and active communities. It was noted that the Scottish Government was part-funding Participatory Training courses for local authorities.
- 6.14 The Panel asked about key learning points from community engagement in Perth and Kinross. It was suggested that where engagement had been successful there had not been overlong formal processes which could dissuade local communities from participating. It is important to build on existing assets, work with people in local communities and build on relationships. There should be a clear focus on place and recognition that people do not live thematically, issues almost always cut across thematic or service definitions.
- 6.15 The importance of addressing staff cultures was emphasised and this can be tackled through training for staff, using existing internal expertise.
- 6.16 Following discussion on Local Community Plans, it was stated that it was important not to start with a blank slate as not all expectations and community desires could be achieved and it was important to make that clear from the outset. It is also important to be clear about the parameters of what could be achieved.

***Community Engagement and Community Planning in West Lothian*** (Lorraine Gillies, Community Planning Manager)

- 6.17 This described how the West Lothian Single Outcome Agreement (SOA) was developed (and is delivered in part) through an extensive community engagement programme. A community engagement toolkit and Community Practitioners Engagement Network were developed to enable CPP partners to engage more effectively with communities. The Community Empowerment (Scotland) Bill and Health and Social Care Integration were described as key opportunities for further promoting effective community engagement.
- 6.18 The Panel asked how the Community Engagement Practitioners Network (CEPN) in West Lothian developed the Community Engagement Strategy. Lorraine Gillies advised that the CEPN included representatives from Community Councils, the Third Sector Interface, Police Scotland, NHS and management committees of community centres. The CEPN also included representatives for older and younger people and had reinvigorated the CPP's commitment to community engagement and its willingness to achieve change. The CEPN contains 25 practitioners, with an average attendance of 18 people. The mailing list of practitioners was larger than the membership of the group so information was provided to a wider audience.
- 6.19 The Panel discussed the importance of effective communication. West Lothian Council had joined up its approach to community engagement and operated a calendar of consultations so that where possible surveys, for example, were timed to make best use of

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<sup>5</sup> There are numerous approaches to Participatory Budgeting. The common theme is that communities have a direct say in how public expenditure is allocated. For example, through identifying key local themes and then subsequently voting on applications made within those themes.

people's time. West Lothian Council have commissioned Research Resource to run their Citizens Panel, at an annual cost of £22,000. Their Citizens Panel has 3,000 members, however there was still the challenge to ensure that the resource was utilised well.

- 6.20 Members asked about overcoming the challenge of a lack of coordination around community engagement. Increasing coordination had been the key task of the CEPN and was part of the reason for them having regular meetings. The calendar of consultations had been drawn together in order to achieve better coordination. Community engagement means different things to different people so it is important to communicate why consultation was being carried out and what the potential outcomes were.
- 6.21 The Panel asked about the use of evidence to drive the use of resources and how to engage about big issues. Work using Planning for Real as an engagement tool and the place-making approach was highlighted. Place-making was used to create a master plan for an area, identifying key resources and developing the story of place. It was noted that Planning for Real had previously been carried out in Bainsford and Langlees.
- 6.22 Members discussed Participatory Budgeting. CPP partners were being trained in Participatory Budgeting approaches. The training was provided by Participatory Budgeting Limited (PBL) and joint-funded by Scottish Government.

## **7. EVIDENCE GATHERED: MEMBER SEMINAR - 16 March 2015**

- 7.1 All Councillors were invited to a presentation and discussion group held on 16<sup>th</sup> March. The purpose of this was to allow Members to put forward their views on current practice and suggest areas for improvement, including how Members could be more involved. Following the session, Councillor Black, as Chair of the Scrutiny Panel, also wrote to all Members asking them to submit any views they might have for consideration by the panel. The response from Members was limited, however the views of all Members who contributed have been taken into account in this report.
- 7.2 Members asked for further information on Participatory Budgeting. Participatory Budgeting involved local people allocating pockets of money within their communities using at least voting mechanism. Typically, people identified key themes and then these were voted on to determine how funding would be allocated. Where Participatory Budgeting had been implemented in the UK it had tended to be with relatively small amounts of money.
- 7.3 Participatory Budgeting had been used in Bo'ness, Whitecross and was being used in Carronshore as part of the Local Community Planning process. This has come about with funding made available by the Coalfield Regeneration Trust, however there are other ways to implement participatory budgeting, such as having communities decide how to allocate resources to services e.g. by devolving the Small Grants Scheme to communities.
- 7.4 Members discussed that following the disbandment of Area Forums more emphasis should be placed on community councils and that to increase their representativeness more young people should be encouraged to join. It was noted that a review of Community Councils has been undertaken and it had been found that generally young people were not interested in joining Community Councils as they did not discuss issues which were of interest and importance to young people. It was suggested that it would be

more effective to actively go to young people to engage with and consult them rather than rely on them coming to the Council with their views.

- 7.5 Members discussed the role of social media as a tool for consultation and engagement and a place where people constantly shared their views. The discussion also highlighted that social media could be a negative forum leading to confrontational discussions and personal attacks. Members discussed that the use of social media could be restricted so that comments could not be posted. This would limit the risks while maximising the publicity gained. Posts on social media could direct people to the Council e-mail or website to submit their views. Members discussed that social media could be a good signposting tool.
- 7.6 Social media can be used for advertising as well as forum for debate. Work had recently been carried out by Communications on behalf of the Employment Training Unit (ETU). Targeted Facebook advertising had been used alongside adverts in the Falkirk Herald to attract applicants for training schemes. Through the use of trackers the service had found that the majority of applicants were Facebook referrals. It was felt that by using Facebook people who might not have ordinarily been reached were involved at a minimal cost.
- 7.7 It was discussed by the Panel that young people were currently engaged through modern studies and community groups and welcomed work which would increase the level of participation from young people. It was highlighted that as young people engaged on topics that were of interest to them, citing the examples Jenny Kane and Leni Rademacher had provided previously in the review.
- 7.8 Members were concerned that budget constraints would increase the workload of staff and it would thus be difficult for them to find time to carry out effective consultation. It was stressed that inadequate engagement often leads to more resource demanding responses being needed in the future and it is important to give staff appropriate skills and training to deal with engagement. Members also suggested that resources could be co-ordinated better, particularly in relation the timing of consultations.
- 7.9 The role of elected Members in consultation and engagement was discussed and Members noted that it was important that Council Officers remembered that Councillors have a community role. Consideration should be given to what information to give elected Members and the best way to provide it.
- 7.10 Members highlighted the importance of being honest and realistic in discussions with communities as to what can be achieved, so that expectations were not set unduly high, as well as being clear on the purpose of the consultation or engagement exercise.
- 7.11 Members stressed that communication and language were very important in getting the message across clearly and consistently. A range of methods were needed in order to carry out successful engagement and consultation and there should be a local focus to engagement exercises so that people knew what the impact was for them and to make it easier to get buy-in from communities. As well as this, with particular reference to younger people, services needed to be asking about things which people were interested in.
- 7.12 Members discussed the role of focus groups and highlighted that they provided in-depth feedback for analysis. One of the benefits of the Citizens Panel was that it provided a



pool of people who could be used to populate focus groups and go beyond the ‘usual suspects’. For example, around 150 Citizens Panel members had volunteered to take part in focus groups with Bereavement Services on the topic of cemeteries and crematoriums.

- 7.13 It was emphasised by Members that consultation should not just be a tick-box exercise and it was recognised that the principles within “Have Your Say” were created in order to avoid that happening. Members stated that the principles should be kept to the forefront of staff’s approach and that they needed to be implemented continuously.

