

**FALKIRK COUNCIL**

**MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 26 APRIL 2016 at 9.30 a.m.**

**COUNCILLORS:**

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

**OFFICERS:**

John Angell, Head of Planning and Transportation  
Rhona Geisler, Director of Development Services  
Iain Henderson, Legal Services Manager  
David McGhee, Head of Procurement and Housing Property  
Brian Pirie, Democratic Services Manager  
Mary Pitcaithly, Chief Executive  
Stuart Ritchie, Director of Corporate and Housing Services  
Bryan Smail, Chief Finance Officer

**ALSO ATTENDING :**

Maureen Campbell, Chief Executive, Falkirk Community Trust

**EX1. APOLOGIES**

No apologies were intimated.

**EX2. DECLARATIONS OF INTEREST**

Councillor Gow declared a non-financial interest in item EX7 as a Director of Falkirk Community Trust, but did not consider that this required her to recuse herself from consideration of the item, having regard to the specific objective test exclusions contained in the Code of Conduct.

**EX3. MINUTE**

**Decision**

The minute of the meeting of the Executive held on 15 March 2016 was approved.

**EX4. GARDEN AID SERVICES**

The Executive considered a report by the Director of Corporate and Housing Services presenting options for the future delivery of the Garden Aid Scheme.

At its meeting on 17 February 2016 (ref FC84), Council considered a proposal to generate savings through cessation of the garden aid scheme and agreed to consult on the proposal.

The report detailed the consultation which had been carried out and summarised the responses. The report set out 6 options for future service delivery. These were:-

- stop the provision of service;
- revise the eligibility criteria to reflect support needs and the ability to pay i.e.: in receipt of Community Care support and Council Tax reduction;
- revise the eligibility criteria to reflect support needs only i.e. in receipt of Community Care support;
- revise the eligibility criteria to reflect those over 80 years old (born pre 1936), currently on the Garden Aid list;
- introduction of a chargeable service; and
- continue the service based on current eligibility criteria.

The Garden Aid Scheme falls within the remit and responsibility of the Health and Social Care Integration Joint Board (IJB). At its meeting on 24 March 2016 the IJB agreed to allow Council to take a decision on future service delivery, recognising that, should the Executive agree to continue with some or all of the service, an additional payment would be made to the IJB on 2016/17.

Councillor C Martin, seconded by Councillor D Goldie, moved that *the Executive agrees:*

- (1) *to note the feedback from the consultation exercise;*
- (2) *to note also the assessment of impact and the actions available to mitigate some of that impact, particularly for those service users assessed as having the greatest need for support;*
- (3) *that there should be a review of the criteria for access to the Garden Aid Scheme to ensure that it is appropriately targeted to those in most need;*
- (4) *that, in the meantime, the scheme continues but with the provision that any new applicants to join it will require to meet the criteria set out in option 3 detailed in the report i.e. be in receipt of community care support;*
- (5) *to note that, in accordance with the decision of Council on 17 February 2016, the consequent shortfall in budgeted general fund savings of £275k will require to be met from the Corporate and Housing Services budget for 2016/17; and*
- (6) *to note that additional funding of £550k will be made to the Integration Joint Board as a consequence of this decision.*

As an amendment, Councillor Alexander, seconded by Councillor Coleman, moved in substitution for the motion that the Executive *agrees to continue the Garden Aid service based on current eligibility criteria (option 6 in the report) and that it is reinstated with immediate effect.*

On a division 9 members voted for the motion and 3 voted for the amendment, with voting as follows:-

For the motion (9) - Councillors Blackwood, D Goldie, G Goldie, Gow, Mahoney, C Martin, Dr C R Martin, Nicol and Nimmo.

For the amendment (3) – Councillors Alexander, Coleman and Spears.

### **Decision**

**The Executive agreed the motion.**

Councillors D Goldie and Spears joined the meeting during the consideration of the previous item.

## **EX5. DEVELOPMENT PLAN SCHEME 2016**

The Executive considered a report by the Director of Development Services presenting the Local Development Plan Scheme 2016.

The current Local Development Plan (LPD1) had been adopted in July 2015. The proposed scheme set out a programme for preparing and reviewing the Local Development Plan (LPD2). The proposed Scheme:-

- explained the development plan framework for the area, and how it is evolving;
- explained the key stages in preparing a local development plan;
- set out the intended programme for preparing LDP2 and the remaining Supplementary Guidance associated with LDP1;
- described the progress made to date on LDP2; and
- explained how Council would involve people and agencies at each stage in the preparation of LDP2 (participation statement).

### **Decision**

**The Executive agreed the Development Plan Scheme 2016 as detailed in appendix 1 to the report.**

## **EX6. EXCLUSION OF PUBLIC**

The Executive agreed in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

**EX7. SOFT PLAY PROPOSAL AT THE MARINER CENTRE – REQUEST FOR LANDLORD’S CONSENT**

The Executive considered a report by the Director of Corporate and Housing Services presenting proposals by Falkirk Community Trust to alter the Mariner Centre to accommodate a soft play area.

Councillor Mahoney, seconded by Councillor D Goldie, moved that the Executive agrees:-

- (1) to grant landlord’s consent to Falkirk Community Trust for the works to the Mariner Centre set out in paragraph 2 of the report and to provide an offer to the Trust, for consideration by the Board, that the works are funded by the Council with the Council directly commissioning the works and that the Chief Executive or her nominee is authorised to prepare, issue and conclude the offer; and*
- (2) to request that Falkirk Community Trust brings forward options and proposals for the other main sports centres, in Bo’ness and Grangemouth.*

**Decision**

**The Executive agreed the motion.**

**FALKIRK COUNCIL**

**Subject: REFERRAL FROM JOINT CONSULTATIVE COMMITTEE**  
**Meeting: EXECUTIVE**  
**Date: 17 MAY 2016**  
**Author: DIRECTOR OF CORPORATE & HOUSING SERVICES**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek approval of the policies which were referred to the Executive, by the Joint Consultative Committee on 19 April 2016.

**2. POLICIES FOR APPROVAL**

- 2.1 At its meeting on 19 April 2016, the Joint Consultative Committee agreed to refer the following policies to the Executive for approval.

**Disputes Policy**

- 2.2 This policy has been reviewed in accordance with the HR policy review timetable and revised as follows:
- It now includes clearer definitions of issues which may be considered under the Disputes Policy and others which are specifically excluded from consideration under this policy;
  - It is also recognised that early resolution of concerns can prevent issues escalating and as such, in line with proposed changes to the Grievance Policy, greater emphasis has been placed on seeking informal resolution at a local level;
  - A proposed change to timescales for convening a formal meeting to explore the detail of the dispute from 3 to within 5 working days.

**Grievance Policy**

- 2.3 This policy has also been reviewed in accordance with the HR policy review timetable as follows:
- It now includes clearer definitions of issues which may be considered under the Grievance Policy and others which are specifically excluded from consideration under this policy;
  - It is also recognised that early resolution of concerns can prevent issues escalating and, as such, the policy has been reviewed to include greater emphasis on informal mechanisms, including mediation, for resolving grievance concerns;
  - The policy now clearly outlines management and employee responsibilities to try to resolve issues in a positive manner.

**3. REPORT FOR NOTING**

**Crown Office and Procurator Fiscal Service Letter**

- 3.1 At its meeting on 19 April 2016, the Joint Consultative Committee considered a report on the outcome of the Glasgow Fatal Accident Inquiry (FAI) concerning the bin lorry accident on 22 December 2014.

- 3.2 The report follows a letter received from the Crown Office & Procurator Fiscal Service which makes recommendations following the FAI. The report explains actions required to ensure recommendations are considered and implemented appropriately across Falkirk Council. The main recommendations relate to: recruitment process; assessing medical information and employee medicals; employee training; fitting of AEBS in vehicles and review of collection routes.
- 3.3 The Joint Consultative Committee agreed to refer the report to Executive for noting.

#### 4. **RECOMMENDATION**

- 4.1 It is recommended that the Executive approves the immediate implementation of the policies as noted in section 2 and notes the report detailed in section 3.

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#### **DIRECTOR OF CORPORATE & HOUSING SERVICES**

Date: 4 May 2016  
Ref: AAB170516 – Referral Report from JCC  
Author: T Gillespie, ext 6239, K Algie, ext 6223

#### **BACKGROUND PAPERS**

**FALKIRK COUNCIL**

**Subject: DISPUTES POLICY**  
**Meeting: JOINT CONSULTATIVE COMMITTEE**  
**Date: 19 APRIL 2016**  
**Author: DIRECTOR OF CORPORATE & HOUSING SERVICES**

**1. INTRODUCTION**

- 1.1 Falkirk Council is committed to maintaining constructive relationships with its employees and recognised Trade Unions. The Council however recognises that from time to time, a number of internal and external factors impact on this. The Disputes Policy aims to deal with such situations, providing a clear process to promptly resolve collective disputes and achieve a mutually acceptable solution.
- 1.2 This Policy is utilised in the event of a difficulty arising between the Council and a collective group of employees where representation by a recognised Trade Union is available and where the appropriate mechanism for addressing the issue is not provided within other procedures.
- 1.3 This Policy has now been reviewed in accordance with the HR policy review timetable and the purpose of this report is to advise Committee of updates to the Disputes Policy.

**2. DISPUTES POLICY**

- 2.1 The policy has been revised as follows:
- This policy has been reviewed to include clearer definitions of issues which may be considered under the Disputes Policy and others which are specifically excluded from consideration under this policy.
  - It is also recognised that early resolution of concerns can prevent issues escalating. As such, in line with proposed changes to the Grievance Policy, greater emphasis has been placed on seeking informal resolution at a local level.
  - A proposed change to timescale for convening formal meeting to explore dispute from 3 to within 5 working days.
- 2.2 A copy of the revised policy is attached for Committee's consideration.

**3. RECOMMENDATION**

- 3.1 It is recommended that Committee agree the changes to the Disputes Policy and refer it to the Executive for approval.

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*pp* **DIRECTOR OF CORPORATE & HOUSING SERVICES**

Date: 14 March 2016

Contact Name: Kathleen Docherty, Senior Human Resources Adviser

#### LIST OF BACKGROUND PAPERS

None





# FALKIRK COUNCIL

# DISPUTES POLICY



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## **PART 1**

### **1.0 POLICY STATEMENT**

Falkirk Council is committed to maintaining constructive relationships with its employees and recognised Trade Unions. The Council however recognises that from time to time, a number of internal and external factors impact on this relationship. It also accepts that these problems can be resolved by the use of, and commitment to, agreed consultation and negotiating procedures.

Normally groups of employees should discuss their differences with their line manager/supervisor or, if they wish, a more senior manager so that the issue can be dealt with without recourse to formal procedures.

It is also recognised that there may however be occasions when difficulties will arise which require more formal procedures to be instigated if resolutions, acceptable to the parties, are to be found. The Disputes procedure aims to deal with such situations, providing a clear process to promptly resolve collective disputes and achieve a mutually acceptable solution.

The Disputes procedure should not be read in isolation and should be recognised as being available within the framework of Discipline, Grievance etc procedures. It is recommended that this procedure be utilised in the event of a difficulty arising between the Council and a collective group of employees where representation by a recognised Trade Union is available and where the appropriate mechanism for addressing the issue is not provided within other procedures.

## **PART 2**

### **2.0 PROCEDURE**

#### **2.1 Scope**

This policy applies to recognised Trade Unions within Falkirk Council and formal disputes may only be registered by the local Branch Secretary of the relevant trade union or a Full-time Official.

#### **2.2 Definition**

Disputes are collective complaints by groups of employees supported by their recognised Trade Union.

Issues likely to fall outside the scope of the Disputes Policy include:

- matters more effectively dealt with under a specific policy or procedure i.e. conduct or capability issues;
- matters over which the Council has no control e.g. a nationally agreed condition of service;

- grievances raised by non-trade union members;
- grading issues;
- concerns raised as a 'protected disclosure' under the Council's Confidential Reporting Policy i.e. whistle-blowing concerns;
- allegations of bullying, harassment or victimisation which should be considered under the Council's Dignity at Work Policy; and
- complaints relating to the right to request access to information requests.

## **2.3 Informal Resolution**

Every effort will be made to resolve disputes informally. Trade union representatives and managers are encouraged to deal with collective concerns/ disagreements informally at a local level within 5 working days of the issue being raised. Where management and the relevant trade union representatives agree that no agreement can be reached informally at a local level, the matter may be progressed formally.

## **2.4 Formal Dispute Registration**

Disputes should be registered with the Head of Human Resources & Business Transformation and the submission should be in writing. The written submission should be dated, should outline the reasons for the dispute and identify the names of individuals on whose behalf the dispute is being raised. It is also important that the written submission states the remedy being sought to allow the dispute to be dealt with.

If the dispute is being registered on behalf of the Council, formal notice will be sent to the Secretary or Full-time Official of the Trade Union concerned by the Head of Human Resources & Business Transformation. If the dispute is being registered on behalf of a recognised Trade Union or on behalf of the Joint Trade Union Committee (JTUC), formal notice will be forwarded by the appropriate Secretary to the Head of Human Resources & Business Transformation.

A formal dispute will only be considered registered once a signed written submission has been received by the relevant party.

## **2.5 Working Arrangements**

The working and management arrangements which applied before the dispute should normally operate until the dispute is resolved.

There will be no withdrawal of labour or lock out of any nature whatsoever, until the disputes procedure has been exhausted.

The Council will not attempt to implement any alterations to conditions of employment enjoyed by the group of employees on whose behalf the dispute is submitted. Similarly, no changes to well established work practices will be considered until agreement has been reached by the parties involved or, alternatively, the procedures have been exhausted. However, in exceptional circumstances, in consultation with Trade Unions, it may be necessary for changes to take effect whilst the dispute is ongoing, for example, where there are health and safety risks, and/ or child or vulnerable adult protection risks.

## **2.6 Disputes Process**

Following registration of the dispute, both parties will make representatives available for a preliminary meeting to take place within 5 working days, unless an alternative date beyond this period is agreed by all parties. The initial meeting, convened by the Head of Human Resources & Business Transformation, or representative, will be held to both explore the issues of the dispute and, assuming a resolution is not immediately possible, to agree the procedures and timescale for further progress.

In accordance with any agreements reached concerning process/timescale, the Head of Human Resources & Business Transformation, or representative, in pursuing a resolution of the matter, will convene all appropriate meetings between the representatives of the recognised Trade Unions, and as appropriate or necessary, their full time officials, the Chief Executive, Chief Officers of the Service(s) involved, and other officers as required.

The outcome from the Collective Disputes Meeting will be notified in writing within 5 working days or other period agreed by both parties.

## **2.7 Unresolved Disputes**

It is recognised that the above process may not always result in a solution agreed by both parties. If this is the case then there are further options available:

- Either party may request a meeting of the Council's Appeals Committee.
- Either party can request the involvement of a third party, i.e. ACAS (Advisory Conciliation and Arbitration Service). In the event of either party suggesting such a course of action, the involvement of a third party, the remit and terms of the process require to be agreed by both parties before the issue may be remitted to the approved third party.

## **PART 3**

### **3.0 MONITORING & REVIEW**

This policy will be reviewed, revised and updated to meet the needs of the Council by the Head of Human Resources & Business Transformation in conjunction with Chief Officers and in consultation with the recognised Trade Unions as appropriate.

**FALKIRK COUNCIL**

**Subject: GRIEVANCE POLICY**  
**Meeting: JOINT CONSULTATIVE COMMITTEE**  
**Date: 19 APRIL 2016**  
**Author: DIRECTOR OF CORPORATE & HOUSING SERVICES**

**1. INTRODUCTION**

- 1.1 The Council's Grievance Policy provides mechanisms to address individual grievances in a manner consistent with the relevant ACAS Code of Practice. The Policy aims to encourage open communication between employees and their managers to ensure that problems arising during the course of employment can be raised and, where possible, resolved quickly and to the satisfaction of all concerned.
- 1.2 This Policy has now been reviewed in accordance with the HR policy review timetable and the purpose of this report is to advise Committee of updates to the Grievance Policy.

**2. GRIEVANCE POLICY**

- 2.1 The policy has been revised as follows:
- This policy has been reviewed to include clearer definitions of issues which may be considered under the Grievance Policy and others which are specifically excluded from consideration under this policy.
  - It is also recognised that early resolution of concerns can prevent issues escalating and, as such, the policy has been reviewed to include greater emphasis on informal mechanisms, including mediation, for resolving grievance concerns;
  - The policy now clearly outlines management and employee responsibilities to try to resolve issues in a positive manner.
- 2.2 A copy of the revised policy is attached for Committee's consideration.

**3. RECOMMENDATION**

- 3.1 It is recommended that Committee agree the changes to the Grievance Policy and refer it to the Executive for approval.

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***pp* DIRECTOR OF CORPORATE & HOUSING SERVICES**

Date: 14 March 2016

Contact Name: Kathleen Docherty, Senior Human Resources Adviser

**LIST OF BACKGROUND PAPERS**

None



**FALKIRK COUNCIL**

**GRIEVANCE POLICY  
AND  
PROCEDURE**

*(For all employees including  
Teachers)*



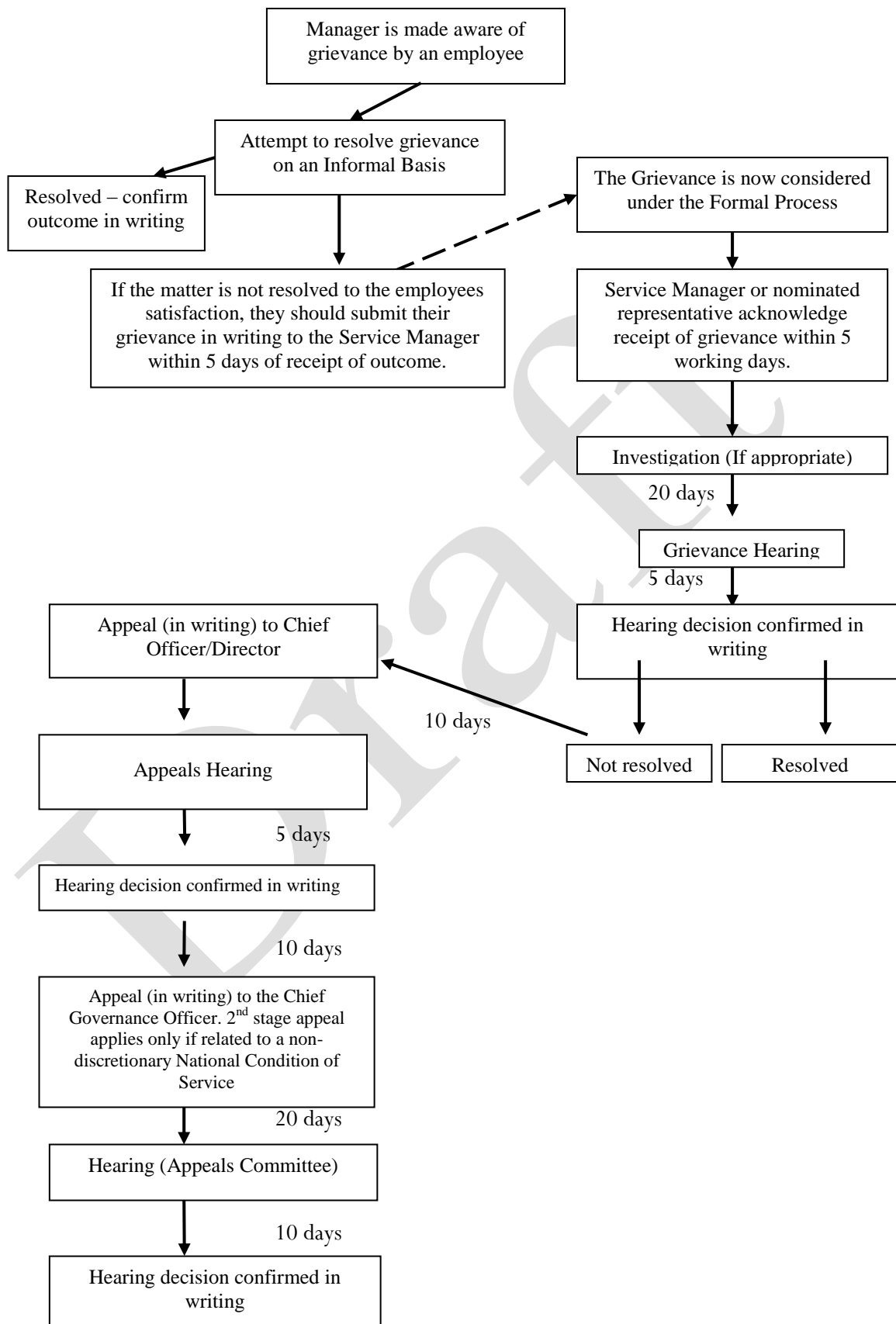
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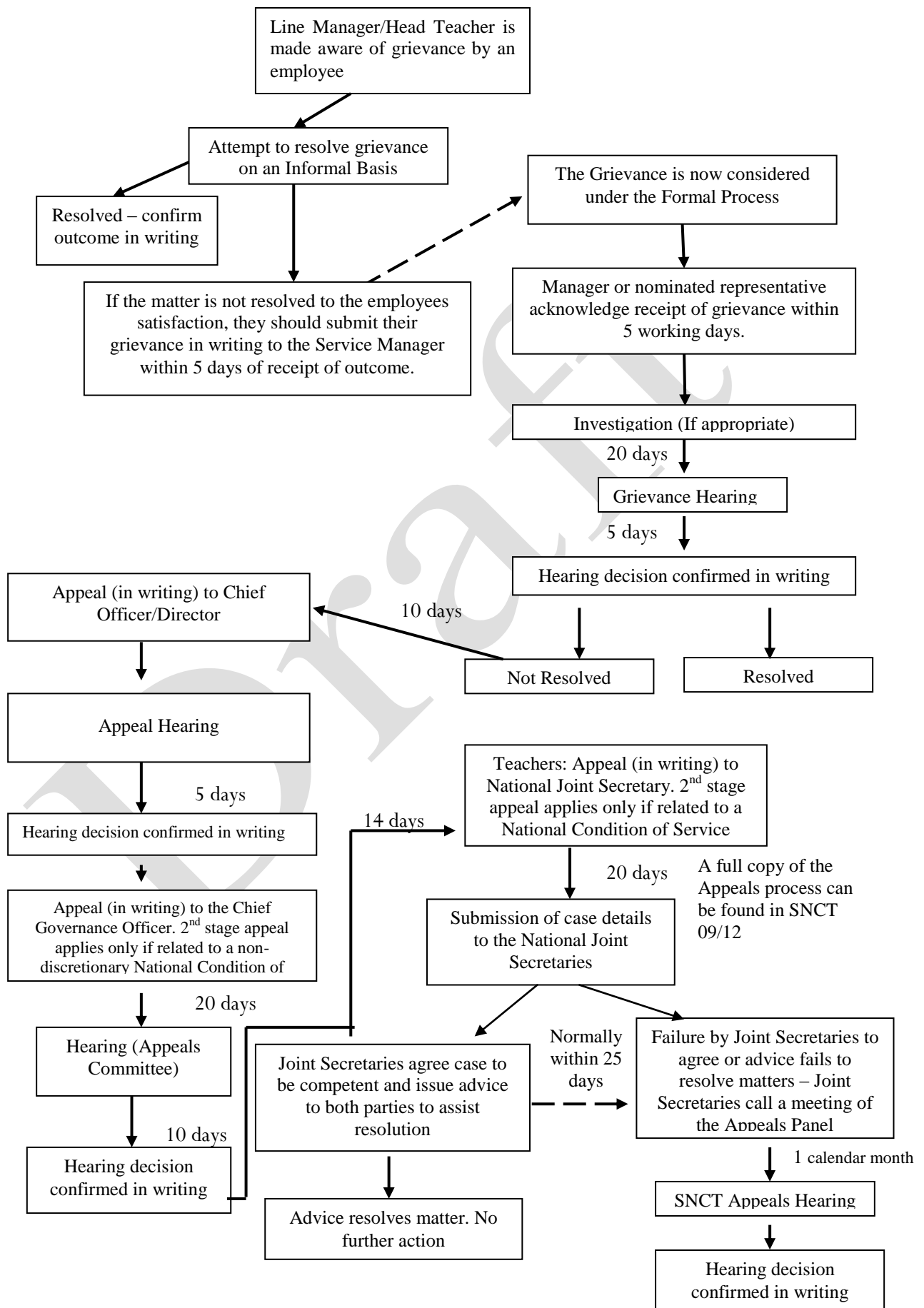


## GRIEVANCE HANDLING

(ALL EMPLOYEES EXCLUDING TEACHERS)



## GRIEVANCE HANDLING (TEACHERS ONLY)



## **PART 1**

### **1.0 POLICY STATEMENT**

**1.1** Falkirk Council places great emphasis in having a well-motivated workforce and encourages open and honest communication at all levels. It recognises, however, that there will be occasions when an employee may feel aggrieved either about a condition of employment matter or the way in which he/she has been treated.

**1.2** The Grievance Policy and Procedure aims to encourage open communication between employees and their managers to ensure that problems arising during the course of employment can be raised and, where possible, resolved quickly and to the satisfaction of all concerned.

The key objectives are: -

- To achieve a fair and equitable method of resolving an employee's grievance.
- To provide consistency in the treatment of employees.
- To assist in the efficient and effective operation of the Council.
- To comply with employment legislation and ACAS guidelines.

**1.3** The Grievance Procedure is designed to address individual grievances. It should be recognised however, that while the Policy and Procedure incorporates mechanisms to appeal the outcome of the grievance at appropriate stages, there is no opportunity to raise the same grievance twice. Two or more employees who share a common grievance arising from the same circumstances can pursue a collective grievance, either by using the Grievance Procedure, or the Disputes Procedure, a copy of which may be obtained from line managers or Trade Union Representatives or Human Resources. In the event of registration of a grievance within the formal procedures, in the interests of good employee relations, no alteration will be made to the existing Conditions of Employment which gave rise to the grievance, or to the established working practices, until the grievance has been suitably resolved and the procedure itself exhausted. In circumstances however, where the issue involves service users/clients or a matter affecting the Health and Safety of an individual, the appropriateness of this arrangement will be discussed.

**1.4** The employee can at any stage withdraw from the Grievance Procedure by giving notice in writing. In these circumstances the employee will be considered to have abandoned the grievance.

## **PART 2**

### **2.0 PROCEDURE**

#### **2.1 INTRODUCTION**

This Procedure outlines the stages to be followed within a specified time frame. It also sets out the roles of Managers/Head Teachers to assist in the early resolution of an employee's grievance. If an employee or Manager/Head Teacher is unsure of the correct procedure to follow they should obtain the appropriate advice and guidance from Human Resources.

#### **2.2 SCOPE**

This Policy applies to all Falkirk Council employees.

#### **2.3 DEFINITION**

The ACAS Code of Practice relating to Grievance at Work refers to Grievances as 'concerns, problems or complaints that employees raise with their employers'. Issues which grievances may relate to include:

- Terms & Conditions of Employment;
- Health & Safety;
- Work Relations;
- New Working Practices;
- Working Environment;
- Organisational Change;
- Discriminatory Practices.

Issues likely to fall outside the scope of the grievance policy include:

- grievances raised by an ex-employee;
- matters over which the Council has no control;
- grading issues;
- grievances that are the subject of, or may be considered under, a collective dispute which will be dealt with in line with the Council's Disputes Policy;
- where an employee raises a concern as a 'protected disclosure' under the Council's Confidential Reporting Policy;
- allegations of bullying, harassment or victimisation which should be considered under the Council's Dignity at Work Policy;
- counter complaints during/ following a disciplinary process which should be considered as part of the Disciplinary process;
- Matters for which there is a separate right of appeal e.g. appeal against disciplinary action or actions taken under the Council's Capability Policy; and

- Complaints relating to the right to request access to information requests..

In circumstances in which an employee is unclear whether the issue they wish to raise or have addressed would fall under the scope of the policy, advice should be sought from Human Resources in the first instance.

## 2.4 ROLES AND RESPONSIBILITIES

Managers are expected to:-

- deal personally with any grievance lodged with them or, if not within their authority to resolve, to pass it to the appropriate senior manager;
- deal with grievances :
  - confidentially, considering carefully what information relating to the grievance should be shared, and with whom;
  - Informally, wherever possible;
  - fairly, with an open mind and in a non discriminatory way;
  - in a timely way, adhering to the prescribed timescales where possible; and
  - seeking advice from Human Resources as appropriate.

Employees are expected to:-

- attempt to resolve grievances informally through discussion with their manager or the person concerned;
- lodge a formal grievance with their line manager, if the informal discussions fail (if the grievance is against the immediate manager, it may be lodged with the manager at the level above);
- have a clear and realistic view of what they wish to achieve from the grievance
- co-operate with arrangements to consider the grievance and not misuse the provisions of this policy by making malicious or groundless complaints; and.
- attend any meetings to which they are invited.

## 2.5 INFORMAL RESOLUTION

The successful resolution of an informal grievance will depend upon the employee and the manager seeking positively to resolve the grievance as speedily and effectively as possible. Whilst recognising that the nature of an employee's grievance can be very wide, in many instances it can best be resolved in an informal manner in open discussion with his/her Line Manager, or in writing. Addressing a grievance in an informal manner encourages effective management and good communication between the employee and the Line Manager.

In some cases informal resolution may involve a Line Manager from the same Service but external to the grievance seeking a resolution without recourse to a formal hearing. This option would be facilitated by Human Resources, with a view to agreeing a resolution.

Another option where the manager and employee have been unable to resolve the issue in the workplace, is to consider the use of an independent third party to help resolve the issue. This may involve an independent mediator. Should the parties concerned wish to make use of third party intervention, this should be notified to the Human Resources

who will be responsible for making appropriate arrangements. This is not appropriate for grievances relating to contractual terms and conditions.

If the grievance is not resolved on an informal basis, the employee may be able to progress to the formal grievance procedure.

## **2.6 FORMAL PROCEDURE**

To ensure fair treatment, where an employee has raised a grievance informally with his/her Line Manager and is still dissatisfied, he/she can raise the grievance to the next level of line management as outlined below.

### **2.6.1 Stage 1**

If despite any informal attempt to resolve the grievance, the employee remains dissatisfied, he/she has the right to submit the grievance to an appropriate more senior Manager within 5 working days of receipt of the outcome. This must be in writing and must specify the employee's reasons for raising the grievance, confirming whether informal approaches have been unsuccessful or were not practicable and indicating the resolution sought.

The Manager shall formally acknowledge receipt of the grievance and will either:

- a) determine that, depending on the nature of the grievance, an investigation is required prior to any hearing. In such circumstances, the employee should be advised in writing if this is the case;
- b) consider it appropriate to explore whether there is an opportunity to resolve the grievance by informal means. In such circumstances, they should contact the employee and/ or his/ her representative to agree a way forward; or
- c) arrange for a hearing normally within 5 working days of receipt of the employee's letter. The employee will be formally notified of the outcome of the hearing within 5 working days.

### **2.6.2 Stage 2**

If the matter is not resolved to the employee's satisfaction then he/she has the right of appeal to their Chief Officer/Director within 10 working days of the receipt of the written outcome of Stage 1. This must be in writing and specify the grounds of the appeal. Any appeal received after this time scale will not be considered, unless good cause is shown for the appeal being made late. The Service Director or Chief Officer will make arrangements for the appeal to be heard. Where this cannot be done within the Division concerned, the chairperson will be determined by Human Resources. Where the grievance appeal relates to the application of a non-discretionary national condition of Service, the appeal chair will be Chief Officer/Director level.

Prior to the appeal being heard, if it is expressly agreed between the parties, Human Resources will arrange a meeting to mediate the matter. This process should occur within 10 days, unless there are exceptional circumstances. If this process is unsuccessful, then the appeal will proceed.

Following from the appeal hearing/mediation the employee will be formally notified in writing of the outcome within 5 working days.

This is the end of the grievance process unless the matter is related to the application of a non-discretionary National Condition of Service.

### **2.6.3 Stage 3**

Generally an employee has the opportunity to progress his/her appeal to the Appeals Committee of the Council providing the grievance is in connection with a non-discretionary National Condition of Service.

Employees only progress to this stage if they have pursued either or both the mediation and the hearing outlined in Stage 2.