## **8. CONCLUSIONS**

### ***Have Your Say: A Plan for Local Involvement***

- 8.1 The Panel is very clear that community involvement should not be tokenistic and should be carried out in a meaningful, respectful and participatory way, over an appropriate period of time. Investing time and resources in meaningful and appropriate community involvement is essential for transformational change within the Council, particularly within a period of diminishing resources, and the efficient and equitable provision of services over the long term.
- 8.2 The Panel is comfortable with the principles of community involvement outlined in ‘Have Your Say’, as are Elected Members and community representatives who gave their views during the review. However, the sessions identified a general lack of awareness of those principles and a lack of consistency in how they are applied across the Council.
- 8.3 The Panel heard about a range of consultative and engagement work carried out by Services and other bodies as evidence during the review. Members noted good practice particularly when multiple methods of community involvement had been used. The Panel also recognised that not all Council staff currently had the skill sets or training required to partake in different forms of community involvement.
- 8.4 The Panel heard evidence about in how the Council informs and consults communities through the Council website and social media, including the improvements brought about by the redesign of the Council website. They identified that there is further scope for using social media such as Facebook and Twitter to engage with communities, but recognise that using these tools effectively is resource intensive in terms of officer time.
- 8.5 During Panel meetings the importance of engaging with hard-to-reach groups was regularly highlighted. Some practitioners, notably within Social Work, do this as a matter of course due to their service function. There is scope to go further beyond Council service users and engage with hard-to-reach groups who access partner organisations. This approach has been used locally on, for example, the recent budget consultation or Jump Research on Welfare Reform advice services.
- 8.6 The Panel heard of partnership working between services during several presentations. However, Members also note a degree of duplication in some previous consultations and recognise this duplication can be an inefficient use of resources and can create consultation fatigue on the part of the public.

- 8.7 The recommendations in this report seek to address the findings of the Scrutiny Panel, setting out practical actions that can be taken to improve current practice within the Council.

## **9. RECOMMENDATIONS**

It is recommended that Council:

- 9.1 Review the role, remit and membership of the Corporate Participation Group. This group has a central role in ensuring that there is a consistent approach to participation and engagement across the Council and promoting a best practice approach within Services.
- 9.2 Develop a robust process for local community planning which sets out a defined process for the production of plans. This would include consideration of using ‘place shaping’ tools such as “Planning for Real” in a consistent manner.
- 9.3 Develop a defined reporting framework for local community plans to ensure that reports on them are submitted to the Scrutiny Committee and then the Executive, prior to submission to the Community Planning Leadership Board.
- 9.4 Promote Have Your Say, the Plan for Local Involvement, and the principles set out within it more effectively, internally to Members and officers, and externally to communities and partner organisations. This would include producing a concise summary of the plan.
- 9.5 Ensure appropriate training is put in place for officers to enable them to implement the principles set out in the plan, for example Plain English training, training in survey design etc.
- 9.6 Record all consultation activity in a corporate database of consultation activities, drawing on Service Plans, Community Planning, to avoid duplication of consultation/engagement. The effectiveness and accessibility of the current database will also be reviewed.
- 9.7 Provide information to the public/specific stakeholders prior to and after they have informed, consulted or engaged with communities, including feedback. There should also be a clear process for advising Members about consultations that are taking place and feeding the results back to them.
- 9.8 Provide more information on consultations, community engagement and Local Community Planning in the consultation section of the Council’s website.
- 9.9 Explore different digital means of engaging with local and thematic communities. This could include the potential for using a bespoke online consultation platform such as Citizen Space. It would also include a review of how the Council’s use of social media platforms could be expanded to support its engagement activities.
- 9.10 Provide guidance and training to Members and officers on the use of social media to ensure this is being used more actively but appropriately.

- 9.11 Ensure that appropriate methods are used to effectively consult and/or engage with hard-to-reach groups and consideration will be given to specific training on consulting and/or engaging hard-to-reach groups.
- 9.12 Consider the impact of the Community Empowerment Bill and the Councils response to this in August 2015.
- 9.13 Consider different ways of consulting on the budget employed by other Councils by August 2015 to inform the process going forward; and
- 9.14 In order to ensure that the above is achieved that Officers prepare an update on the issues noted above by the end of the year.

.....  
**CHAIR OF SCRUTINY PANEL: Cllr. Allyson Black**

### **LIST OF BACKGROUND PAPERS**

- Scrutiny Panel Background Paper
- Have Your Say: A Plan For Local Involvement
- Briefing Note 1: Working Together in Bo'ness
- Briefing Note 2: Working Together in Bo'ness
- Briefing Note 3: Working Together in Bo'ness
- Presentation by Caroline Binnie, Communications and Participation Manager, and Jonny Pickering, Stakeholder Engagement Officer
- Presentation by Alan Christie, Community Engagement Co-ordinator, and David Love, Senior Neighbourhood Co-ordinator
- Presentation by Ross Fenwick, Waste Strategy Officer
- Presentation by Richard Teed, Senior Forward Planning Officer
- Presentation by Leni Rademacher, Training Manager, Social Work
- Briefing Note provided by Housing Services
- Briefing Note provided by Development Services
- Briefing Note provided by Education Services
- Briefing Note provided by Social Work Services.
- Presentation by Mark Meehan, Kate Kane and Frank McChord
- Report on Public Session 17/02/15
- Briefing Note provided by Social Work Services
- Briefing Note provided by Self Directed Support Team
- Presentation by David Stokoe, Perth and Kinross Council
- Presentation by Lorraine Gillies, West Lothian Council
- Presentation by Communications and Participation Manager, and Jonny Pickering, Stakeholder Engagement Officer
- Report by Jump Research



**FALKIRK COUNCIL**

**Subject: LOCAL GOVERNMENT PENSION SCHEME –  
EMPLOYER DISCRETIONS**  
**Meeting: SPECIAL EXECUTIVE**  
**Date: 9 JUNE 2015**  
**Authors: CHIEF FINANCE OFFICER AND  
DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek Committee approval for the adoption of certain discretionary policy statements which employers are required to put in place under the terms of the recently amended Local Government Pension Scheme (LGPS).
- 1.2 The discretionary policy must be decided and published by no later than 30<sup>th</sup> June 2015.

**2. BACKGROUND**

- 2.1 Falkirk Council administers the pension scheme arrangements covering employees of Falkirk Council, and the employees of Stirling and Clackmannanshire Councils, Falkirk Community Trust, the Scottish Environment Protection Agency, the Scottish Children's Reporter Administration and around 30 other smaller non-profit making organisations. There are currently around 14,000 active members and 8,500 pensioner members.
- 2.2 A new version of the LGPS has been introduced with effect from 1<sup>st</sup> April 2015 and applies to all existing active members on 1<sup>st</sup> April 2015 and to all new members joining thereafter.
- 2.3 The main changes to the scheme are:
- Pension built up from 1 April 2015 will be based on a career average, rather than the final salary;
  - Normal Pension Age will be State Pension Age (with a minimum of age 65);
  - Pension builds up at 1/49<sup>th</sup> of pensionable pay, previously 1/60<sup>th</sup>;
  - A 50/50 option is available which allows members to pay half and receive half benefits.
- 2.4 Regulation 58 of the LGPS (Scotland) Regulations 2014 and paragraph 2(2) of Schedule 2 to the LGPS (Transitional Provisions and Savings)(Scotland) Regulations 2014 requires that all scheme employers prepare and publish a written statement indicating how they intend to exercise their discretionary powers in each of the following areas:
- From the LGPS (Scotland) Regulations 2014:**
- i. Award of additional annual pension (regulation 30)
  - ii. Funding of additional pension (regulations 16(2)(e) and 16(4)(d))
  - iii. Flexible retirement (regulation 29(6))
  - iv. Waiving of actuarial reduction (regulation 29(8))

**From Paragraph 2(2) of Schedule 2 to the LGPS (Transitional Provisions and Savings)(Scotland) Regulations 2014:**

v. Rule of 85 Protection (para 1(1)(c))

2.5 In addition to the five areas where it is compulsory for employers to publicise their policy, there are other areas of the LGPS (Scotland) Regulations 2014 where, for operational purposes, it is necessary for employers to have a policy. These are as follows:

- Early payment of pension (Regulation 29(5) & (13))
- Members' Contribution Rates (Regulation 9(4))
- Internal Disputes Resolution Procedure (Regulation 71(5)(c))
- Acceptance of Late Transfer Payments (Regulation 98(6))

2.6 The scheme rules require that employers when formulating or reviewing the policy, must have regard to public perception and the extent to which a policy could lead to a serious loss of confidence in the public service. In addition, the government has advised that employers should not 'fetter their discretion'; i.e. policies should not be so rigid or restrictive as to prevent flexibility where a (possibly unanticipated) situation requires it.

2.7 Members may be aware that the Council was required to publish a similar discretions policy for the old scheme regulations. This was last agreed by Members in 2009. A summary of the previous and the newly proposed discretionary policies is attached at Appendix 1 for Members' consideration.

2.8 Trade Unions have been provided with a copy of the proposed discretions policy. Comments received have been considered and a response will be issued.

### **3. FINANCIAL IMPLICATIONS**

3.1 The policy statements seek to ensure that the financial implications of exercising discretions are fully considered before any commitment is made.

### **4. RECOMMENDATION**

4.1 It is recommended that the Executive Committee approve the Discretionary Policies for immediate implementation.

.....  
**CHIEF FINANCE OFFICER**

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

Author: J McAuley, ext 6049, T Gillespie, ext 6239  
Date: 24/04/15

## LIST OF BACKGROUND PAPERS

1. Local Government Pension Scheme (Scotland) Regulations 2014
2. Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014
3. Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008 (as amended)

Any person wishing to inspect the above background papers should contact Alastair McGirr on 01324 506304

## **LOCAL GOVERNMENT PENSION SCHEME 2015 SUMMARY OF EMPLOYER DISCRETIONS**

### **COMPULSORY ITEMS:**

#### **Awarding Additional Pension : Regulation 30 LGPS (Scotland ) Regulations 2014**

##### **Summary of Discretion:**

Consider whether at full cost to the employer, to grant extra annual pension of up to £5,000 to an active scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.

##### **Proposed Discretion:**

Additional pension may be awarded up to a maximum of £5000 (figure at 1 April 2015) to an active scheme member or within 6 months of leaving to a member whose employment was terminated on grounds of redundancy or business efficiency, however this limit must also include any additional pension contributions funded.

The Chief Finance Officer, Head of Human Resources & Customer First and employing Service will consider all relevant factors and only where it can be demonstrated to be in the interests of the Council will additional annual pension be granted. Additional pension will not be granted if the scheme member has been granted Compensatory Added Years.

##### **Previous Policy:**

This replaces the following policy under regulation 13 of the old scheme:

The Director of Finance, Head of Human Resources and Employing Service will consider all relevant factors and only where it can be demonstrated to be in the interests of the Council will additional pension be granted.

Additional pension will not be granted if the scheme member has been granted Compensatory Added Years or Additional Scheme Membership.

#### **Funding of Additional Pension : Regulations 16(2e) 16(4d) LGPS (Scotland ) Regulations 2014**

##### **Summary of Discretion:**

Consider whether, where an active scheme member wishes to purchase extra annual pension of up to £6,500 by making Additional Pension Contributions (APCs), to voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC).

##### **Proposed Discretion:**

Where an active scheme member wishes to purchase extra annual pension of up to £6,500 (figure at 1 April 2015) by making APCs, Falkirk Council will not contribute towards the cost of purchasing that extra pension via SCAPCs.

##### **Previous Policy:**

There was no equivalent policy under the old scheme, however a policy was previously in place that shared cost Additional Voluntary Contributions would not be funded by the Council.



**Flexible Retirement :  
Regulation 29(6) LGPS (Scotland ) Regulations 2014**

**Summary of Discretion:**

Consider whether to permit flexible retirement for staff aged 55 or over who, with the agreement of the employer, reduce their working hours or grade.

**Proposed Discretion:**

The Chief Finance Officer, Head of Human Resources & Customer First and employing Service will consider all relevant factors including costs and changes to the employee's contract of employment, and only where it can be demonstrated to be in the best interests of the Council will benefits be released.

Any flexible retirement request will only be approved where there is no financial benefit to the employee from their continued employment with Falkirk Council in the new role/hours. Any application to reduce hours must be reasonable and not merely a token or cosmetic reduction to allow scheme benefits to be activated.

Where a flexible retirement request has been approved, the employee will be required to take all accrued benefits in relation to that employment. This does not apply to benefits for second/additional posts.

**Previous Policy:**

This replaces the policy under regulation 18 of the old scheme:

The Director of Finance, Head of Human Resources and Employing Service will consider all relevant factors including costs and changes to the employee's contract of employment, and only where it can be demonstrated to be in the interests of the Council will benefits be released.

**Waiving of Actuarial Reduction :  
Regulation 29(8) LGPS (Scotland ) Regulations 2014**

**Summary of Discretion:**

Members whose benefits are released prior to the Normal Pension Age (including those released on flexible retirement grounds) may incur an early payment penalty. In both scenarios, members may incur an early payment penalty as a result of retiring before Normal Pension Age. Consideration has therefore to be given to the circumstances in which the early payment penalty would be waived and the costs borne by the employer.

**Proposed Discretion:**

The Chief Finance Officer, Head of Human Resources & Customer First and employing Service will consider all relevant factors and only where it can be demonstrated to be in the interests of the Council or where exceptional compassionate circumstances exist will any early payment penalty be waived.

**Previous Discretion:**

There was no equivalent policy under the old scheme.

**Rule of 85 Protection:****Para 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014****Summary of Discretion:**

Scheme members who joined before 1/4/2015 and who are granted retirement between age 55 and 60 are protected in varying degrees against the early payment penalty that would normally apply to a retirement before Normal Pension Age. This is known as Rule of 85 protection. The existence of rule of 85 protection means that if retirement is authorised an employer is required to make a strain payment to the Pension Fund to compensate it for the cost of additional pension payments and the loss of future contributions and investment returns. In some cases, the strain cost may result in the retirement application being refused. Under the new scheme, the option now exists for employers to set aside the rule of 85 protection, in which case the member would receive a lesser benefit but the strain cost to the employer would either be reduced or eliminated. This new flexibility may increase the affordability of such retirements. Consideration has therefore to be given to the circumstances in which the rule of 85 protection would be set aside.

**Proposed Discretion:**

The Chief Finance Officer, Head of Human Resources & Customer First and employing Service will consider all relevant factors and only where it can be demonstrated to be in the interests of the Council will rule of 85 protection be set aside either in full or in part.

**Previous Discretion:**

There was no equivalent policy under the old scheme.

## **NON-COMPULSORY ITEMS:**

### **Early Payment of Pension: Regulation 29(5) & (13) LGPS (Scotland ) Regulations 2014**

#### **Summary of Discretion:**

Consider whether to agree to a request for early voluntary payment of benefits on or after age 55 and before age 60.

#### **Proposed Discretion:**

The Chief Finance Officer, in conjunction with the Head of Human Resources & Customer First and the employing Service, will consider all relevant factors and only where it can be demonstrated that compassionate grounds and exceptional circumstances exist will benefits be authorised for release on or after age 55 and before age 60.