The appeal must be submitted to the Chief Governance Officer within 10 working days of written notification of the outcome at Stage 2 and must clearly specify; a) the reasons for the appeal and b) the appropriate Clause of the National Conditions of Employment giving rise to the appeal.

The Appeals Committee of the Council will normally hear the grievance within 20 working days following receipt of the appeal or as soon as the Committee can be convened.

The decision of the Appeals Committee will be notified to the appellant either at the conclusion of the Hearing or alternatively within 10 working days and in any event will be confirmed in writing. With the exception of teachers (see section 6), this is the end of the Grievance process. The matter will not be reconsidered by the Council should the employee raise this issue.

## **2.7 TEACHER'S APPEALS PROCEDURE**

When a teacher or other associated professional has exhausted the Council's grievance/appeals procedure and remains dissatisfied, they may refer their case to the Joint Secretaries of the Scottish Negotiating Committee for Teachers (SNCT) which has put in place a conciliation and appeals mechanism for grievances relating to National Conditions of Service Matters. Any such appeal will only be considered where it relates to the interpretation or implementation of a national agreement promulgated by the SNCT. Teachers cannot appeal matters devolved to the Local Negotiating Committee for Teachers (LNCT). A full detailed copy of the Appeals procedure can be found in SNCT 09/12.

Notice of an appeal to the SNCT must be lodged by the appellant or representative with the Joint Secretary (Employers' side) and the Joint Secretary (Teachers' side) within 20 working days of the outcome of the local appeal. The Joint Secretaries will consider whether the appeal is competent. Where the appeal is held to be competent the Joint Secretaries can issue advice to both parties to assist resolution. Such advice cannot be binding.

Where advice is issued but does not resolve matters or there is failure by the Joint Secretaries to agree on advice to resolve matters, the case will be referred to an Appeals Panel of the SNCT.

The decision of the Appeals Panel will be final and binding.

## **2.8 LNCT FAILURE TO AGREE**

Where Conditions of Service matters are devolved to the LNCT and where there is a failure to agree at school level on any relevant matter, the Council and the unions will seek to resolve matters without delay through discussion in the LNCT.

Where agreement between the two sides of the LNCT is not possible, either side may refer the failure to agree to the Joint Chairs of the SNCT for conciliation, where there is no conflict of interest. If the conciliation is unsuccessful the Joint Chairs of the SNCT may recommend further procedures for resolution of the difference, including external conciliation, mediation or arbitration. Before a failure to agree is reached a joint approach can be made to the Joint Secretary (Teacher's side) and the Joint Secretary (Employer's side) for advice. Such advice is not binding.

## **2.9 GRIEVANCE RELATING TO DISCIPLINARY MATTER**

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

## **2.10 GRIEVANCE PROCEDURE – CHIEF OFFICER**

If a grievance is raised by a Chief Officer or a Director the matter should be referred, in the first instance, to the Head of Human Resources & Business Transformation who will make the appropriate arrangements. If this course of action is not appropriate, the matter should be referred to the Chief Governance Officer.

If a grievance is submitted by a Chief Officer against a decision or actions of the Chief Executive, written notification should be submitted to the Head of Human Resources & Business Transformation who, in conjunction with the Chief Governance Officer, will make appropriate arrangements to deal with the complaint.

Thereafter, if the Chief Officer is still dissatisfied, Stage 3 of the grievance procedures will apply (as detailed at paragraph 2.5.3 above).

## **2.11 GRIEVANCE PROCEDURE – CHIEF EXECUTIVE**

Should the Chief Executive wish to raise a grievance, written notification will be submitted to the Chief Governance Officer who will consult with the Leader of the Council. Thereafter arrangements will be made for the grievance to be appropriately addressed by mutually agreed arrangements with the Leader of the Council. Any appeal, which requires to be considered at a hearing, will be considered by the Appeals Committee of the Council.



## **2.12 EX - EMPLOYEES**

Where the employment has already terminated, an individual has the right to raise a complaint in writing in accordance with Falkirk Council's Complaints Procedure.

## **PART 3**

### **3.0 GUIDANCE – FOR MANAGERS & EMPLOYEES**

#### **3.1 ROLE OF HUMAN RESOURCES AND LEGAL ADVISERS**

To ensure a consistency of approach, fairness throughout and to comply with the principles of natural justice, it is essential that suitable advice and guidance is obtained by managers from either Human Resources and/or Legal Advisers.

With these objectives in mind, either Human Resources and/or Legal Advisers may be in attendance to provide advice to the Chairperson of the Grievance/Appeal Panel on the correct procedures to be adopted, precedents and to address the legal or human resources implications arising from the grievance itself. In addition, a representative from Human Resources will be present at all levels of a formal grievance and a Legal Adviser will be present at any Appeal.

During the hearing Advisers will only advise on procedural issues in relation to the grievance and raise questions to seek clarification of the facts and will not be party to any decisions.

Advice regarding the grievance can also be provided generally and outwith the context of the formal hearing.

#### **3.2 EMPLOYEE REPRESENTATION**

Employees have the right to be accompanied at a formal grievance hearing by a trade union representative or colleague. Employees must be given the right to have such a representative present. It would, however, not normally be reasonable for an employee to request to be accompanied by a representative whose presence may prejudice the hearing e.g. where there is a potential conflict of interest.

If the employee attends the hearing without a representative, it must be confirmed first of all that he/she has been advised of the right to be accompanied. If the employee advises that he/she has not, the Chairperson should ask if the employee wants representation. If the employee advises that he/she does not want to be accompanied, this should be recorded prior to the hearing starting. Should the employee confirm that he/she does want to be accompanied, agreement should be made to adjourn in order that representation can be arranged. Should the employee turn up at the hearing having not been able to arrange representation in time, again an adjournment should be made in order that the employee can organise suitable representation. If the employee's representative cannot attend on a proposed date the employee can suggest an alternative time and date as long as it is reasonable and it is within 5 working days of the original proposed date. Should the employee be unable to arrange for the representative of their choice to be available, it is reasonable to suggest that arrangements are made for a substitute.

### **3.3 WITNESSES**

Employees have the right to call witnesses in support of their grievance and are personally responsible for arranging these. The chairperson of the hearing must be notified of any witnesses attending on behalf of the employee as soon as possible but at least 3 working days before the grievance hearing. Council employees called as witnesses will receive full pay and on the production of appropriate receipts, reasonable travelling expenses.

Witnesses should be asked not to discuss the matter with any other colleagues.

### **3.4 TIMESCALE**

Where it is not possible to reach agreement within the specified time period, it may be necessary, by mutual consent, to extend the timescales. This should be confirmed in writing stating the reasons for the delay and the agreed extension to the timescale. In the event that there is no prior agreement, or a manager fails to meet the extended timescale, the employee may register a “failure to agree” and opt to proceed to the next stage in the grievance procedure.

### **3.5 NATURAL JUSTICE AND EQUITY**

If, in exceptional circumstances, due to the nature of the grievance, it is decided that the Line Manager is not the most appropriate person to deal with the matter, discussions should take place with Human Resources to determine a suitable alternative. The employee will be notified in writing of this decision not later than 5 working days after the formal submission of the grievance. Thereafter, the grievance will be heard in accordance with Stage 1 in the first instance.

In the event that the grievance is considered to be about or to involve the immediate Line Manager then the grievance should be addressed to the Service Manager or Head Teacher. If however the grievance relates to the Service Manager or Head Teacher, the matter should be referred to the appropriate Head of Service who will confirm how the matter will be progressed.

No Officer or Elected Member who has been party to an earlier decision will take part in any further stages in the grievance/appeal procedure.

### **3.6 ARRANGING A GRIEVANCE HEARING/APPEAL**

Following formal confirmation being received that an employee wishes to pursue a grievance/appeal it is essential that the hearing runs smoothly and to do so requires a number of considerations:

- It must be established that there is a genuine basis for the employee’s grievance/appeal and a mutual understanding of the reasons why it has arisen.
- It falls within the terms of the Grievance Policy and Procedure.
- It is being heard at the correct management level.
- Witness statements, as appropriate, have been received.

Once it has been confirmed that there are grounds for a grievance/appeal the employee must be formally advised at each stage of:

- The date, time and location of the hearing.
- The name, designation of the Chairperson.
- Where appropriate, who will be presenting the management case.
- Who will be present as an adviser(s) to the chairperson.

It is also important to clearly establish:

- Who will represent the employee.
- If there are any witnesses to be called and if so who they are.

The employee must take all reasonable steps to attend the meeting.

The Chairperson convening the hearing is responsible for writing to the employee. All parties should be made aware that they are personally responsible for contacting any witnesses they may wish to call during the hearing.

In advance of the date of the hearing, the Chairperson should make sure that a room is available which is large enough to accommodate everyone in comfort and without interruption. Separate rooms should be available for each party to use prior to the hearing and during any possible adjournments.

### **3.7 FORMAT OF THE HEARING**

It is important that the hearing should be conducted in as relaxed a manner as possible as it can be a distressing experience for all involved in the process. The Chairperson will open the hearing, introduce the parties and be as welcoming and friendly as possible.

The Chairperson will explain the format of the proceedings and advise that it is only points raised in connection with the grievance/appeal that will be relevant and any other issues will be excluded. The Adviser(s) will assist to ensure that only the relevant issues are addressed.

### **3.8 PROCESS AT THE HEARING**

The following outlines the process to be followed at the hearing:

The Chairperson asks the employee or his/her representative, to present his/her case outlining specifically the reasons giving rise to the grievance/appeal.

At this point the opportunity is given to call witnesses to support the employee's evidence.

Thereafter, the Chairperson invites questions from the management representative, following on from which he/she may seek any point(s) of clarification. The Adviser(s) present may also ask questions but restricted to points of clarification.

Once satisfied that there are no further matters to be raised the Chairperson invites the management representative to put forward his/her case.

At this point the opportunity is given to call witnesses to support management's case.

The employee or his/her representative will have the right to question the management representative, after which again, the Chairperson can seek any point(s) of clarification. The Adviser(s) present may also ask questions to clarify any matters.

The Hearing can be adjourned, where necessary, to clarify any point of detail of the grievance. If this happens, the Chairperson must state the period of adjournment.

Following completion of the submissions the Chairperson will invite the management representative in the first instance, to summarise his/her case, followed thereafter by the employee or his/her representative.

### **3.9 CONCLUSION**

The Chairperson then summarises the hearing and the main points of both presentations. The employee should be asked if he/she has been given a fair and reasonable opportunity to present their case. If the response is 'no' then the Chairperson must ask for a further explanation and take the stated concern into account when giving the decision. If the procedures have been followed this is highly unlikely to happen.

The hearing is then adjourned to allow the Chairperson to come to the decision. Even if during the course of the hearing the Chairperson has an idea of what the decision may be, it is advisable that the adjournment is used to allow the opportunity to consider the facts and seek advice from any Advisers present. It should be remembered that if a decision cannot be made during an adjournment, it can be put in writing within the agreed timescales.

### **3.10 MAKING THE DECISION**

All the facts of the case should be reviewed as they have been presented. The role of Human Resources and Legal Representatives, where they are present is to provide advice on the case (but not on its merits which is a matter for the Chairperson) and details of any relevant case law, legislation, precedents and terms and conditions of the contract of employment, which can be taken into account.

### **3.11 RECONVENING THE HEARING**

If the decision is being made immediately, the employee should be clearly advised of the decision and the reasons why it has been reached. This should be confirmed in writing within 5 working days. If more time is required a decision should be confirmed in writing within 5 working days once it has been reached. The decision letter should outline the conduct of the grievance hearing, the decision taken and the reasons for this.

The employee must also be made aware of their right to appeal against the decision within 10 working days of receiving the written confirmation of the decision.

When an independent Chairperson has heard a grievance/appeal from another Service a copy of his/her decision must be forwarded to the employee's Service.

### **3.12 REVIEW OF PROCEDURES**

The Head of Human Resources & Business Transformation will review this policy as per the agreed Human Resources Policy Review Timetable in conjunction with Service Directors and Trade Unions taking into consideration legislative amendments and best practice advice.

This Policy has been Equality Impact Assessed and no adverse impact has been identified.

Draft

## GRIEVANCE PROCEDURES NOTIFICATION OF GRIEVANCE/GRIEVANCE APPEAL

N.B if completing in by hand please do so clearly and in black ink.

If you require any assistance in completing this form, please contact Human Resources.

### PERSONAL DETAILS

Name	Job Title
Service	Location
Home Address	
<b>Trade Union Details</b> (You are advised to contact your Trade Union before submitting this form.) Including name of Trade Union and Representative	

### INFORMAL RESOLUTION

Please specify any informal steps taken to resolve your grievance or why you did not consider this appropriate:

### Grounds of Grievance/Grievance Appeal

**Please state the grounds of your grievance or appeal, in your own words.**

[illegible]

Use a separate sheet if necessary

### RESOLUTION SOUGHT

Please specify your desired outcome from the grievance process:

Grievance Process		
<u>1<sup>st</sup> Stage</u>  When completed send to:- <b>Service Manager</b>	<u>2<sup>nd</sup> Stage (Appeal)</u>  When completed send to: <b>Chief Officer or Director</b>	<u>3<sup>rd</sup> Stage (Appeal against non-discretionary National Conditions of Service)</u>  When completed send to: <b>Chief Governance Officer</b>

In accordance with the Data Protection Act 1998, you are advised that this information will be retained on file and used for Human Resources purposes.



**FALKIRK COUNCIL**

**Subject: CROWN OFFICE and PROCURATOR FISCAL SERVICE LETTER**  
**Meeting: JOINT CONSULTATIVE COMMITTEE**  
**Date: 19 APRIL 2016**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES AND DIRECTOR OF CORPORATE AND HOUSING SERVICES**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to update Committee on the content of a letter received from the Crown Office and Procurator Fiscal Service on 4 February 2016 (copy attached) and explain actions required to ensure recommendations are considered and implemented appropriately across Falkirk Council.

**2. BACKGROUND**

- 2.1 The letter was received by the Chief Executive in relation to the recent determination by Sheriff Becket on 7 December 2015 in relation to the Glasgow Fatal Accident Inquiry (FAI) concerning the bin lorry accident on 22 December 2014.
- 2.2 The determination provided a number of recommendations and matters for consideration to be addressed mainly by Glasgow City Council although the rationales for the recommendations are applicable to other local authorities. These are detailed below with suitable responses in relation to how these recommendations may affect Falkirk Council.

**3. RECOMMENDATIONS WITHIN DETERMINATION**

- 3.1 **Recommendation 5.2** “when a doctor is advising an organisation employing a driver as to that driver’s fitness to drive following a medical incident whilst driving, that organisation should provide all available information about the incident to the doctor and the doctor should insist on having it prior to giving advice to the organisation and the driver”

**Response** – HR will review the OH requirements for medicals for drivers. Currently there is a mixed approach adopted, with some services preferring to use the services of OH and others using GP checks for drivers of specific vehicles. It is suggested that all services move to GP’s undertaking medicals in all cases as required by legislation. Guidance will be developed by HR and issued to all services to ensure that services are clear on responsibilities and accountabilities in this respect.

- 3.2 **Recommendation 5.3** “Glasgow City Council when employing a driver, should not allow employment to commence before references sought have been received”

**Response** – The existing Recruitment & Selection Policy already requires references to be sought prior to any offer of employment. Services will however be reminded of the need to take up two references prior to any offer of employment.

- 3.3 **Recommendation 5.4** “Glasgow City Council should carry out an internal review of its employment processes with a view to ascertaining potential areas for improvement in relation to checking medical and sickness absence information provided by applicants, for example by having focussed health questions within reference requests for drivers and obtaining medical reports in relation to health related driving issues from applicants GPS”

**Response** – The existing Recruitment & Selection Policy requires references to be sought prior to any offer of employment. This has however been reinforced, with specific guidance for references for drivers developed, which will be issued to services shortly. The Recruitment & Selection Policy will also be updated by HR in due course to ensure alignment. The pre-employment process, undertaken by OH, for new drivers/applicants will also be reviewed to ensure thorough and robust assessment to ensure fitness for employment. In addition, this is an on-going review of the Transport and the Driving at Work Policies being undertaken by HR to ensure alignment.