In determining compassionate grounds, financial reasons alone will not be considered sufficient to justify the release of benefits.

#### **Previous Discretion:**

This replaces the policy under regulation 30 of the old scheme:

The Director of Finance, in conjunction with the Head of Human Resources and the Employing Service, will consider all relevant factors and only where it can be demonstrated that compassionate grounds exist will benefits be authorised for release. In determining compassionate grounds, financial reasons alone will not be considered sufficient to justify the release of benefits.

### **Members' Contribution Rates : Regulation 9(3) LGPS (Scotland ) Regulations 2014**

#### **Summary of Discretion:**

Consider whether member's contribution rates will be reassessed where there is a permanent material change to a member's employment.

#### **Proposed Discretion:**

Contribution rates will be reassessed where there is a permanent material change to a member's employment eg on promotion, demotion, re-grading or a part-time member's contractual hours change. The new rate will be communicated to the individual along with the date from which it is to be applied and they will be informed of the right of appeal under the Internal Dispute Resolution Procedure.

#### **Previous Discretion:**

There was no equivalent policy under the old scheme.

### **Internal Disputes Resolution Procedure : Regulation 71(5)(c) LGPS (Scotland ) Regulations 2014**

#### **Summary of Discretion:**

The Local Government Pension Scheme contains its own disputes resolution procedure. This involves appeals being heard by the Principal Pensions Officer of Strathclyde Pension Fund with whom the Falkirk Council Pension Fund has a reciprocal arrangement. Some appeals require to be considered by the employer in question (e.g. a dispute over the member's rate of pension contribution or the failure of the employer to grant ill health retirement). Consequently, consideration should be given as to who should be responsible for adjudicating on such "employer related" disagreements.

**Proposed Discretion:**

Where the appeal concerns “employer related disagreements” the specified person to hear an appeal is the Head of Human Resources & Customer First, or alternatively the Chief Finance Officer.

**Previous Discretion:**

This replaces the policy under Regulation 53 of the old scheme:

Where the appeal concerns the deduction of pension contributions, the specified person to hear an appeal is the Director of Finance, otherwise it is the Head of Human Resources.

**Acceptance of Late Transfer Payments :****Regulation 98(6) LGPS (Scotland ) Regulations 2014****Summary of Discretion:**

Consider whether to extend the normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.

**Proposed Discretion:**

Unless there have been administrative delays or omissions as determined by the Chief Finance Officer/Pensions Manager, transfer payments will only be accepted where the request to transfer has been made within 12 months of participating in the Falkirk Council Pension Fund.

**Previous Discretion:**

The proposed policy under the new scheme is the same as the policy under Regulation 78 of the old scheme.

**Extension of 30 Day Deadline for Shared Cost APCs:****Regulation 16(16) LGPS (Scotland ) Regulations 2014****Summary of Discretion:**

Consider whether to extend the 30 day deadline for a member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve force service leave).

**Proposed Discretion:**

In the event of authorised leave of absence, the scheme member will be allowed to elect to buy-back the amount of “lost” pension within three months of the individual returning from that leave of absence, provided they have requested and received details of the cost of the buy-back from Payroll. The employee should allow up to one month for Payroll to administer the calculation within the 3 month period.

**Previous Discretion:**

There was no equivalent policy under the old scheme.

Any other discretions arising under the regulations of the LGPS 2015 scheme will be considered and determined by the Chief Finance Officer, Head of Human Resources & Customer First and employing Service on a case by case basis.

**FALKIRK COUNCIL**

**Subject: REVENUE BUDGET FRAMEWORK 2016/17 – 2018/19**  
**Meeting: EXECUTIVE**  
**Date: 9 June 2015**  
**Author: CHIEF FINANCE OFFICER & DIRECTOR OF CORPORATE AND NEIGHBOURHOOD SERVICES**

**1. INTRODUCTION**

- 1.1 Given the ever increasing complexity of the process for preparing the Revenue Budget, it is believed that Members will find it helpful to be presented with a broad Budget framework early in the financial year.
- 1.2 The opportunity is also taken to update Members on the Council's Transformation Agenda. This is significant both in terms of its contribution to bridging the Budget gap and helping to make the Council a more effective and modern organisation, better fitted to its operating environment.

**2. BACKGROUND**

- 2.1 It is helpful to document the evolution of the Revenue Budget process in recent years:-
- Agreement of a two year Budget (the latter year provisional) within a three year Budget framework
  - Preliminary consideration of the Budget position by the Council in November
  - Separate Council consideration of the Community Trust Budget
  - Development of the Equality & Poverty Impact Assessment (EPIA) process
  - Public consultation via several channels
- 2.2 Developing the point on complexity mentioned in the Introduction, the following developments merit particular attention:-
- a) Adult Health & Social Work Integration  
This injects a substantial new dynamic into the Budget process, particularly in the context of a climate of financial constraint. The new Integrated Joint Board goes live from April 2016. The Board needs to prepare a Strategic Plan which will have a three year financial element. The preparation of this will place demands and strains in terms of the interplay between the IJB, Health & Council relating to governance processes and differing financial pressures. And, this will all need to be achieved within a compressed time frame.

b) Joint Resourcing

This is essentially about the Community Planning Partners aligning their resources (revenue, capital & assets) around the Single Outcome Agreement priorities. This has similar issues to those outlined above in terms of alignment of governance processes and timelines between Health and the Council.

c) Participatory Budgeting

Participatory Budgeting has been added to the Community Empowerment (Scotland) Bill during second stage amendments. This essentially allows local people to be involved in making decisions on the spending and priorities for a defined public budget, which can relate to a geographical area or theme. This would appear to chime with the Scrutiny Panel's conclusions following its review of the Council's Community Involvement Strategy. Once the position is clearer in terms of the Bill/Act's content and the implication for the Council's Budget process, a further report will be brought before Members.

d) Service Restructure

The Council's proposed Service restructuring would inevitably require Service budgets to be reshaped.

e) Commission for Local Tax Reforms

The Commission's deliberations have the potential to lead to significant changes in local taxation during our medium term framework.

### **3. THE CENTRAL GOVERNMENT POSITION**

- 3.1 Following the General Election, the spectrum of possible fiscal stances has narrowed to one where the likelihood is for significant cuts in unprotected service areas, one of which is local government. These will probably be most severe in 16/17 and 17/18. The Westminster Government has indicated that there will be a Budget in July, which should give some sense of the scale of cuts and this will be developed further in the Autumn Spending Review.
- 3.2 The outcome of the Spending Review will then be transferred to Scotland via Barnett (which may itself change) where the Scottish Government will need to determine its spending priorities between the main spending blocks, notably local government and health. The slice allocated for local government will then be fed into the grant distribution formula leading to council specific grant figures expected in December.
- 3.3 It is to be hoped that the above processes will lead to robust grant figures for individual councils being made available for more than one year to facilitate medium term financial planning.

#### **4. ESTIMATED BUDGET GAP**

- 4.1 As previously indicated, the Council develops its Budget within a three year medium term framework. The estimated Budget gaps over the next three years are:-

| <b>2016/17</b> | <b>2017/18</b> | <b>2018/19</b> | <b>TOTAL</b> |
|----------------|----------------|----------------|--------------|
| £18.4m         | £15.2m         | £11.4m         | £45m         |

- 4.2 It must be emphasised that these estimates are highly susceptible to the level of central government grant flowing from the process outlined in Section 3. Even a 1% movement in the grant assumption has a financial impact of close on £3m.
- 4.3 The decision by the Scottish Government to require councils to retain teacher numbers at existing levels means that savings proposals in the provisional 2016/17 Budget will need to be replaced by alternative proposals and officers are currently working on these.
- 4.4 Whereas the 2014/15 financial outturn is shaping to be much better than feared in January, the net overspend will deplete reserves and it will be important to ensure tight budgetary control in the current financial year.