- 3.4 **Recommendation 5.5** “Glasgow City Council should provide its refuse collection operators with some basic training to familiarise them with the steering and braking mechanisms of the vehicles in which they work”

**Response** – Waste Services currently undertake training with drivers and non-drivers to familiarise them with the mechanisms of the vehicles and this is recorded for file purposes. When new refuse vehicles are delivered, all drivers and operatives are trained on the use of that vehicle.

- 3.5 **Recommendation 5.6** “Local Authorities and any other organisations which collect refuse when sourcing and purchasing refuse collection vehicles which are large goods vehicles should seek to have AEBS fitted to those vehicles wherever it is reasonably practicable to do so”

**(DEFINITION OF AEBS** – “An advanced emergency braking system (AEBS) or autonomous emergency braking (AEB) is an autonomous road vehicle safety system which employs sensors to monitor the proximity of vehicles in front and detects situations where the relative speed and distance between the host and target vehicles suggest that a collision is imminent. In such a situation, emergency braking can be automatically applied to avoid the collision or at least to mitigate its effects.)

**Response** - Comes as standard on new LGV's (over 7.5 tonnes gross vehicle weight) purchased since October 2015. So any LGV vehicles bought after October 2015 will come with this technology. We are awaiting delivery of 9 refuse vehicles all of which will come with AEBS.

- 3.6 **Recommendation 5.7** “Local Authorities and any other organisations which collect refuse and which currently have LGV's without AEBS but to which AEBS could be retrofitted, should explore the possibility of retrofitting with the respective manufacturer”

**Response** – Our current understanding is that these devices can only be retrofitted to the LGV's manufactured after October 2014. Having liaised with Falkirk Council vehicle manufacturers we have identified that there are currently 6 refuse collection vehicles which could be fitted with this technology. It is not common practise in the industry to

have these devices retrofitted and the initial indications are suggesting £20k per vehicle to have the devices fitted. This does not include vehicle downtime and transportation costs to Germany for fitting.

Mercedes who are our main vehicle providers have commented that “It may be worth mentioning that in its present form AEBS does not pick up pedestrians or cycles, in the Glasgow Fatal Accident it would not have picked up the people or bicycles but it will pick up large stationary objects.”

- 3.7 **Recommendation 5.8** “Glasgow City Council should seek to identify routes between refuse collection points, which so far as is reasonably practicable, minimise the number of people who would be at risk should control be lost of a refuse collection lorry”

**Response** – Waste services currently have route risk assessments in place for refuse vehicles and these have taken into account busy areas like central town areas and schools.

- 3.8 **Recommendation 5.9** “the potential for the presence of exceptional numbers of pedestrians at particular times should be taken into account of as part of route risk assessment in refuse collection”

**Response** – This is taken into account with Refuse Risk Assessments at the moment and should also be replicated by other Council service users of LGV’s. This was discussed at the recent Fit Fleet Group in January 2016. An annual Statement of Assurance is also completed by service Nominated Transport Service Officers across all service areas within the Council to ensure compliance.

#### 4. **MATTER FOR CONSIDERATION WITHIN DETERMINATION**

- 4.1 Matter for Consideration 6.1 “occupational health doctors performing D4 examinations and providing advice to employers on applicant drivers, and employers of drivers who facilitate their staff applying for renewal of group 2 licences without the involvement of GP’s, should consider whether to require the applicant to sign a consent form permitting release by any GP of relevant medical records to the occupational health doctor.

Response – Not for ourselves

#### 5. **RECOMMENDATIONS**

It is recommended that Committee note the content of the report and refer to Executive for noting.

.....  
**DIRECTOR OF DEVELOPMENT SERVICES AND *pp* DIRECTOR OF  
CORPORATE & HOUSING SERVICES**

Date: 7 March 2016

Contact Name: Carl Bullough (Operations), Pat Taggart (Fleet Manager)

# Crown Office and Procurator Fiscal Service

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA



John T. Logue, Director of Serious Casework

Mary Pitcaithly  
Chief Executive  
Falkirk Council  
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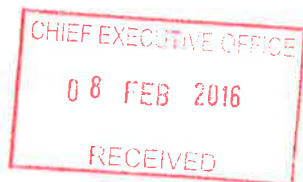
Fax: 0844 561 4070

Legal Post: LP-1 Edinburgh 30

Your ref:

Our ref: JTL/GE

4 February 2016



Dear Madam

## **DVLA procedures on medical fitness to drive Consideration of a public consultation**

You may be aware of the recent Fatal Accident Inquiry at Glasgow Sheriff Court in relation to the tragic accident on 22 December 2014 in Queen Street and George Square, Glasgow when the driver of a bin lorry lost consciousness and, as a result, the lorry mounted a pavement and collided with a number of pedestrians, killing 6 people and injuring 15 more.

The Sheriff issued his Determination, in terms of Section 6 of the Fatal Accident and Sudden Deaths Inquiry (Scotland) Act 1976, on 7 December 2015. A copy of the Determination is enclosed.

I would draw your attention to the detailed and sensible Recommendations and Matters for Consideration set out in the Determination. Although a number of the Recommendations are addressed to Glasgow City Council the reasoning that lies behind them is equally applicable to all local authorities. In particular you will wish to note the following:

- Recommendation 5.2 When a doctor is advising an organisation employing a driver as to that driver's fitness to drive following a medical incident whilst driving, that organisation should provide all available information about the incident to the doctor and the doctor should insist on having it prior to giving advice to the organisation and the driver.
- Recommendation 5.3 Glasgow City Council, when employing a driver, should not allow employment to commence before references sought have been received.
- Recommendation 5.4 Glasgow City Council should carry out an internal review of its employment processes with a view to ascertaining potential areas for improvement in relation to checking medical and sickness absence information provided by applicants, for example by having focussed health questions within

reference requests for drivers and obtaining medical reports in relation to health related driving issues from applicants' GPs.

- Recommendation 5.5 Glasgow City Council should provide its refuse collection operators with some basic training to familiarise them with the steering and braking mechanisms of the vehicles in which they work.
- Recommendation 5.6 Local Authorities and any other organisations which collect refuse, when sourcing and purchasing refuse collection vehicles which are large goods vehicles, should seek to have AEBS fitted to those vehicles wherever it is reasonably practicable to do so.
- Recommendation 5.7 Local Authorities and any other organisations which collect refuse, and which currently have large goods vehicles without AEBS but to which AEBS could be retrofitted, should explore the possibility of retrofitting with the respective manufacturer.
- Recommendation 5.8 Glasgow City Council should seek to identify routes between refuse collection points which, so far as is reasonably practicable, minimise the number of people who would be at risk should control be lost of a refuse collection lorry.
- Recommendation 5.9 The potential for the presence of exceptional numbers of pedestrians at particular times should be taken account of as part of route risk assessment in refuse collection.
- Matter for Consideration 6.1 Occupational health doctors performing D4 examinations and providing advice to employers on applicant drivers, and employers of drivers who facilitate their staff applying for renewal of group 2 licences without the involvement of GPs, should consider whether to require the applicant to sign a consent form permitting release by any GP of relevant medical records to the occupational health doctor.

There are a number of Recommendations applicable to the medical profession and DVLA surrounding fitness to drive which will be of interest to you.

Finally, you will note that Recommendations 5.17 and 5.19 invite the Secretary of State for Transport to instigate consultations on matters relating to fitness to drive. Your local authority, and any occupational health provider you engage in relation to your drivers, may have an interest in such consultations.

I trust you will take forward and implement those matters above which are applicable to your local authority with a view to preventing such a tragedy from happening again.

Yours faithfully



JOHN T. LOGUE  
Director of Serious Casework

Enclosure:

*Determination into the deaths of John Kerr Sweeney, Lorraine Sweeney, Erin Paula McQuade, Stephenie Catherine Tait, Gillian Margaret Ewing, Jacqueline Morton; Sheriff John Beckett QC, 7 December 2015*

**FALKIRK COUNCIL**

**Subject: CORPORATE RISK MANAGEMENT – POLICY AND FRAMEWORK**  
**Meeting: EXECUTIVE**  
**Date: 17 MAY 2016**  
**Author: DIRECTOR OF CORPORATE & HOUSING SERVICES**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek approval of the Corporate Risk Management Policy and Framework, which was referred to the Executive by the Audit Committee on 18 April 2016.

**2. POLICY FOR APPROVAL**

- 2.1 At its meeting on 18 April 2016, the Audit Committee agreed to refer the following Policy to the Executive for approval.

**Corporate Risk Management Policy and Framework**

- 2.2 This Policy and Framework has been considered by Corporate Risk Management Group, Corporate Management Team, and Audit Committee. It sets out the Council's approach to Risk Management and Officers' and Members' responsibilities within that. It also includes, as Appendices:

- Corporate Risk Management Reporting Framework;
- Risk Scoring Guidance and Matrix;
- Risk Reporting and Review Guidance;
- Risk Register Template;
- Corporate Working Groups Chart; and
- The Role of Statutory Officers in Relation to Risk.

**3. RECOMMENDATION**

- 3.1 It is recommended that the Executive approves the immediate implementation of the Corporate Risk Management Policy and Framework.

.....  
**DIRECTOR OF CORPORATE & HOUSING SERVICES**

Date: 4 May 2016  
Ref: AAB170516 – CRM – Policy & Framework  
Author: K Algie, ext 6223

**BACKGROUND PAPERS**



**FALKIRK COUNCIL**

**CORPORATE RISK MANAGEMENT  
POLICY AND FRAMEWORK**

**March 2016**



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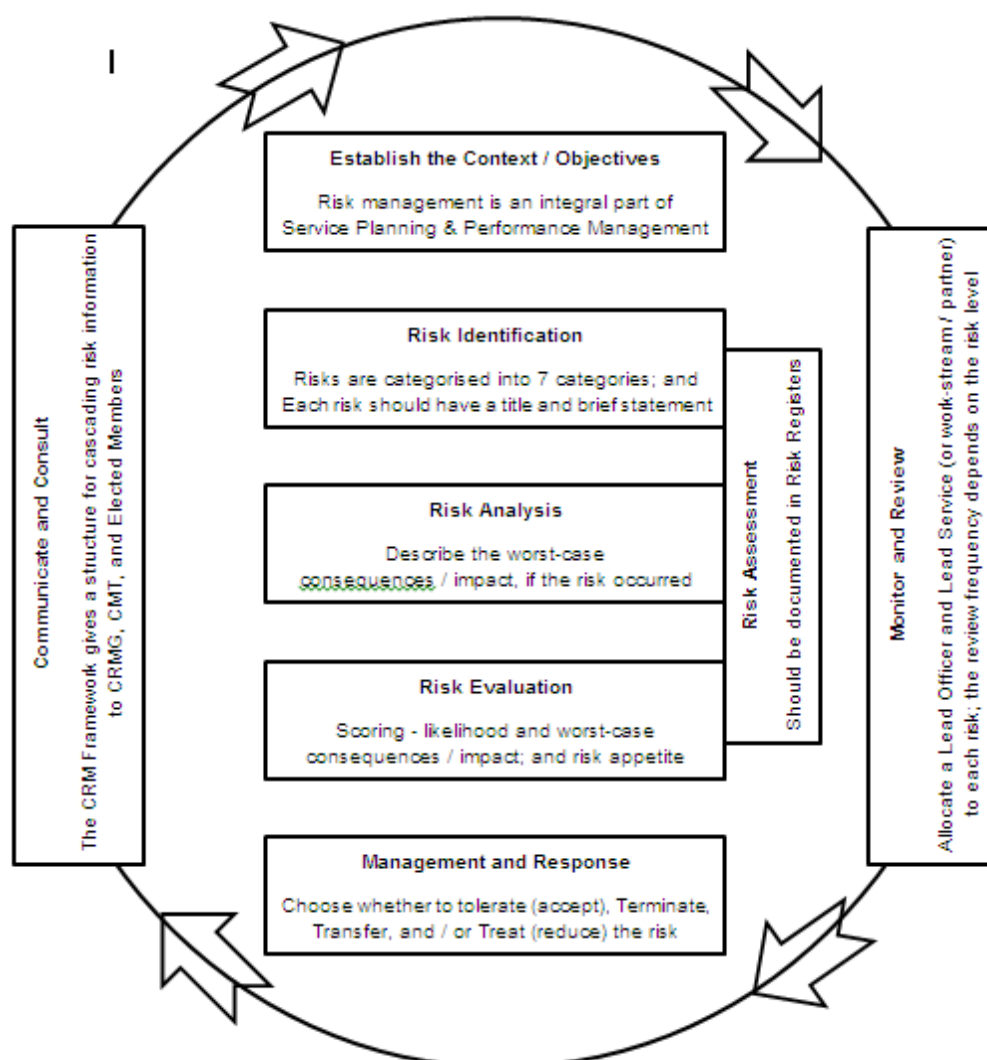
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## DOCUMENT HISTORY

Document Title:	CRM Policy and Framework	Lead Reviewer:	CRMG
Owner:	Director of Corporate & Housing Services	Superseded Version:	Dec 2015
Version No:	V2.1, Mar 2016	Next Review Date:	Q1, 2017

## 1. POLICY STATEMENT – THE COUNCIL’S APPROACH TO RISK MANAGEMENT

- 1.1 The purpose of this Corporate Risk Management (CRM) Policy and Framework is to set out the approach to embedding CRM arrangements across the Council.
- 1.2 Risk means an **uncertainty**, which has a **possibility** of resulting in positive or negative consequences for the Council.
- 1.3 The Council encourages decision makers to be ‘risk aware’ rather than ‘risk averse’. We will support Services and employees who take opportunity risks - where those risks are understood; reasonable controls are in place; anticipated benefits out-weigh negative impacts / consequences; and decisions are proportionately documented, monitored, and reviewed.
- 1.4 The diagram below outlines the risk management process:



- 1.4 **Appendices 1-5** provide guidance on assessing, reporting, and recording risks.
- 1.5 Risks may have a variety of consequences / impacts – including financial, reputational, harm (e.g. injury or death to employees or service users), service interruption or delay, and audit / legal issues.

- 1.6 Risk affects every activity to a greater or lesser degree; failure to manage them can have serious consequences. The Council categorises risk as:
- failures in proper **financial** management;
  - failures in proper **information** management (availability, integrity and security);
  - failures in **human resources** management (e.g. recruitment, retention, safety);
  - failure to properly manage **assets**;
  - failure to properly recognise, plan for, and manage significant **change**, both internal and external;
  - failures in **governance**, leadership, accountability or decision making; and
  - failures in **partnerships**, or contracts with external bodies.

## 2. RESPONSIBILITIES

### 2.1 Elected Members

The CIPFA / SOLACE Guidance<sup>1</sup> - and in particular Principle 4 - makes explicit the Elected Member's decision-making role and the need to ensure that risk information contributes to the decision-making process. Risks should be included in all committee papers, where appropriate.

CIPFA Guidance Note 10 (Risk Management Guidance for Elected/ Board Members) also advises that Elected / Board Members should get involved in the identification of high level, corporate risks, and outlines the following responsibilities for them:

- to gain a broad understanding of risk management and its benefits;
- to require Officers to develop and implement an effective framework for risk management, and report significant risks on a regular basis;
- to challenge Officers to ensure risks are considered and recorded in reports; and
- formally consider risks at the start and throughout the life of projects.

### 2.2 Audit Committee

The Audit Committee's Terms of Reference are to:

- review and seek assurance on the framework of risk management, governance and control;
- review and seek assurance on the system of internal financial control;

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<sup>1</sup> Delivering Good Governance in Local Government, CIPFA/ SOLACE, 2012.

- review Assurance Statements to ensure they properly reflect the risk environment,
- produce an annual report to Council on the above to support these statements;
- take account of the implications of publications detailing best practice for audit, risk management, governance, and control;
- take account of recommendations contained in the relevant reports / minutes of:
  - the External Auditor;
  - the Scottish Parliament; and
  - other external scrutiny agencies.

### **2.3 Chief Executive**

The Chief Executive has overall accountability for the Council's CRM Policy and Framework, and ensuring that effective arrangements are in place to manage risk.

### **2.4 Director of Corporate & Housing Services**

The Director has delegated responsibility for overseeing CRM arrangements; the effectiveness of CRMG; and for bringing risk issues to CMT, Audit Committee, and Executive, including:

- Quarterly reports to CMT – including very high, high, emerging, and rising risks; and
- 6 monthly updates to the Audit Committee.

### **2.5 Head of Human Resources & Business Transformation**

The Director has delegated their responsibilities above to the Head of Service.