#### **5. BUSINESS TRANSFORMATION**

- 5.1 As part of our drive to remain a high performing and lean organisation, Falkirk Council has established a Business Transformation (BT) Programme. The BT Programme sits alongside the financial budgeting process, and aims to provide a framework for delivering efficient, streamlined, and flexible services.
- 5.2 The aims of the programme fits with the Vision, Ambitions, Goals, Outcomes, and Priorities set out in the Council's Corporate Plan. The Corporate Plan recognises that the positive transformation of the Falkirk area needs an efficient, innovative, and enabling Council and that this, in turn, relies on a Council that is willing and able to modernise and improve.
- 5.3 The concept of Business Transformation is not new. Indeed Falkirk Council has always strived to meet the needs and expectations of our customers, working in tandem with our Community Planning Partners. The changing face and ever increasing profile of the Falkirk area in recent years is testament to that.
- 5.4 At a time of sustained reduction in the level of resource available to Local Government, however, the need to fully integrate and join up the various elements of our improvement programme has become ever more important.

5.5 Key change drivers for the Council include the need to:

- realise financial savings;
- unlock time savings via streamlining processes;
- focus on statutory requirements;
- recognise changing demographics;
- meet changing customer expectations; and
- become a flexible and agile organisation.

### **Key BT Projects**

5.6 The criteria set out above has allowed the identification of a suite of improvement projects under the broad headings of Workforce, Assets, and Working Practices. While the tables below are not exhaustive, they do provide information on some of those projects likely to result in real improvement via streamlined processes, new ways of working, or alternative service delivery models.

#### **Workforce:**

| <b><u>Project Name</u></b>             | <b><u>What Are We Changing?</u></b>  | <b><u>Why?</u></b>   | <b><u>And When?</u></b> |
|--|--|--|-------------------------|
| <b>Support Services Transformation</b> | We plan to establish a single managed structure for all staff involved in clerical / admin / support service activities. | To ensure streamlined and standardised processes, better development opportunities for staff, and improved continuity. | 2018                    |
| <b>Terms and Conditions</b>            | We are engaging with staff and Trade Unions around options for reviewing and changing terms and conditions.              | As a means of fairly and consistently realising workforce related savings.   | 2016                    |
| <b>Vacancy Management</b>              | We have reviewed and updated our Recruitment and Selection Policy and our approach to filling vacant posts.              | To reduce staff costs.   | On-going                |

#### **Assets:**

| <b><u>Project Name</u></b>            | <b><u>What Are We Changing?</u></b>  | <b><u>Why?</u></b>   | <b><u>And When?</u></b> |
|---------------------------------------|--|--|-------------------------|
| <b>Built Estate</b>                   | We are reviewing our built estate, with a view to rationalising based on usage, condition, suitability and service delivery. | To ensure that we deliver our services from a modern, fit for purpose, and accessible suite of premises.                 | 2017                    |
| <b>Facilities Services</b>            | We have commissioned a review of the functions and management structure of our Facilities Management service.                | To ensure that the service is customer focussed and provides best value.   | 2015                    |
| <b>Fleet Management</b>               | We have critically reviewed our vehicle replacement programme and are developing new ways of maintaining our fleet.          | To ensure that our fleet of vehicles and plant is efficient, cost effective, and fit for purpose.                        | 2015                    |
| <b>Social Work Information System</b> | We have initiated a review of the functionality and suitability of our existing Social Work Information System.              | To ensure that our critical Social Work system meets business needs in an efficient, cost effective, and integrated way. | 2016                    |



|                                |   |  |      |
|--------------------------------|---|--|------|
| <b>Transport Co-Ordination</b> | We are establishing a centralised Transport Co-Ordination Team and are reviewing our approach to Social Work transport. | To streamline our approach to the provision of transport to service users. | 2015 |
|--------------------------------|---|--|------|

### Working Practices:

| <b><u>Project Name</u></b>                       | <b><u>What Are We Changing?</u></b>   | <b><u>Why?</u></b>   | <b><u>And When?</u></b> |
|--|---|--|-------------------------|
| <b>Building Maintenance</b>                      | We are reviewing our approach to property maintenance, covering depots, service provision, and working practices.             | To deliver financial and operational efficiencies, and to deliver a better, more customer focussed, service.                 | 2015                    |
| <b>Channel Shift</b>                             | We are working to improve our website by integrating an on-line forms solution with our back office systems.                  | To make it easier for customers to interact with the Council, and to streamline our administrative processes.                | 2015                    |
| <b>Daycare Provision</b>                         | We have commissioned a review of our Social Work Daycare provision.   | To ensure that that the right options are available to service users in light of the roll out of Self Directed Support.      | 2016                    |
| <b>Future Frontline Service Delivery</b>         | Work is underway to review and improve the way we provide 'face to face' frontline services (eg One Stop Shops).              | To enhance customers' experience of dealing with Falkirk Council.  | 2017                    |
| <b>HR / Payroll Integration</b>                  | We have integrated our HR and Payroll services and are working to streamline processes.                                       | To release efficiencies through joined up working.   | Integration Complete    |
| <b>Information Management</b>                    | We are reviewing and streamlining our strategic and operational approach to information governance, security, and management. | To improve how we store, use, and share the information we gather, releasing efficiency savings and enhancing data security. | 2017                    |
| <b>Library Support to Schools</b>                | We are reviewing how we provide library support to our Primary Schools.   | To ensure that each school cluster has better control over the books available to pupils.                                    | 2016                    |
| <b>Mobile and Flexible Working</b>               | We are rolling out an ICT solution to allow our staff to work in new and innovative ways.                                     | To realise financial efficiencies, and to allow staff to work securely from any location and capture data at source.         | 2017                    |
| <b>Ordering and Invoice Processing</b>           | We have developed our finance systems to allow electronic ordering and centralised invoice processing.                        | To streamline administrative processes and release efficiencies within Services.   | 2015                    |
| <b>Pensions Administration System</b>            | We are replacing our Pensions administration system.  | To allow employee and pensioner self service and better system integration.  | 2015                    |
| <b>Social Work Services Eligibility Criteria</b> | We are reviewing the eligibility criteria for Social Work services.   | To ensure that care packages are in line with service user needs.  | On-going                |
| <b>Supply Teacher Booking and Allocation</b>     | We have moved to a centralised model for booking and allocating supply teachers.  | To free up staff time at schools.  | 2015                    |
| <b>Waste Collection / Strategy</b>               | We have changed the frequency of our residual waste collection to 3 weekly, and are moving to 4 weekly during 2016/17.        | To reduce the council's landfill tax burden and help meet environmental targets.   | 2016                    |

- 5.7 Members will recall that the most recent report on Business Transformation was considered by the Executive at its meeting in February 2015. Members agreed that reports on the progress of the Business Transformation Programme would be submitted to future meetings of the Executive. The next update report is scheduled to be submitted to the Executive after the recess.

## **6. CONCLUSION**

- 6.1 The report has hopefully provided Members with a helpful overview of the shape of the forthcoming Budget process and the particular challenges anticipated. Markers have been put down for further updates which will come before Members as the relevant information becomes available.
- 6.2 The report also provides Members with an update on the wide range of projects progressing under Business Transformation.

## **7. RECOMMENDATIONS**

The Executive is invited to:-

- 7.1 Consider the Budget Framework for 2016/17 – 18/19 as set out in the report, and
- 7.2 Note the status of the Business Transformation programme and require a further update after the recess.

**Chief Finance Officer**

**Director of Corporate & Neighbourhood Services**

**Date: 21 May 2015**

**Contact Officer: Bryan Smail**

### **LIST OF BACKGROUND PAPERS**

**FALKIRK COUNCIL**

**Subject: DENNY TOWN CENTRE REGENERATION:  
UPDATE REPORT**  
**Meeting: EXECUTIVE**  
**Date: 9 JUNE 2015**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1.0 INTRODUCTION**

- 1.1 The purpose of this report is to provide an update on the status of the Denny town centre regeneration project including the result of the recent Phase 2 marketing process. Progress is outlined with regard to:
- Phase 1 Development
  - Phase 2 Development
  - War Memorial

**2.0 BACKGROUND**

- 2.1 The Executive considered reports providing updates on Denny town centre regeneration on 29 April, 17 June 2014 and 30 September 2014 covering issues including the development timescale, site assembly progress, relocation of the War Memorial and Regeneration Capital Grant Fund (RCGF) opportunity.
- 2.2 The Executive considered a further report on 24 February 2015 which confirmed the marketing process initiated in relation to the Phase 2 site, the results confirming two interests with the requirement to remarket given that none of the offers had taken into consideration the Denny Eastern Access Road (DEAR) contribution.

**3.0 PHASE 1 DEVELOPMENT**

- 3.1 Work has commenced on the first phase of the new town centre. The contractor, Clark Contracts Ltd, was appointed as the Phase 1 main contractor on Tuesday 24 March. The target dates previously identified below by the Council have been confirmed by Clark Contracts as matching their programme timescale. It is important to note that timescales can also be affected by factors outwith the control of the Council or contractor (e.g. utility issues).

| Date           | Description  |
|----------------|--|
| April 2015     | Construction phase commences for Phase 1   |
| September 2016 | Relocate retailers, Library staff from Portacabins to Phase 1 development. Relocate occupiers of the octagonal building. |
| July 2017      | Completion of Phase 1 work including demolition of octagonal building and completion of town square.                     |

- 3.2 Inevitably there will be a level of disruption over the course of the construction contract. Clark Contracts have indicated that they wish to keep this to a minimum and to keep the public informed of progress of their works. An information bulletin has been issued to the public summarising the arrangements during the programme of works. Communication will be maintained through:

- On-site signage
- regular briefings to the Community Council
- updates on the Denny Regeneration section of the Council website
- press releases
- periodic newsletters to all Denny households

In addition, the Denny Regeneration office will be available as a drop-in facility each Tuesday morning.

- 3.3 Clark Contracts have commenced their initial site set up with the installation of perimeter fencing. The Davies Row carpark has been closed as part of the construction site with signage installed at both ends of Davies Row. The information bulletin advises the community of alternative local parking. Davies Row has also been closed off for through traffic although retaining access to Broompark Community Centre and Carpark, the northern Davies Row carpark and pedestrian access on the west side of Davies Row. The new car park will open on completion of the Phase 1 development.

#### *Taxi Rank Provision*

- 3.4 Whilst there is no formal requirement to relocate the taxi rank during the town centre redevelopment programme, the Council has sought to establish an interim arrangement to support local taxi operators. Taxi operators have been consulted and suggestions have been put forward by them. A site behind the temporary retail units is considered a reasonable solution for the duration of the Phase 1 development. The Council's Roads Unit has been consulted on this and they are comfortable with this option. All taxi operators have been informed of the arrangement.

#### *Public Conveniences*

In February 2015 the Council took a decision as part of its budget process to review all toilet provision including closure of staffed public conveniences and Automated Public Conveniences (APC's) from 31 March 2016. Prior to the closure of the public conveniences and APC's the Council is examining proposals to develop a comfort scheme where members of the public can use alternative toilet provisions in shops/ businesses/ Council buildings.

- 3.6 As part of the regeneration process in Denny the manned public toilets were demolished leaving the existing APC on Stirling Street. The APC currently sits within the contractor's Phase 1 site boundaries and would require to be relocated to continue in operation. The initial intention was to relocate the APC outwith the Phase 1 site boundaries and replace this facility on completion of Phase 1. However given the recent Council decision, there will be no budget for a new APC or continued maintenance of the existing APC from 31 March 2016. It is therefore considered that funding the relocation of the APC at a cost of £20,000 for a period leading to its removal on 31 March 2016 does not represent best value. However, as mentioned above the Council will seek to provide a comfort scheme, in the town centre and will liaise with local businesses over this proposal.

#### **4.0 PHASE 2 DEVELOPMENT**

- 4.1 As outlined in the Executive report dated 24 February 2015, following a marketing exercise, two commercial interests in the Phase 2 site were identified however neither offer had taken into consideration a required contribution towards Denny Eastern Access Road (DEAR) and was based on the value of the land. The Council could not therefore progress either offer for Phase 2 on the basis of the purchaser meeting DEAR contributions over and above the purchase price.
- 4.2 The Executive approved the re-marketing of Phase 2 on the basis that the sale proceeds will be applied towards the relevant DEAR contribution. Should these not be sufficient to meet the total amount of the contribution then the Council will provide additional funds to meet any shortfall.
- 4.3 The Phase 2 site has now been remarketed by SGM, commercial agents. The marketing brochure was issued on the 25 March and a closing date for offers on 29 April 2015. Following the closing date one interest was submitted and their proposals assessed by SGM in liaison with Council officers. :
- 4.4 The offer received is from County Properties (Northern) Limited, a substantial privately owned investment and development company with a large and varied mixed portfolio throughout the UK. Details of the financial terms of the offer are contained in the confidential appendix to this report (Appendix 1). The company has been in existence for 40 years, successfully investing and developing in commercial property. Recent developments include an 80,000sqft retail park in Lanark. Consent for Tesco store in Kilmarnock and 50,000sqft Morrisons store in Paisley. The company's strategy is to carry out major speculative development with a particular focus on commercial property.
- 4.5 County Properties intend to build a 23,500 sqft single storey retail unit backing onto the existing car park with the main entrance off Stirling Street and some 35 car spaces to the rear of the building accessed off Davies Row. There is also the intention to build a further retail block extending to approximately 2,000sqft fronting onto Stirling Street. Architects drawings are provided as Appendix 2. While the receipt of this bid is positive there are concerns over the commercial terms to be establish with County Properties including the lack of a named retail operator and the failure of the design to adequately reflect the term of the guidance brief that was issued.

4.6 There are 3 options available for the Executive to consider:

- Option 1: Accept the offer submitted by County Properties
- Option 2: Request that the bidder review their offer through further consideration of the criteria within the Guidance Brief and re-submit their proposals.
- Option 3: Reject the offer and remarket the site on completion of Phase 1.

### **Option 1: Accept the Offer**

4.7 A detailed assessment of the submission has been prepared by SGM and Council officers, scoring for each of the factors below (as set out in the guidance issued with the marketing – see Appendix 3).

- the expertise and technical capability of the developer
- the financial terms of the offer
- the deliverability of the scheme on-site
- roads and transport considerations
- design considerations

#### *Expertise and technical capability*

The developer is a well-established company with a track record of delivering projects of this type.

#### *Financial terms*

The offer by County Properties is considered by SGM to be a realistic offer. It is subject to confirmation of a lease with a retail operator. If once appointed, the lease terms are of a lesser value, the offer to purchase may be adjusted. The bidder will require to carry out site investigations which may affect the resultant price. Any additional costs of these works would require to be verified by the Council's Design Services.

#### *Deliverability*

County Properties' scheme requires an operator to be identified prior to concluding its terms. While no operator is named at present, it is understood that interest in the scheme has been identified and would be confirmed if County are selected as the appointed developer. The lease terms with the operator may affect the purchase price.