### **2.6 Internal Audit**

The Internal Audit Manager is responsible for developing and completing an Annual Risk-Based Internal Audit Plan. The aim is to provide assurance on the Council's arrangements for risk management, governance, and controls.

### **2.7 Corporate Risk Management**

The Corporate Risk Management team will take a 'light touch' approach to monitoring Services' management of risk. However, support can be provided in developing a flexible, yet proportionate and robust service risk management framework.

Further, as part of the continuous monitoring of risk management arrangements, the Corporate Risk Management and Internal Audit team – with independent assurance from West Lothian Council's Audit and Risk function - will seek on-going assurance on the extent to which these arrangements are embedded at a corporate and Service level.

## 2.8 Corporate Risk Management Group (CRMG)

CRMG should meet on a quarterly basis, and ensure:

- Corporate risk reports focus on very high and high risks – those risks with the most significant and material consequences – and changes to Services’ risk profile;
- there is a clear process for capturing existing, rising, and emerging risks from Services, and reporting these to CRMG, CMT, and Members;
- Service Risk Management arrangements are ‘owned’ by Services, and that risk becomes part of managers’ ‘way of thinking’;
- risk reporting and scrutiny arrangements are proportionate and effective;
- consideration of risk and opportunity forms an integral part of the decision making process, including performance management, (Service) self-assessments, budget / savings, and transformational change reviews; and
- review of the following assurance reports on a cyclical basis:
  - Service reports on very high and high risks (6 monthly);
  - Service reports on medium risks (annually); and
  - Statutory Officers’ annual reports.

## 2.9 Service Management Teams

Services’ risk management arrangements should be flexible, and consistent with Service Planning processes, and involve Service Unit Managers. Service Management Teams should support CRMG and implement the following arrangements effectively:

- lessons learnt from incidents, inspections, audits, and (Service) self-assessments;
- Working Groups;
- Service Risk Registers (SRR);
- consider the above when reviewing risks and performance; and
- provide copies of all internal and external inspection reports to the Internal Audit and Corporate Risk Management team – including REFLECT, external audit, and inspection reports.

## 2.10 Working Groups

**Appendix 6** shows the framework of Working Groups tasked with progressing various work-streams. Each of these Working Groups must also take the lead in assessing, managing, and monitoring work-stream risk, and:

- have clear terms of reference and lines of accountability;

- be clearly identified within the CRR;
- review lessons learnt from incidents;
- maintain subject / project specific risk registers;
- undertake an annual self-assessment of their effectiveness and terms of reference; and
- review their effectiveness, and terms of reference, and report to CRMG annually.

## **2.11 Statutory Officers'**

**Appendix 7** summarises the role of Statutory Officers' in relation to risk. This covers the the Chief Finance Officer (CFO), Chief Governance Officer (CGO) / Monitoring Officer, and the Chief Social Work Officer (CSWO). Given their role in ensuring the legality of the Council's activity, they will provide annual and exception reports on changes to very high, high, or emerging risks.

## **2.12 Service Unit Managers and Project / Partnership/ Contract Leads**

Managers should:

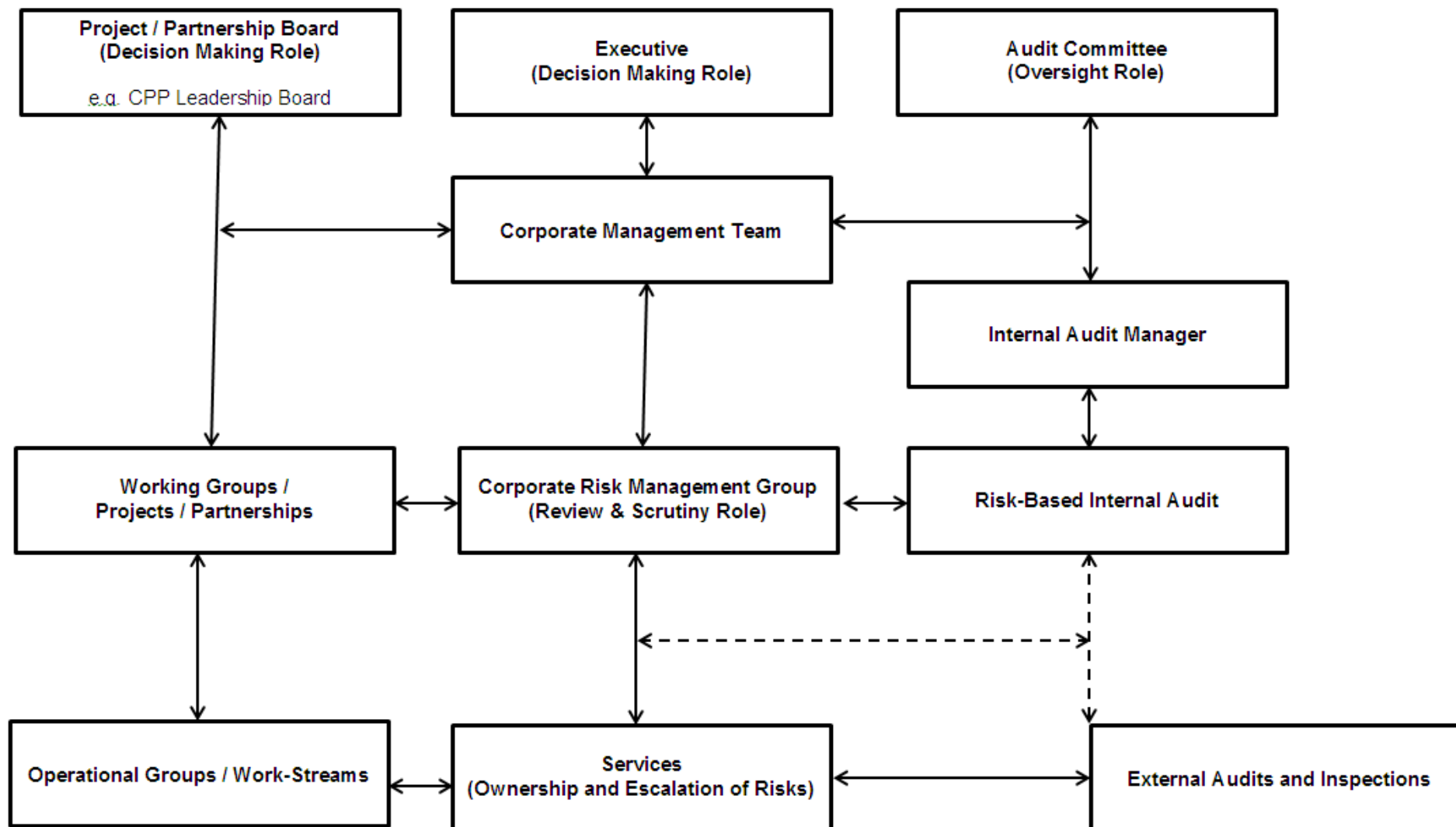
- provide suitable risk information and training to employees;
- maintain risk registers, where appropriate, for their areas of responsibility;
- identify, assess, and report risks – including current, emerging, and rising risks;
- implement proportionate controls and review mechanisms; and
- include risk as a standing agenda item at meetings.

## **2.13 Employees**

Employees should:

- understand the risks that relate to their role, e.g. be involved in risk assessments;
- take steps to protect themselves and others, e.g. follow safety guidance; and
- be encouraged to report concerns.

## APPENDIX 1: CRM REPORTING FRAMEWORK



## APPENDIX 2: RISK SCORING MATRIX

Likelihood	5						Very High (Score 17-25)
	Almost Certain						
	4						High (Score 10-16)
	Likely						
	3						Medium (Score 7-9)
	Possible						
	2						Low (Score 1-6)
	Unlikely						
	1						Risk Appetite Threshold (Score 16+)
	Almost Impossible						
		1	2	3	4	5	
		Insignificant	Minor	Moderate	Major	Severe	
		Impact / Consequence					

The dotted line above indicates the Council's 'risk appetite'. Risks above this level could have serious consequences – Services should consider terminating the activity, transfer the risk (through e.g. insurance or contracts), and / or implement additional actions to reduce it.

Risk assessment is subjective; but **Appendix 3** provides more guidance on scoring risks, and some practical examples are below:

**People Protection v Enablement:** We have to balance individual's wishes / rights against the safety of themselves or the community, e.g. self-directed support or housing violent offenders.

**Compliance v Pace of Change:** What would be the realistic consequences of meeting a deadline for compliance, or delaying implementation, e.g. legal penalties and people / resource impact?

**Savings v Investments:** Is it more important to reduce costs and make savings now, or are there opportunities to make larger savings in the long-term by investing in, e.g. the economy or assets?

**Service Redesign:** If e.g. our (minimum) statutory duty is to provide a care review annually, would quarterly reviews and preventative activity reduce harm and long-term care costs? **What are the avoidable and unavoidable consequences of each saving(s) option?**

**Procurement:** If buying vehicle assets, is it more important to get the best functionality, service / support package, or price? Would a lower specification lead to increased long-term running costs?

**Rent Arrears:** When unemployment goes down, rent arrears temporarily go up (as people often have to pay for transport or clothes before being receiving wages). Is it better to accept short-term arrears, or penalise people and risk deterring them from taking up employment opportunities?

**Technology:** It is cheaper to process online payments. But should the Council insist on this? If we offer different payment methods, is there an opportunity to improve services and income?



## APPENDIX 3: RISK SCORING GUIDANCE

### Likelihood

1. Almost Impossible: There is little evidence that the risk is likely to occur
2. Unlikely: There is a low chance of the risk occurring
3. Possible: There is a reasonable chance of the risk occurring
4. Likely: There is a strong chance of the risk occurring
5. Almost Certain: It is fairly certain that risk will occur, or has already occurred

### Impact / Consequences

Score	Financial	Reputational	Harm to People or Assets	Interruption to Services to Projects	Audit/ Legal/ Compliance
<b>1 Negligible</b>	None or little budget impact; spend is within risk owner's authority	None, or little, media interest; impact is in public domain, but managed	None or very minor injury and / or damage	None or little disruption to one service, or project delay	No or little query from audit body / regulator; but no criticism or action required
<b>2 Minor</b>	Minimal budget impact; spend is within risk owner's authority	Local media interest and / or customer complaints	Minor injury and / or damage	Minor disruption to multiple services, or project delay	Action required; but unlikely to result in criticism and / or penalty
<b>3 Moderate</b>	Manageable budget impact; spend exceeds risk owner's authority	Regional media interest and / or multiple complaints	Moderate injuries and / or damage	Some disruption to service, or project delay	Action required; and may result in criticism and / or penalty
<b>4 Major</b>	Major impact, but within budgets	National media interest and / or serious loss of confidence	Major injury, death, and / or assets destroyed	Major service disruption, loss of multiple services, or project delay	Major legal action, penalty, and / or criticism
<b>5 Severe</b>	Extensive; spend exceeds available budgets	Sustained media interest, complaints, and / or loss of confidence	Multiple deaths and / or assets destroyed	Extended disruption or loss of service, or project delay	Severe penalty, criticism and / or legal action

To ensure this guidance is relevant to many situations, the measures above are subjective and flexible. Services, Partnerships and Projects can tailor it to suit their objectives, e.g.:

1. Committee Reports and Budget / Savings monitoring reports could include an assessment of risk (including avoidable and unavoidable consequences) arising from each option or proposal;
2. Project Board's may define 'risk appetite' as a deviation from agreed costs, time, quality, e.g.
  - Negligible: less than 2% over budget, 3 months' delay, and / or NIL defects;
  - Moderate: less than 5% over budget, 6 months' delay, and / or less than 5 moderate defects;
  - Severe: more than 5% over budget, 6 months' delay, and / or 1 or more serious defects;
3. Services may align it with subject-specific professional guidance, e.g. Children's Services and the Health & Social Care Partnership (HSCP) may align it with on people protection and enablement; and
4. The HSCP may align it with national or local targets for reducing waiting times or disease outbreak.

## APPENDIX 4: RISK REPORTING / REVIEW GUIDANCE

Risk Rating	Action to be taken
<b>Very High Risks</b>	Very High: above the Council's risk appetite; <b>must</b> have a Target Risk Level;
<b>High Risks</b>	High: are within the Council's risk appetite; a Target Risk Level is <b>optional</b> .  Very High and High risks could impact on Corporate / Strategic objectives: <ul style="list-style-type: none"> <li>• CMT and Elected Members must be made aware of the risk;</li> <li>• Services' must implement robust action plans to manage the risk; and</li> <li>• Services' should provide reports to CRMG, 6 monthly cycle and by exception.</li> </ul>
<b>Medium Risk</b>	Medium risks are within Council's risk appetite, but could increase without effective monitoring of controls and actions. They could affect the achievements of the Corporate or Service Plan(s). Services must: <ul style="list-style-type: none"> <li>• implement effective monitoring arrangements;</li> <li>• consider additional controls, actions and a Target Risk Level; and</li> <li>• Services' should provide reports to CRMG, annually and by exception.</li> </ul>
<b>Low Risk</b>	Risks are well within the Council's risk appetite and pose no real threat to achieving the Corporate or Service Plan objectives. Existing processes and procedures are adequate, but monitor controls and consider additional actions.

### Distinguishing between Corporate and Service risks

#### **Corporate Risks:**

- risks rated as High and Very High (or medium, but affecting 2 or more Services); and
- threats and / or opportunities to achieving Corporate or Strategic Plans.

#### **Service Risks:**

- risks rated as Low (or Medium, but affecting only one Service or Unit); and
- have potential to impact on Service, Project, or Partnership Plans.

If you are unsure if a risk is 'Corporate' or 'Service', then ask:

- Is it Very High or High? If Yes, it's a Corporate Risk;
- Is it Low? If Yes, it's a Service Risk;
- If Medium, does it:
  - Impacts one Service? If Yes, it's a Service Risk; or
  - impacts multiple Services? If Yes, It's a Corporate Risk.

#### **Partnership / Project Risks:**

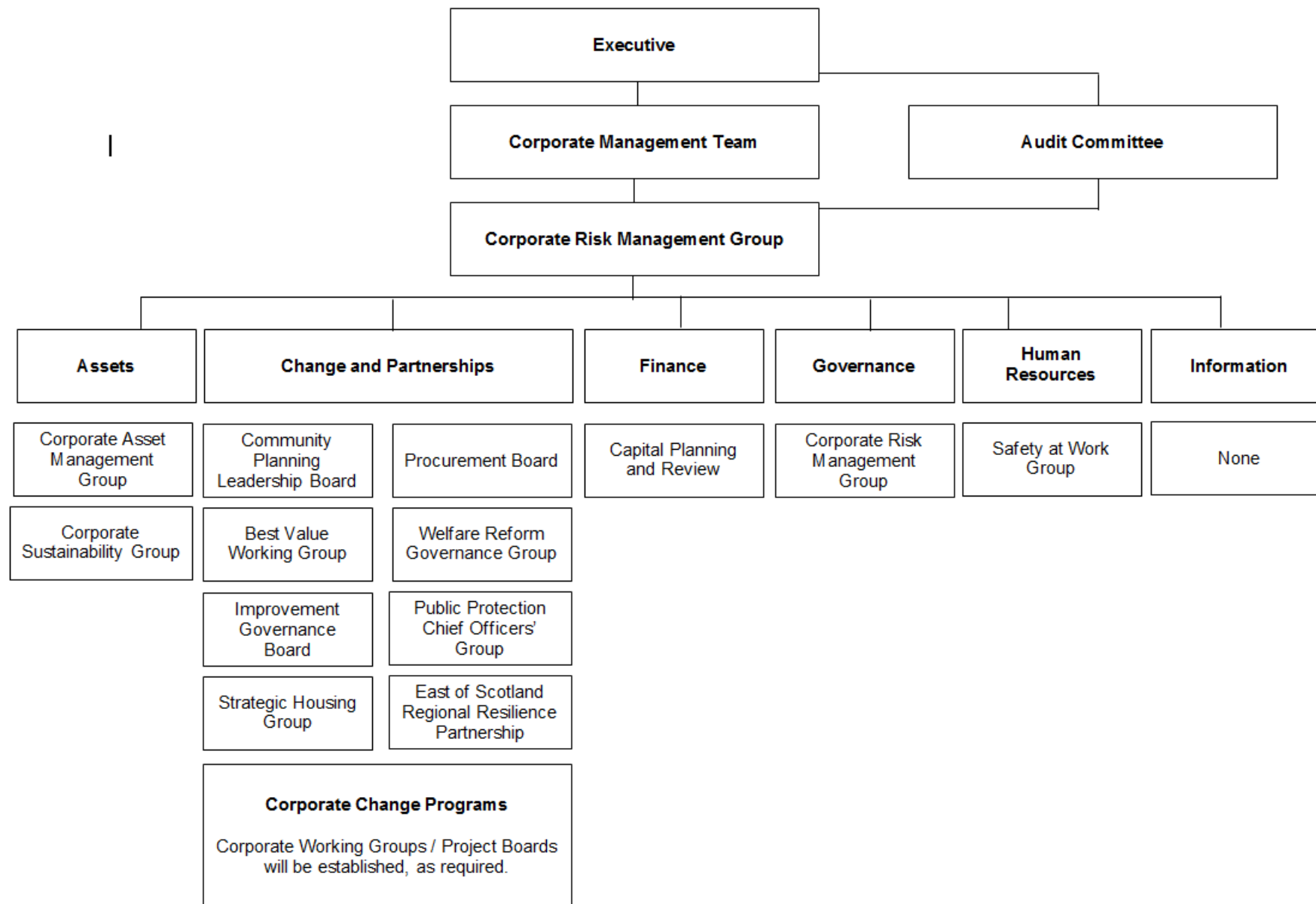
Where a risk relates to one or more partners or project work-streams, it needs to be included in a Program or Partnership (Shared) Risk Register. Partners may have different perceptions of risk, but the Partnership need to agree the risk score and approach to managing risks.