#### *Roads & Transport*

Further in-depth analysis of the preferred scheme will be required prior to formal consent. County Properties scheme is problematic in the initial design, with site servicing requiring articulated vehicles reversing onto Davies Row and formation of a Servicing Yard adjacent to the Davies Row car park. An additional 35 spaces are provided off Stirling Street resulting in three access points to the site.

#### *Design*

Further consideration of the design of the scheme would be required via the planning process if this option is chosen. County Properties scheme is dependent on commitment from an operator. The design does not cope well with the site levels (an acknowledged site constraint), and offers no frontage at the Davies Row car park level.

- 4.8 As a consequence of this appraisal, the SGM/Council officers assessment suggests that members may wish to consider the merits of the proposal in further depth prior to proceeding.

**Option 2: Request that the bidder reviews their offer and re-submits their proposals**

- 4.9 The submission provides limited information at this stage with no identified operator and a design which has some key limitations in that it does not integrate well with Phase 1 and has road design issues which would affect planning approvals. It is an option for the Council to proceed by confirming to the bidder that they are the only interest and invite a further submission requiring confirmation of the operator interest and a revised design. This would require that the scheme take into consideration the intended operator and be more in accordance with the guidance document.

**Option 3: Reject the offer**

- 4.10 The Council has the ability to reject the offer and delay re-marketing until Phase 1 is completed. The advantage of delaying the site development is that future offers may be improved upon in price, design or delivery as a consequence of the Phase 1 completion. However this is not guaranteed and the disadvantages are that:

- there may be less interest in the site and the option available currently may be lost.
- there is less opportunity to be flexible over design as Phase 1 would be in place and site levels unable to be adjusted
- the Phase 2 site would lie undeveloped for an extended period
- the opportunity to attract additional retailers to Phase 1 using Phase 2 commitment to promote this is lost
- the opportunity to integrate the design and development of Phase 1 and 2 is lost

**Appraisal Summary**

- 4.11 It is suggested that there is merit in proceeding with the delivery of the scheme at this point. However the submission by County Properties provides limited information at this stage with no identified operator and a design with key limitations which does not integrate well with Phase 1 and has road design issues. These issues require to be resolved in order to meet the planning requirements for the site and set out in the guidance issued..
- 4.12 In taking forward the bidder proposals, it is considered that Option 2 offers the preferred route. It is suggested that, following confirmation to County Properties that they are the only interest, the Council should invite the bidder to make a further submission, requiring confirmation of the operator interest. They should also provide a revised design taking into consideration both the intended operator and the Design Guidance document provided, seeking a better solution to the integration with Phase 1 and improved access provision. Securing a named operator would help provide a focus for the preferred design solution. In addition the sale would be conditional on the bidders commitment to a specific development timescale.
- 4.11 It is suggested that members consider the proposals submitted and the options outlined above with a view to determining a preferred approach to delivery of the Phase 2 project.

## 5.0 WAR MEMORIAL

- 5.1 The Council temporarily re-sited the existing town centre war memorial plaques during the regeneration project's demolition and construction phase to the cemetery at Broompark Community Centre adjacent to the existing town centre. A survey of all 6,443 residential and business properties was undertaken to consider and agree options for the permanent location of the war memorial. A total of 843 (13%) responses were received which highlights the interest in this issue. The outcome of the survey is as follows:

| QUESTION  | RESPONSE   |
|---|--|
| I would like the Denny and Dunipace War Memorial plaques to stay in Broompark Memorial Garden.    | 479 (56.82%)   |
| I would like the Denny and Dunipace War Memorial plaques to be relocated into the new town centre | 333 (39.5%)  |
| I would like the Denny and Dunipace War Memorial plaques to be placed in the following location   | 28 (3.32%)<br>15 Anderson Park<br>3 Macara Park,<br>3 Glasgow Road<br>2 Denny Cemetery<br>2 Parish Church,<br>1 opposite Demoreham Avenue<br>1 Railings<br>1 respondent's garden |
| Note: Surveys returned that did not fall into either category                                     | 3 (0.36%)<br>1 as majority wish<br>1 back to where it was<br>1 as a resident for only 18 months did not wish to put forward opinion.   |

- 5.2 As a consequence of the above it is recommended that the War Memorial plaques remain sited in the Memorial Garden at Broompark on a permanent basis.

## 6.0 IMPLICATIONS

### *Policy Implications*

- 6.1 Town centre regeneration is a key priority of the Strategic Community Plan, *My Future's in Falkirk* and related policies.

### *Planning Implications*

- 6.2 Town centre regeneration is a key tool in the delivery of the Council's Local Development Plan commitment to enhance the role of town centres and regenerate district centres.



#### *Legal Implications*

- 6.3 Delivery of the regeneration project is being progressed with the support of the Council's Legal Services and, where necessary, external legal advisors.

#### *Financial Implications*

- 6.4 The receipt expected from the Phase 2 bidder will help to offset the capital funding allocation required for the Denny town centre regeneration project. This receipt will be affected by any additional costs of works arising from site constraints. The price offered may also be affected by the lease terms established with a retail operator.
- 6.5 The approved General Services Capital Programme has sufficient provision together with the grant funding and anticipated receipts to allow Members to pursue any of the 3 options within the existing approved budget.

### **7.0 CONCLUSION**

- 7.1 The Denny town centre regeneration project has reached an important stage with the construction phase underway. Inevitably there will be a level of disruption over the course of the construction contract and steps have been taken by the contractor, Clark Contracts, and the Council to minimize the disturbance as much as possible and advise the community of the works involved. Arrangements for the continued relocation of the local taxi rank to the rear of the temporary retail units have also been made.
- 7.2 The receipt of an offer for Phase 2 is welcome. However there are issues for the Council to consider:
- County Properties have submitted a realistic financial offer. They have the relevant experience however the design lacks sufficient integration with Phase 1, other than the ground floor entrance off Stirling Street. There is no named occupier although it is understood that there is interest. The offer is likely to be amended to reflect commercial and site constraints.
  - The third option of rejecting the offer and delaying marketing pending completion of Phase 1 would miss out on the opportunity to integrate the design and development of the two phases but may result in a better offer in future. Given the recent fluctuations in the market for this type of activity, this cannot be guaranteed.
- 7.3. The temporary relocation of the War Memorial is an essential part of the regeneration process and has been progressed through consultation with the Denny community. It is important to agree the final location and the survey results identified in item 6 above confirm support for the continued and permanent location as Broompark Memorial Garden.

## 8.0 RECOMMENDATIONS

It is recommended that the Executive:

- i) notes the above report on the progress of the Denny town centre regeneration project
- ii) agrees to the closure of the APC located on Stirling Street and that further proposals be developed for a comfort scheme for the town centre.
- iii) considers the proposals submitted by County Properties (Northern) Ltd for delivery of Phase 2 and, if minded to proceed considers the options listed:
  - (a) Option 1 – authorises the Director of Development Services to conclude contractual terms with County Properties for the disposal of the site on the basis of the scheme submitted
  - (b) Option 2 - authorises the Director of Development Services to invite County Properties to provide a further submission confirming operator interest and reviewing the masterplan on the basis of the Design Guidance document provided, reporting back to the Executive on the revised proposal.
  - (c) Option 3 – rejects the offer from County Properties and agrees to withhold marketing of the Phase 2 site until completion of Phase 1.
- iv) notes the outcome of the survey on the final location for the War Memorial plaques and agrees the continued and permanent siting in the Broompark Community Garden.