## APPENDIX 5: DOCUMENTING RISKS - RISK REGISTER TEMPLATE

This template can be used to capture risk information from, e.g. workshops or reviews.

Risk Assessment								
<b>Risk Type</b>	Assets, Change, Financial, Governance, HR, Information, or Partnerships							
<b>Risk Register Type</b>	Corporate, Service, Project and / or Partnership Risk Register							
<b>Risk Title</b>	e.g. Welfare Reform, Financial Controls, or Premises Management							
<b>Risk Statement</b>	Context and 'worst case' consequences / impact, and opportunities?; e.g. death due to abuse – such as a Baby P or Rotherham incident; a major project failure resulting in material financial loss; significant reputation damage – such as the Edinburgh Trams project; and / or avoidable / unavoidable consequences from Change / Budget / Savings Options.							
<b>Service (Sub) Risk Title (optional)</b>	Optional – Services may choose to record more context, e.g.: Devolved school budgets could be a sub-risk to 'Financial Controls'							
	<b>Current Risk Rating</b> (including current controls)				<b>Target Risk Rating</b> (after additional actions – if applicable)			
<b>Likelihood Score</b>								
<b>Consequence Score (if risk occurs)</b>								
<b>Risk Score</b>								
<b>Risk Level</b>								
Key controls and review mechanisms (i.e. what are we doing about it?)								
Recommend a maximum of c5- including reference to working groups.								
Additional Actions (i.e. what more can we do about it?)						Owner	Target Date	
Recommend, where possible, link these to measurable Actions on Covalent.								
Performance Indicators						Owner	Target Date	
Recommend, where possible, link these to measurable PIs on Covalent.								
Monitoring and Review								
<b>Lead Service</b>								
<b>Lead Officer</b>								
<b>Lead Partner or Project Work-Stream</b>								
<b>Other(s) Impacted</b>	<b>CHS</b>		<b>CS</b>		<b>DVS</b>		<b>CE</b>	
Additional Notes								
Note: This might include, for example, context or rationale for scoring.								

## APPENDIX 6: CORPORATE WORKING GROUPS CHART



## APPENDIX 7: THE ROLE OF STATUTORY OFFICERS' IN RELATION TO RISK

- 
- Statutory Officers have specific duties as set out in legislation, and discharge this role as part of their wider responsibilities within the Council. They have an important, independent, role in promoting and enforcing good governance and for making sure the Council complies with legislation. Statutory Officers' responsibilities include highlighting where a Council Policy may break the law or breach Financial Regulations. These Officers must have direct and regular access to the Chief Executive, Elected Members, and Senior Officers.

The roles of each Statutory Officer is summarised below (based on a review of Audit Scotland<sup>2</sup>, CIPFA<sup>3</sup> and Scottish Government<sup>4</sup> guidance).

- 
- **Chief Governance Officer (CGO) / Monitoring Officer**
- 
- The Local Government and Housing Act 1989 (Section 5) established this role. The Monitoring Officer is required to prepare a report for the consideration of the full Council if they believe that any proposal, decision, or omission by the Council, or by any Committee or sub-Committee, contravenes any legislation or code of practice.

- 
- **Chief Financial Officer**
- 

- The Local Government (Scotland) Act 1973 established this role, and **Section 95 states that:**
- 

“Every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that the proper officer of the authority has responsibility for the administration of those affairs.”

In addition, CIPFA sets out the following principles in relation to risk:

Principle 1: The CFO should contribute to the effective corporate management of the authority, including strategy implementation, cross-organisational issues, integrated business and resource planning, risk management, and performance management.

Principle 2: The CFO must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the authority's overall financial strategy.

- **Chief Social Work Officer (CSWO)**
- 

- The Social Work (Scotland) Act 1968 established this role.

The overall objective of the CSWO post is to ensure the provision of effective, professional advice to Elected Members and Officers of the Council in relation to Social Work Services. This includes advice in relation to particular issues such as corporate parenting, child protection, adult protection, and the management of high-risk offenders; and the key role Social Work plays in contributing to the achievement of national and local outcomes. The CSWO also has a role to play in overall performance, improvement and the identification and management of corporate risk in relation to Social Work Services.

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<sup>2</sup> 'How Councils Work: An Improvement Series for Councillors and Officers: Roles and Working Relationships: Are You Getting It Right?' Audit Scotland, 2010.

<sup>3</sup> The role of the CFO in Local Government', CIPFA, 2010.

<sup>4</sup> Changing Lives, Scottish Government, 2011.



**FALKIRK COUNCIL**

**Subject: CONSULTATIVE DRAFT DEVELOPMENT FRAMEWORK  
FOR THE MADDISTON EAST STRATEGIC GROWTH AREA**  
**Meeting: EXECUTIVE**  
**Date: 17 MAY 2016**  
**Authors: DIRECTOR OF DEVELOPMENT SERVICES**

**1. INTRODUCTION**

- 1.1. The spatial strategy and vision of the Falkirk Local Development Plan (LDP) 2015 is to promote moderate settlement growth across the Council area having due regard to environmental, physical and infrastructure capacity of individual settlements and the wider Council area.
- 1.2. The LDP identifies Maddiston East as one of 12 Strategic Growth Areas (SGA) which are to provide the focus for residential growth in the Falkirk Council area over the period of the LDP. The LDP requires a co-ordinated approach to bringing this SGA forward, particularly with regard to access provision. This will be facilitated by a Development Framework which will enable a suitable access strategy to emerge, as well as set out requirements for green and physical infrastructure. A draft Development Framework has now been prepared (attached as Appendix 1). This report summarises the content of the Consultative Draft Development Framework and seeks its approval for consultation purposes.
- 1.3. The Maddiston East SGA comprises 6 development sites. Of these 6 sites, the 5 additional sites (H44-H48) included in the Development Framework area will generate an additional 280 units. Parkhall Farm 1 (H43), which is currently nearing completion is also identified within the SGA and is expected to deliver around 60 units over the next 2-3 years, at which point the site will be complete. The Development Framework relates to sites H44-H48, which are as follows:

Ref.	Site Name	Site Size (ha)	Housing Capacity
H44	Parkhall Farm 2	4.3	40
H45	Parkhall Farm 3	7.7	80
H46	Parkhall Farm 4	1.1	20
H47	The Haining	3.6	20
H48	Toravon Farm	6.6	120

## **2. PURPOSE AND CONTENT OF THE CONSULTATIVE DRAFT DEVELOPMENT FRAMEWORK**

- 2.1. The purpose of the Consultative Draft Development Framework is to set out how the remaining residential sites which form part of the Maddiston East SGA should be developed so as to provide a cohesive and sustainable extension to the village, which properly addresses the various environmental and infrastructure constraints affecting the area. The draft document is intended to provide guidance for landowners and developers on planning, design and infrastructure requirements, whether sites are brought forward on an individual basis, or collectively.
- 2.2. Section 1 provides an introduction and sets out the purpose and background of the framework. This section also sets out the relevant planning policy, and the objectives for design and placemaking, in line with Scottish Government and LDP policy and guidance.
- 2.3. Section 2 sets out the key assets and constraints of the Development Framework area and the wider Maddiston locality. This includes:
- Landscape;
  - Ecology;
  - Historic environment;
  - Vehicular access;
  - Core Path Network;
  - Drainage, flooding and water Supply;
  - Community infrastructure.
- 2.4. Section 3 addresses the strategic requirements which the sites collectively are expected to deliver. The content of each strategic requirement is broadly as follows:

### Overall vision

- 2.5. Section 3.1 sets out six key principles which form the vision for the relevant sites. These are for sites to:
- be built to a high standard of design and integrate successfully with the existing settlement and the local landscape;
  - be resource efficient and integrate sustainable design solutions;
  - safeguard and enhance local environmental assets, including the green network and the built heritage elements within and adjacent to the Development Framework area;
  - ensure that impacts on local community infrastructure are suitably mitigated, and developments contribute appropriately to the provision of such infrastructure;
  - be well-connected to the existing settlement, the green network and public transport, with priority given to walking and cycling over vehicular movement; and
  - Deliver a co-ordinated solution in terms of vehicular access for all sites within the Development Framework



#### Green Network and Open Space

- 2.6. Section 3.2 seeks to deliver requirements in terms of landscape, ecology, open space and outdoor access. This is particularly important in terms of addressing site-wide constraints including the design and layout response to the overhead powerline.
- 2.7. A key component is the landscape framework which has a number of elements shown on Map 5 of the document. These relate to the Manuel Burn corridor, existing ancient and semi-natural and long-established woodland in and around the sites, and new structure planting required.
- 2.8. Section 3.2 also sets out the requirements in terms of ecological protection, mitigation and enhancement. These include European Protected Species, as well as other Local Biodiversity Action Plan (LBAP) species of note.
- 2.9. Section 3.2 further identifies a requirement for improvements to the existing Core Path network in and around the site.

#### Strategic Access

- 2.10. The Development Framework requires the access for sites to be brought forward in a co-ordinated fashion so as not to prejudice the delivery of individual sites. Section 3.3 of the draft sets out four access options which will be subject to consultation. The four options are:
  - Option 1: Glendevon Drive to Vellore Road Link (including three possible route variants);
  - Option 2: Glendevon Road to Nicolton Road Link;
  - Option 3: Glendevon Road to A801 Link;
  - Option 4: No Connecting Link Road (ie individual access arrangements for all sites.
- 2.11. Factors which influence the four options are:
  - compliance with National Policy, including Designing Streets policy on design, placemaking, layout and permeability;
  - road network issues, including local network capacity and required improvements;
  - impact on natural and built heritage;
  - development viability and deliverability; and
  - fit with the Local Development Plan.
- 2.12. Sections 3.3.9-3.3.23 of the draft Framework assess of each of the options in terms of the above influencing factors.

2.13. The four options all have a range of associated challenges and attributes. Particular challenges include the suitability of a Manuel Burn crossing, capacity at the junction of Vellore Road with the B805, width and visibility restrictions along Vellore Road and Nicolson Road and impacts on sensitive receptors such as ancient and long-established woodland and the setting of The Haining B-Listed building. There is also a complex pattern of landownership across a number of the sites which may influence any emerging access strategy and the delivery of sites.

2.14. At this stage no preferred option is identified and it is considered that all of the options should be subject to public consultation so as to fully scope any remaining issues, and to identify the most suitable option to take forward into the Finalised Development Framework. The emerging access option may be a combination of some of the options tabled as a result of further assessment.

#### Flooding and Drainage

2.15. Map 4 of the Consultative Draft Development Framework identifies a number of areas which are subject to surface water flooding and flooding from watercourses. Section 3.4.2 also sets out information required in terms of surface and foul water drainage.

#### Contributions to Education and Community Facilities

2.16. The draft Development Framework addresses capacity issues at primary and secondary schools within the Development Framework area catchment. The critical capacity issue relating to the relevant sites is at Maddiston Primary School, which will require contributions in line with LDP Policy INF05 and associated Supplementary Guidance SG10 to provide a permanent extension.

2.17. The document highlights capacity issues in community facilities which have been identified by the community over a number of years. Maddiston Community Centre is reportedly particularly busy at peak times. The overall provision and capacity of community facilities within Maddiston is being monitored, and development may be required to contribute to upgrading/expansion where there is an identified need exacerbated by new development in line with LDP policy INF02.

#### Affordable Housing

2.18. The consultation document requires developers to provide affordable housing provision of 25% in line with LDP policy HSSG02 and Supplementary Guidance SG12.

#### Low and Zero Carbon Development

2.19. The document includes reference to LDP policy D04 and Supplementary Guidance SG15 which requires all proposals to incorporate low and zero carbon-generating technologies (LZCGT) as part of new development and explore opportunities for district heating.

### **3. CONSULTATION AND COMMUNITY ENGAGEMENT**

3.1. Internal consultation within the Council and engagement with key external consultees has already been undertaken to inform the preparation of the consultative draft. This report seeks the approval of Members to undertake further public consultation on this. Subject to Member approval at this meeting the draft framework will be subject to a consultation for a six week period. Consultation will include:

- notification to key statutory agencies and other relevant organisations;
- notification to properties and any known landowners within and adjacent to the Development Framework area;
- advertisement in appropriate local newspapers;
- an exhibition and drop-in session at an appropriate venue within Maddiston;
- publication on the Falkirk Council web site.

3.2. Once consultation is complete, the results will be used to inform a finalised Development Framework which will be reported back to Members in due course.

### **4. STRATEGIC ENVIRONMENTAL ASSESSMENT**

4.1. The Environmental Assessment (Scotland) Act 2005 requires that plans, programmes and strategies are screened for the requirement for Strategic Environmental Assessment (SEA) under the Act. All of the sites identified in the Development Framework have previously been subject to environmental assessment as part of the Local Development Plan SEA process, with significant environmental effects identified and mitigation and enhancement measures put in place within relevant proposals.

4.2. A screening request was submitted to the SEA gateway which concluded that there would not be significant environmental effects from the proposed housing developments. The relevant consultation authorities have confirmed that the proposed Development Framework is not required to be subject to SEA at this stage.

### **5. IMPLICATIONS**

Financial: In taking forward the Development Framework, financial contributions will be expected from developers in line with LDP policies and Scottish Government Circular 3/2012.

Legal: None

Policy: The Maddiston East Strategic Growth Area is identified in the Falkirk Local Development Plan. The Development Framework will facilitate the planning process in the delivery of around 280 additional houses in line with the Local Development Plan.

Personnel: None.

## **6. RECOMMENDATIONS**

- 6.1** It is recommended that the Executive approves the Draft Development Framework for consultation purposes.

.....  
**Director of Development Services**  
**Date:** 17 May 2016

Contact Officer: Alexandra Lewis, ext 4738

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan 2015

Anyone wishing to inspect background papers should contact Alexandra Lewis on ext 4738.

# **MADDISTON EAST STRATEGIC GROWTH AREA DEVELOPMENT FRAMEWORK CONSULTATIVE DRAFT**

## **1 INTRODUCTION**

- 1.1 Purpose of the Development Framework**
- 1.2 The Development Framework Area**
- 1.3 Policy Context**
- 1.4 Placemaking and Designing Streets**

## **2 SITE CHARACTER, ASSETS AND CONSTRAINTS**

- 2.1 General**
- 2.2 Landscape**
- 2.3 Ecology**
- 2.4 Historic Environment**
- 2.5 Vehicular Access**
- 2.6 Core Path Network**
- 2.7 Flooding, Drainage and Water Supply**
- 2.8 Community Infrastructure**

## **3 DEVELOPMENT FRAMEWORK: STRATEGIC REQUIREMENTS**

- 3.1 Overall Vision**
- 3.2 Green Network and Open Space**
- 3.3 Strategic Access**
- 3.4 Flooding and Drainage**
- 3.5 Contributions to Education and Community Facilities**
- 3.6 Affordable Housing**
- 3.7 Low and Zero Carbon Development**

## **4 DEVELOPMENT FRAMEWORK: SITE REQUIREMENTS**

- 4.1 H44: Parkhall Farm 2**
- 4.2 H45: Parkhall Farm 3**
- 4.3 H46: Parkhall farm 4**
- 4.4 H47: The Haining**
- 4.5 H48: Toravon Farm**

## **APPENDIX**

**Relevant Planning Policy**

## **MAPS**

- Map 1: Development Framework Area**
- Map 2: Site Character, Assets and Constraints**
- Map 3: Historic Map of the Parkhall Estate**
- Map 4: Flood Risk**
- Map 5: Development Framework Plan**

# 1 INTRODUCTION

## 1.1 PURPOSE OF THE DEVELOPMENT FRAMEWORK

- 1.1.1 The Falkirk Local Development Plan (LDP), adopted in July 2015, identifies Maddiston East as one of 12 Strategic Growth Areas (SGA) which are to provide the focus for residential growth in the Falkirk Council over the plan period. The LDP states that, within the SGAs, “the preparation of development frameworks, masterplans and briefs, as appropriate, and the co-ordination of social and physical infrastructure provision, will be a particular priority” (Policy HSG01).
- 1.1.2 The purpose of this Development Framework is to set out how the remaining residential sites which form part of the Maddiston East SGA should be developed so as to provide a cohesive and sustainable extension to the village, which properly addresses the various environmental and infrastructure constraints affecting the area. The Development Framework is intended to provide guidance for landowners and developers on planning, design and infrastructure requirements, whether sites are brought forward on an individual basis, or collectively. It is not intended to be overly prescriptive in terms of individual site layouts, but aims to identify the key factors developers are expected to consider when working up detailed proposals.

## 1.2 THE DEVELOPMENT FRAMEWORK AREA

- 1.2.1 Maddiston is a village within the south eastern part of the Falkirk Council area with a population of about 3,100. It originated as a small mining community, but expanded rapidly in the post-war period, resulting in coalescence with other Braes villages. Further private housing growth has taken place over the last 25 years, most recently at Parkhall Farm (site H43) in conjunction with the development of a new primary school.
- 1.2.2 The Maddiston East SGA provides for further eastern growth of the village, towards the A801, encompassing further land at Parkhall Farm (sites H44-H46) and the Haining, to the north of Vellore Road, and at Toravon Farm, to the south of Vellore Road. The Development Framework encompasses these additional sites, providing for approximately 280 additional homes, together with additional land up to the A801 which provides opportunities for green network enhancement (See Map 1).
- 1.2.3 Notwithstanding the construction of the new primary school, access to local services and the improvement of service provision is a theme which emerged strongly from the community during the LDP process, and which will need to be addressed in the new development.

## 1.3 POLICY CONTEXT

- 1.3.1 The LDP identifies six sites which make up the East Maddiston SGA. These are listed below, and shown on Map 1.

Ref.	Site Name	Site Size (ha)	Housing Capacity
H43	Parkhall Farm 1	13	239
H44	Parkhall Farm 2	4.3	40
H45	Parkhall Farm 3	7.7	80
H46	Parkhall Farm 4	1.1	20
H47	The Haining	3.6	20
H48	Toravon Farm	6.6	120

- 1.3.2 Parkhall Farm 1 (H43), which was originally allocated in the previous Local Plan, is substantially complete and, although not included in the Development Framework, is relevant to the Development Framework in terms of how it connects to the new sites. Toravon Farm (H48) has been carried forward from the previous Local Plan. Parkhall Farm 4 (H46) has already been granted detailed planning permission.

- 1.3.3 Broad guidance for each of the SGAs is included in Appendix 2 of the LDP, including information on land use, design, placemaking, green network, constraints and developer contributions. This guidance, which underpins the Development Framework, is included in Appendix 1 of this document for reference.
- 1.3.4 Two green network opportunities identified in the LDP have relevance to the SGA (Map 1). Development will be expected to assist in the delivery of these opportunities, as specified in the Development Framework.

Ref.	Opportunity
GN16	Lower Braes Southern Fringes
GN18	Polmont Open Space Corridors

- 1.3.5 A number of general LDP policies are relevant to the proposals at East Maddiston and also inform the Development Framework. These are listed in Appendix 2.
- 1.3.6 Falkirk Council has produced a suite of Supplementary Guidance which forms a part of the Development Plan. The most relevant SGs are:
- SG02: Neighbourhood Design
  - SG05: Biodiversity and Development
  - SG06: Trees and Development
  - SG08: Local Nature Conservation and Geodiversity Sites
  - SG09: Landscape Character and Landscape Designations
  - SG10: Education and New Housing Development
  - SG12: Affordable Housing
  - SG13: Open Space and New Development
  - SG15: Low and Zero Carbon Development

#### 1.4 PLACEMAKING AND DESIGNING STREETS

- 1.4.1 *'Creating Places: A Policy Statement on Architecture and Place for Scotland'* was published in 2013 and sets out the Scottish Government position on architecture and place, and its links with the planning system.
- 1.4.2 *'Designing Streets'* supports *'Creating Places'* and is the first policy statement in Scotland for street design. Designing Streets marks a change in emphasis towards placemaking and connectivity, seeking to reduce the dominance of motor vehicles within development sites, and redress the balance in favour of pedestrians and cyclists. The Scottish Government's policy on placemaking, as set out within Scottish Planning Policy, identifies six key qualities of successful places as identified below.
- 1.4.3 The Council's Supplementary Guidance SG02 on 'Neighbourhood Design' provides guidance on implementing 'Designing Streets' within the Falkirk Council area, including good practice examples from within the area.
- 1.4.4 Development within the Maddiston East SGA will be expected to address the requirements of Designing Streets and SG02. Applications for individual sites within the Development Framework area will be expected to include a Design Statement including an audit of the design against the six qualities of successful places.

Six Qualities of Successful Places	Examples from Designing Streets
Distinctive	<ul style="list-style-type: none"> <li>Block structure with legible urban form and distinctive landmarks and features within the urban realm</li> <li>Reflect local context in terms of historic reference points and use of local materials and layouts</li> </ul>
Safe and pleasant	<ul style="list-style-type: none"> <li>The street hierarchy should prioritise pedestrians and cyclists, resulting in decreased dominance of motor vehicles. The design and layout should reduce vehicle speeds.</li> <li>Consider use of street markings, lighting and street furniture and reduce clutter</li> </ul>
Easy to move around	<ul style="list-style-type: none"> <li>Design should provide good connectivity for all modes of transport within the site.</li> <li>Consider public transport connections early in design process</li> <li>Junctions should be designed to prioritise the needs of pedestrians first</li> </ul>
Welcoming	<ul style="list-style-type: none"> <li>Development should be walkable and with good connections to local amenities.</li> <li>The development should consider how public realm will create nodes where social interaction will take place.</li> </ul>
Adaptable	<ul style="list-style-type: none"> <li>Connections to wider area should be considered in the early stages of the design process.</li> <li>Parking and emergency access should not be a dominant feature and should be incorporated imaginatively .</li> </ul>
Resource efficient	<ul style="list-style-type: none"> <li>Consider orientation of buildings to maximise solar gain</li> <li>Incorporate SUDS and drainage into the overall design in order to integrate well into the streetscape and provide additional environmental and landscape benefits.</li> <li>Materials should be sustainable and be of a high standard.</li> <li>Consider how utilities will be incorporated without compromising satisfactory layout</li> </ul>

## 2 SITE CHARACTER, ASSETS AND CONSTRAINTS

### 2.1 GENERAL

2.1.1 The area covered by the Development Framework consists of three broad parts:

2.1.2 **Parkhall Farm (H44-H46)** – an area of mainly residual agricultural land, bounded to the west by the recent residential development, to the east by woodland, and to the south by Vellore Road. It is divided into four quadrants by the east-west Manuel Burn, and the north-south farm access track leading to the farm steading. The north east part contains the now derelict Parkhall steading, together with a row of dwellinghouses and a disused plant nursery along the north side of the burn. The north west part contains the SUDS pond serving the existing Parkhall development. An overhead powerline cuts diagonally across the site.

2.1.3 **The Haining (H47)** – an area of policy woodland, with clearings, lying to the north of Parkhall Farm, and associated with the former Parkhall House (now the Haining care home).



- 2.1.4 **Toravon Farm (H48)** – an area of agricultural land bounded to the north by Vellore Road, to the south and east by existing residential development.

## 2.2 LANDSCAPE

- 2.2.1 **Map 2** shows the main landscape features of the Development Framework area.
- 2.2.2 In terms of topography, the double east-west ridgeline to the north provides a backdrop and containment to the Development Framework Area. The Parkhall Farm area is relatively flat, whilst the Haining site rises up relatively steeply to the ridgeline. The Toravon Farm land is relatively flat adjacent to Vellore Road, but then rises steeply to a further relatively level area to the south. Gradients on both the Toravon and Haining sites are likely to present challenges to development.
- 2.2.3 The corridor of the Manuel Burn is a key landscape feature and habitat corridor, the southern bank of which is well vegetated. Riparian trees to the west of the Parkhall Farm access track are identified in the SNH's Inventory of Ancient and Semi-Natural Woodland. The northern bank is the route of an old railway line, the western part of which is a core path
- 2.2.4 Extensive woodland along the eastern edge of the Parkhall site, at the Haining, and along the Manuel Burn is perhaps the key landscape asset of the Development Framework area, providing landscape structure, further containment and a potentially attractive setting for development. Map 3 dates from 1843 and shows the historic Parkhall Estate and its designed landscape, including the original policy woodland associated with the Haining which is now identified in the Inventory of Ancient and Semi-Natural Woodland. There are also individual trees located within the Development Framework area, including mature trees forming part of hedgerows which run north-south through the Toravon site, and are also included in the Inventory.
- 2.2.5 In terms of man-made elements of the landscape, the key elements are the derelict Parkhall Farm steading, the row of houses between the farm steading and the burn, and individual dwellinghouses on the Vellore Road adjacent to the Parkhall Farm track ('Parklea') and in the vicinity of the Haining ('Shamistle', and the Manor House which sits within the old walled garden). An overhead power line traverses the site from north-west to south-east
- 2.2.6 The area falls within Landscape Character Unit 5(i) Manuel Farmlands as identified in 'SG09 *Landscape Character Assessment and Landscape Designations*'. SG09 identifies expansion of Maddiston/Polmont as a likely future force for change in the landscape. The guidelines for this LCU are to ensure that the loss of woodland is minimised, that new infrastructure and large-scale housing is sensitively designed and that proposals are subject to Landscape and Visual Impact Assessment. The SG identifies key sensitivities as being visibility of development on higher ground and loss of defining landscape elements such as tree belts, field boundaries, woodland and stone walls.

## 2.3 ECOLOGY

- 2.3.1 The two key habitats within the area are the corridor of the Manuel Burn, which is designated as a Site of Importance for Nature Conservation (SINC), and the woodland, much of which, as noted above, is classified as ancient and semi natural woodland. The designations are shown on Map 2. These features are an important part of the wider green network. Development has potential for both direct and indirect impacts on ecology. Direct impacts relate to loss of habitat. Indirect impacts can include:
- increased disturbance from new population, traffic etc;
  - impact of localised air quality issues;
  - fragmentation or isolation of habitats and green corridors;

- 2.3.2 The Development Framework will seek the retention, protection and enhancement of the key habitats, where possible, including the maintenance of appropriate buffers to features, and bringing woodland under management.
- 2.3.3 The site provides potential habitat for certain European Protected Species such as badgers, bats and great crested newts. An extended Phase 1 habitat survey would be required to confirm the presence of any such species. Development involving felling of trees or established hedgerows, along with removal of vacant and derelict buildings or structures would require a through bat survey. There may be the potential for Great Crested Newts around standing bodies of water such as the SUDS pond. There is also the potential for badger activity in and around woodland and field edges. Other Local Biodiversity Action Plan (LBAP) species may also be present in and around the site.

## **2.4 HISTORIC ENVIRONMENT**

- 2.4.1 The Haining is a Category B-Listed building and lies adjacent to the Development Framework area. Development within site H47 in particular has the potential to have an impact on its setting.
- 2.4.2 The Haining is identified as a non-inventory designed landscape in SG09 'Landscape Character Assessment and Landscape Designations.' Although there is no boundary specified for the designed landscape, it comprises elements such as the policy woodland, access drives and the walled garden, which lie in or adjacent to the Development Framework Area, and will be potentially affected by development. The form and extent of the designed landscape is evident in the historic plan in Map 4. In addition to LDP Policy D09 relating to listed buildings, proposals with potential impacts on non-inventory designed landscapes will be assessed against Policy D12 of the Falkirk LDP which states that they will be given due weight in the planning process, having regard to their historical significance, integrity and condition. In terms of impacts on the Haining and its landscape setting, SG09 sets out detailed guidelines on how to assess this.
- 2.4.3 Factors which will require consideration include:
- protection and enhancement of original remaining features of the designed landscape;
  - assessment of setting including key views/vistas to and from the Haining;
  - demonstrating that the overall design solution integrates successfully with the designed landscape; and
  - evidence of a long-term management plan.
- 2.4.4 A Heritage Impact Assessment (reflecting the findings of, but separate from, any landscape and visual impact assessment) may be appropriate in particular for development within the Haining (H47.)

## **2.5 VEHICULAR ACCESS**

- 2.5.1 Currently, the Parkhall Farm steading, the nursery and adjacent properties, are served via a farm access track from Vellore Road. The Haining, North Lodge and South Lodge are served via South Avenue, a separate private road from Vellore Road.
- 2.5.2 Glendevon Drive, which is the main access road through the Parkhall Farm 1 development, terminates at a roundabout on the western edge of site H44. However, the road is currently a cul-de-sac, and the Council's Transport Planning Unit consider it to be at its limit in terms of the number of existing and approved dwellings which can be served off it, until it is connected through to the wider road network at its eastern end.
- 2.5.3 Toravon Farm currently has a field access from Vellore Road. The access road to the Toravon Manor development to the south passes along the western edge of the H48 and could potentially provide access to H48.

- 2.5.4 There are localised pressures within the existing road network, in particular affecting the B805 junction with Vellore Road, and the road network around Maddiston Primary School at peak times.

## **2.6 CORE PATH NETWORK**

- 2.6.1 The Development Framework area contains three paths which are an important part of the local access network, and require to be safeguarded and enhanced where necessary as part of new development. These are shown on Map 2.
- (a) Core Path 020/765 Manuel Burn, which connects from the Parkhall Farm track westwards toward Valley Park and the Main Road
  - (b) Core Path 020/809 Parkhall Farm, which follows the Parkhall Farm track from Vellore Road northwards, through the Haining site and on towards the Union Canal
  - (c) Right of way east of Toravon Farm, which connects Vellore Road to Maddiston High Road

## **2.7 FLOODING, DRAINAGE AND WATER SUPPLY**

- 2.7.1 The area drains towards the Manuel Burn. The Parkhall Farm 2 site (H44) contains the SUDS serving Parkhall Farm 1 (H43). Further assessment will be required as to whether this SUDS can service further development.
- 2.7.2 Map 4 shows the current areas which are at risk of flooding from rivers and surface water flooding. Sites within the Development Framework area are likely to require a Flood Risk Assessment.
- 2.7.3 Scottish Water have confirmed that there is sufficient capacity in the Kinneil Kerse Waste Water Treatment Works to serve this development. However, they have confirmed that there is an issue with hydraulic incapacity of the drainage network in specific locations in the Maddiston, Brightons and Polmont areas which has resulted in some localised flooding incidents. Recent investigations into the performance of the drainage network in this area, through principally site surveys and computer network modelling (or drainage area plan (DAP) analysis) confirm a lack of capacity in the drainage system. This manifests itself in the historical flooding incidents experienced in this area as the combined foul and surface water sewers are hydraulically surcharged under certain rainfall storm conditions. As well as Scottish Water infrastructure, the capacity of the road drainage and surface water culverts in the area are also contributory factors.
- 2.7.4 Scottish Water and Falkirk Council have undertaken an Integrated Catchment Study (ICS) encompassing the Forth Estuary catchments of Grangemouth and surrounding areas. A key objective of this study has been the assessment and identification of all flood risks to the catchment whether these be drainage infrastructure, watercourse or coastal related by the creation of integrated models and to develop appropriate solutions for reducing the identified risks. This information provides context to the issues of surcharging mentioned above.
- 2.7.5 In terms of water supply, Scottish Water have confirmed that there is sufficient capacity in the Balmore Water Treatment Works to serve this development. However to determine network capacity, developers will be required to carry out a Flow and Pressure test (F&P) which will have an understanding of the impact the development has on the network. The results of the test will also highlight if any network mitigation works are required.