.....  
Director of Development Services

Date: 28<sup>th</sup> May, 2015

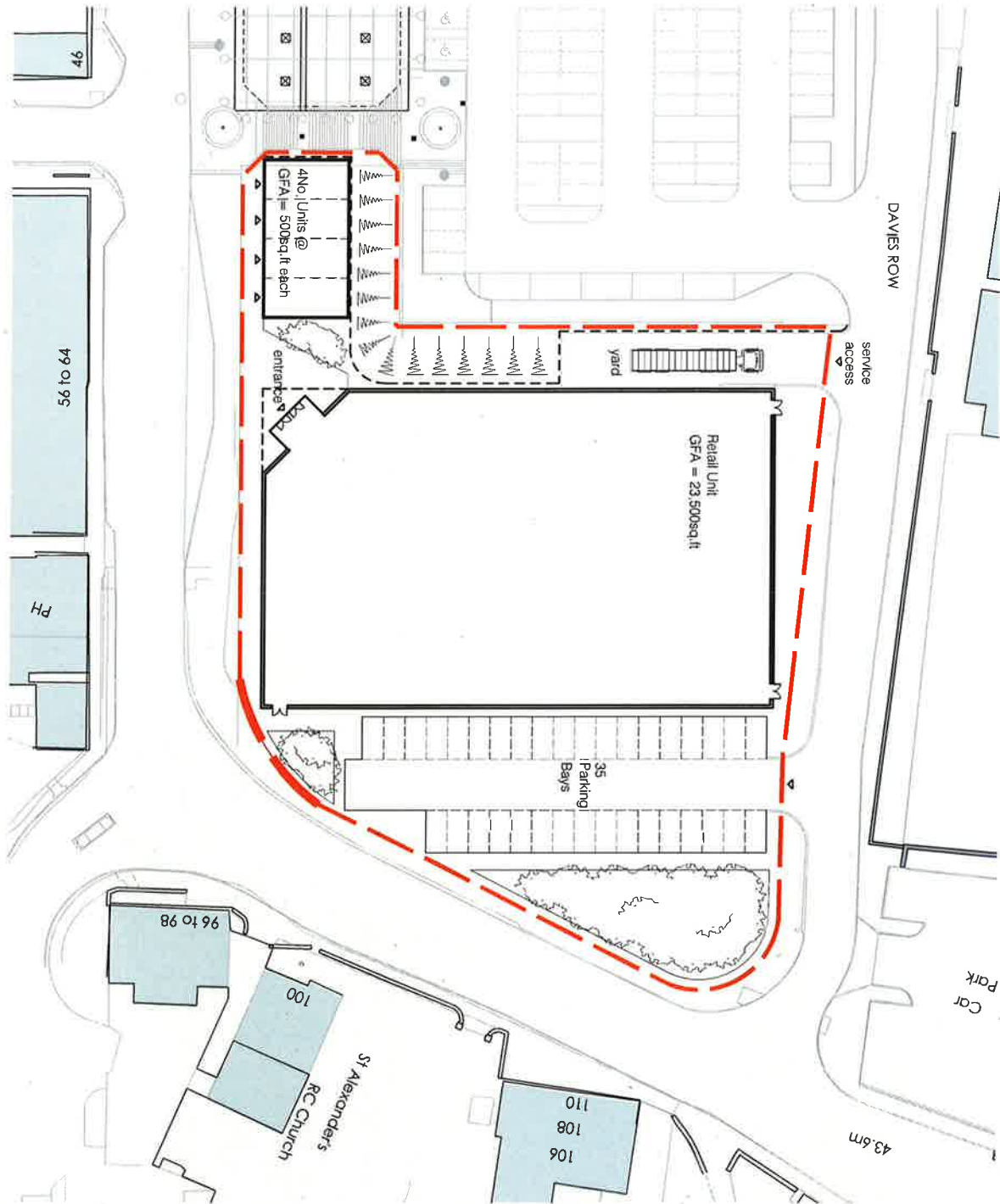
Contact Officers: Colin Frame/Douglas Duff. Ext: 0972/4952.

## LIST OF BACKGROUND PAPERS

1. Denny Town Centre Regeneration Files.

Anyone wishing to inspect the background papers listed above should telephone 01324 590972 and ask for Colin Frame.

Appendix 2



Layout Plan

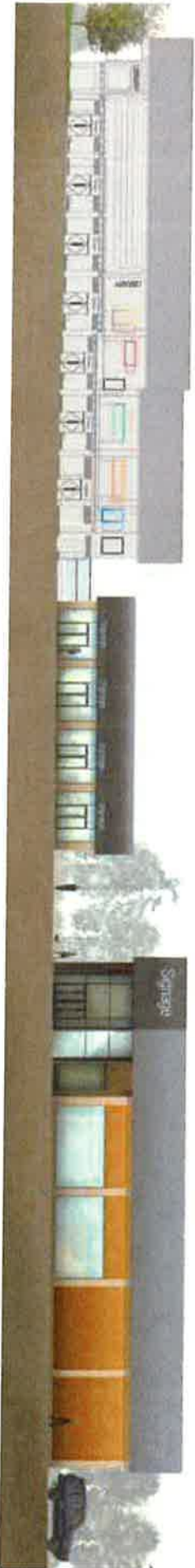
# PHASE 2 DEVELOPMENT PROPOSALS



View 1



View 2



Street Elevation Phase 1 and 2

## PHASE 2 DEVELOPMENT PROPOSALS



Elevation to Car Park



Elevation to Stirling Street

**DENNY TOWN CENTRE REGNERATION  
PHASE 2 SITE SUBMISSIONS  
PROJECT APPRAISAL**

**COUNTY PROPERTIES:**

| Criteria                                      | Score (%) | Comments   |
|---|-----------|--|
| <i>SGM Scoring</i>                            |           | <i>SGM Comments</i>  |
| Expertise & Technical Capability (out of 20%) | 20        | The company has extensive experience of mixed use commercial development   |
| Financial Terms (out of 20%)                  | 20        | SGM consider offer to be realistic offer   |
| Deliverability (out of 20%)                   |           |  |
| Design terms (5%)                             | 3         | <ul style="list-style-type: none"> <li>▪ Design provides poor service and public access</li> </ul>   |
| Certainty of commitment (5%)                  | 3         | <ul style="list-style-type: none"> <li>▪ No operator signed up for this proposal – this is subject to appointment of County as developer</li> </ul>  |
| Financial ability to deliver (5%)             | 5         | <ul style="list-style-type: none"> <li>▪ Project is internally financed</li> </ul>   |
| Delivery of financial offer (5%)              | 2         | <ul style="list-style-type: none"> <li>▪ The offer will be subject to operator interest in the proposed design and may be adjusted to suit their interest.</li> </ul>  |
| <i>Council Scoring</i>                        |           | <i>Council Comments</i>  |
| Roads/Transport (20%)                         | 8         | <ul style="list-style-type: none"> <li>▪ Service arrangement is poor with articulated vehicles requiring to reverse</li> <li>▪ No servicing for the small units</li> <li>▪ Service yard access is in close proximity to Davies Row car park</li> <li>▪ The provision of 35 parking bays is positive but access arrangement is poor</li> </ul>  |
| Design (20%)                                  | 9         | <ul style="list-style-type: none"> <li>▪ Floor space proposed exceeds what is being replaced</li> <li>▪ Offer is unknown as no operator appointed</li> <li>▪ Design ignores Davies Row carpark frontage with sole entrance on Stirling Street.</li> <li>▪ Blank walls shown in operator carpark</li> <li>▪ Large scale 'warehouse' building has limited presence although scale is appropriate</li> <li>▪ Height of small units is inappropriate</li> <li>▪ Limited glazing and no active frontage on Stirling Street</li> <li>▪ Proposals take no account of topography of the site</li> <li>▪ Poor and inappropriate use of materials</li> </ul> |
| Total =                                       | <b>70</b> |  |