## **2.8 COMMUNITY INFRASTRUCTURE**

### **Primary Education**

- 2.8.1 Maddiston Primary school is located within the village centre close to the Development Framework area. The 2015 school roll projections suggest that the school will be operating at above capacity and a commitment has been made to provide a school extension within the

curtilage of the existing school. This extension will allow the East Maddiston SGA sites to progress. Developer contributions from the sites will be required.

- 2.8.2 St Andrews Primary School is the local RC school serving the Maddiston area. The school is operating at close to capacity, but is considered to be able to accommodate pupils generated from the East Maddiston SGA sites.

### **Secondary Education**

- 2.8.3 Braes High School is located in Brightons. 2015 roll projections indicate it will approach full occupancy by the mid 2020's. At present, it is likely that investment in additional capacity will be required to meet the additional demand from new housing between now and then, including the growth in Maddiston.
- 2.8.4 St Mungos is the RC secondary school serving the Maddiston area. There is likely to be additional pressure from years 2019/2020 in terms of capacity and developer contributions will be required.

### **Community Facilities**

- 2.8.5 The main community facility within the village is Maddiston Community Centre. This accommodates a variety of groups including a café, early years groups, job clubs, and health promotion. There are also other facilities including the Braes Childrens Centre, Maddiston Old Folks Hall, Sports facilities at Meadowbank in Polmont and The Grange Centre in Brightons plus a number of church halls and the facilities which form part of Maddiston Primary School. There have been concerns arising from previous Development Plan consultations that there is a shortage of community space for the village, and that this is particularly acute at Maddiston Community Centre.
- 2.8.6 Capacity issues at Maddiston Community Centre are currently being monitored and contributions may be required where there is a clear need for improvements, exacerbated by the new development

### **Healthcare**

- 2.8.7 Maddiston falls within the Polmont GP practice area. Supplementary Guidance SG11 Healthcare and New Housing Development confirms that there is currently capacity identified at Polmont Park Surgery to accommodate proposed development identified as part of the East Maddiston SGA.

### **Open Space**

- 2.8.8 The Council's Open Space Strategy sets out a long-term strategic approach to managing open space. The aims are to assess current and future needs and to secure the long-term improvement to the quality of Falkirk's open spaces. The Strategy is currently under review, and a Consultative Draft was published in December 2015.
- 2.8.9 In terms of the wider Polmont area, the Draft Strategy highlights the fact that the quality of open space in the Polmont area is generally very good and above the Council average in terms of quality indicators. The area has a lower rate of open space provision than the Council average, but over double the 5ha/1000-people standard identified in the Draft Strategy. The distribution of open space is also satisfactory. The key focus is on improving the quality of local parks, improving the Green Network, developing new play and sports facilities where required, and rationalising open space provision to improve overall quality.
- 2.8.10 The priorities for the Maddiston area set out in the Draft Open Space Strategy are:

<b>Open Space</b>	<b>Role and function of open space</b>	<b>Opportunities for enhancement</b>
Main Road, Maddiston	Site forms an area or amenity greenspace, with some paths linking Main Road to Cairney Mount Avenue.	<ul style="list-style-type: none"> <li>• Improved maintenance in terms of cleaning and managing the woodland and scrub areas.</li> <li>• Upgrading and resurfacing of paths and creation of sitting areas to allow the site to be visited and used.</li> <li>• Introduction of a new play area,</li> </ul>
Valley Park	The site forms a play space and a semi-natural greenspace with burn corridor and woodland.	<ul style="list-style-type: none"> <li>• Valley park identified as a priority action for improvement.</li> <li>• The Consultative Draft Strategy highlights that substantial improvements have already been made through development contributions, and resources may become available for other open spaces.</li> </ul>
Creation of new woodland edge along eastern edge of Maddiston	Will deliver green network opportunities in terms of habitat enhancement, landscape improvement and potentially outdoor access.	<ul style="list-style-type: none"> <li>• To be delivered in conjunction with housing in the Development Framework area.</li> </ul>
Manuel Burn Corridor	Green corridor providing opportunities for habitat enhancement and recreation.	<ul style="list-style-type: none"> <li>• Manuel Burn corridor should be retained and enhanced in conjunction with housing in the Development Framework area.</li> </ul>

2.8.11 There are other open spaces in Maddiston which do not have any actions against them in the Draft Open Space Strategy, but which were assessed in the Open Space Audit. Improvement of these sites may be appropriate should there be an opportunity to explore wider opportunities beyond those set out in the 2015 Draft Open Space Strategy. These are:

<b>Open Space</b>	<b>Role and function</b>	<b>Opportunities for enhancement</b>
California Park	Playspace and sports pitch well-utilised for informal recreation.	<ul style="list-style-type: none"> <li>• Additional play equipment</li> <li>• Enhancement of biodiversity including additional tree planting</li> </ul>
Forgie Crescent	Semi-natural, partially-wooded greenspace with important path linkages to the wider settlement and surrounding countryside	<ul style="list-style-type: none"> <li>• Improve signage and maintenance</li> <li>• Manage woodland for biodiversity benefits</li> </ul>

### **3 DEVELOPMENT FRAMEWORK: STRATEGIC REQUIREMENTS**

#### **3.1 OVERALL VISION**

3.1.1 The vision of the Maddiston East Development Framework is that all the LDP sites which are identified within the Development Framework are brought forward in such a way as to provide a cohesive, sustainable and attractive overall settlement extension. It is acknowledged that sites may come forward at different times, so it is important that the requirements which are expected of each site are clear. The vision for the Development Framework is for the site to:

- be built to a high standard of design and integrate successfully with the existing settlement and the local landscape;
- be resource efficient and integrate sustainable design solutions;
- safeguard and enhance local environmental assets, including the green network and the built heritage elements within and adjacent to the Development Framework area;
- ensure that impacts on local community infrastructure are suitably mitigated, and developments contribute appropriately to the provision of such infrastructure;
- be well-connected to the existing settlement, the green network and public transport, with priority given to walking and cycling over vehicular movement; and
- deliver a co-ordinated solution in terms of vehicular access for all sites within the Development Framework.

3.1.2 This section of the Development Framework focuses on the strategic infrastructure which the developments will collectively have to deliver, and requirements which are common to all the sites. Site specific considerations are set out in Section 4.

#### **3.2 GREEN NETWORK AND OPEN SPACE**

##### **Landscape**

3.2.1 The provision of a robust and well-designed landscape framework, which helps integrate development into the landscape and contributes to the development of the green network, is essential. This should build on the existing landscape assets and habitats in the area.

3.2.2 The landscape framework should comprise the following components, as illustrated on the Development Framework Plan (Map 5):

- (1) *The ancient and semi-natural woodland which forms part of the Haining designed landscape which should be retained, brought under management and reinforced where appropriate. This woodland should be subject to a management plan which will be prepared as part of proposals for site H47.*
- (2) *The woodland along the eastern edge of Parkhall Farm which should be retained and, where possible, brought under management in conjunction with site H45.*
- (3) *The Manuel Burn SINC corridor, which should be enhanced and managed, in conjunction with sites H44-H46. This will include clearing the burn corridor of invasive species, and incorporating a managed landscape buffer between the development sites and the burn. Breaches of the corridor resulting from access should be minimised. Crossing points should be designed so as to ensure minimise impacts on the ecology of the burn corridor.*
- (4) *New structure planting at Parkhall Farm along the northern edge of site H44, of minimum width of 15 m, subject to wayleave requirements associated with the overhead powerline*
- (5) *New structure planting at Toravon Farm along the eastern edge of H48, of minimum width 15m, subject to wayleave requirements associated with the overhead powerline. This should incorporate the hedgerow trees along this boundary*
- (6) *The hedgerow bisecting the Toravon Farm site, which should be retained and reinforced.*
- (7) *The existing SUDS pond at Parkhall and the powerline wayleave, which should be designed to provide an attractive green corridor connecting (3) and (5).*
- (8) *Toravon Farm (H48) has an area of particularly steep gradient, rising southwards from the flatter, northern area of the site. There should be additional east-west landscaping to screen development within the southern part of the site, which would otherwise be highly visually prominent to the north. This should connect with landscape areas (5 and 6).*

3.2.3 For all applications where development could affect trees and woodland, the requirements of SG06 Trees and Development will apply. Tree surveys should be undertaken at an early stage to inform design and layout. Tree protection plans should be prepared, as appropriate, and replacement planting undertaken where tree removal is necessary and justified.

### **Open Space**

3.2.4 The provision of open space within the new development should accord with Policy INF04 of the LDP, Supplementary Guidance SG13 'Open Space and New Development' and the Council's Open Space Strategy.

3.2.5 It is anticipated that sites will satisfy the open space requirement partly through on-site provision, and partly through contributions to off-site upgrading. The methodology for calculating off-site contributions is set out in SG13.

3.2.6 Further information about on-site requirements is provided in Section 4. However, as part of on-site provision, two equipped play spaces should be provided, one to the north of Vellore Road and one to the south. The northern facility should be located within the northern part of H45. The southern facility will be within H48.

3.2.7 Off-site contributions will be invested in upgrading of open space and enhancement of the green network in Maddiston, as directed by the priorities identified in the Open Space Strategy.

## Ecology

- 3.2.8 As identified in Section 2.3, the Development Framework area contains habitats of local importance, notably the burn corridor, trees, woodland and hedgerows, which may host protected species.
- 3.2.9 Development proposals will be required to follow guidance within SG05 Biodiversity and Development. This will ensure that species, habitats and sites that are particularly vulnerable or of high ecological importance nationally or locally are protected and that the wider biodiversity is maintained and enhanced.
- 3.2.10 A Phase 1 habitat survey will be the starting point for further investigations relating to European Protected Species, birds and Local Biodiversity Action Plan (LBAP) species. It is anticipated that the following protected species surveys will be required:
- Badger
  - Bats
  - Water vole
  - Otter
  - Great crested newts
- 3.2.11 The need for additional protected species surveys may be highlighted by the Phase 1 survey.
- 3.2.12 A breeding bird survey will be required to identify species likely to be impacted by the development. This would include any legally protected bird species such as barn owl and kingfisher.
- 3.2.13 The badger survey should aim to identify movement of badgers within the development area as well as the presence of setts. If badgers are foraging or migrating across the development area, consideration will need to be given to the potential loss or isolation of habitat and the provision of corridors to allow the continued safe movement of badgers within the area. This is particularly important due to the barrier presented by the A801 to the east and the potential isolation of badger clans from their foraging areas as a result of development.
- 3.2.14 A survey for invasive non-native plant species including Japanese knotweed, Himalayan balsam and Giant hogweed will be required. Should these species be identified an appropriate programme of treatment and eradication will be required.

## Outdoor Access and Path Network

- 3.2.15 The Development Framework Plan (Map 5) shows the strategic path linkages within and through the Development Framework area which should be safeguarded and enhanced as follows:
- (1) *Core path 020/809 from Vellore Road to the northern edge of the Haining should be safeguarded and upgraded as part of the development of sites H44-47. Where there is an interface between the Core Path and access road, the Core Path will be served by a footway, preferably separated from the road by a verge where this is a primary access road. The National Roads Development Guide and Designing Streets offer further advice on appropriate widths.*
  - (2) *Core path 020/809 from the Haining to Nicolton Road should be upgraded. This is an off-site improvement which will be funded by proportionate contributions from all the sites within the Development Framework area on the basis shown below.*



Ref	Site	% of total cost attribution
H44	Parkhall Farm 2	14.2%
H45	Parkhall Farm 3	28.5%
H46	Parkhall Farm 4	7.1%
H48	Toravon Farm	42.9%
H47	The Haining	7.1%

- (3) *The right of way from Vellore Road to Maddiston High Road, along the eastern boundary of Toravon Farm should be safeguarded and upgraded by the developer of site H48.*

3.2.16 There should be good connections within, and between, sites, with direct path links suitable for cycle and pedestrian use. These paths should be safe, well-lit and preferably overlooked by new development. These paths should also link into the strategic core paths specified above, to provide wider access to Maddiston and the surrounding countryside. Applications should include details of path specification and signage.

### 3.3 STRATEGIC ACCESS

#### Key Considerations

3.3.1 Access to all the sites within the Development Framework Area will be required to be brought forward in a co-ordinated fashion so as not to prejudice delivery of individual sites.

3.3.2 Key factors influencing consideration of access options include:

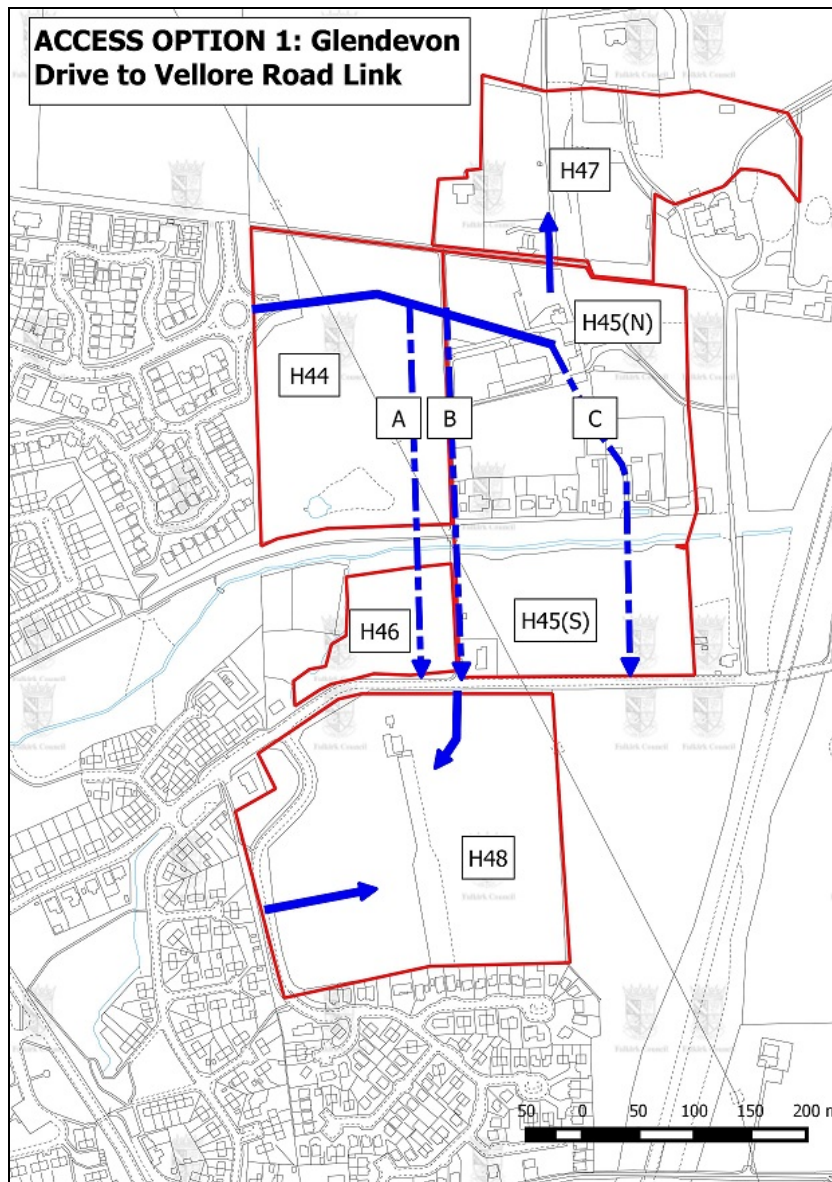
- (1) *Designing Streets and the National Roads Development Guide*: These have been adopted by the Council as guidance for the development of new streets within the area. They emphasise the prioritisation of pedestrian and cycle movement and the use of permeable and connected street layouts.
- (2) *Road network issues*. Account must be taken of any capacity and safety issues in the local road network to which the sites will be connected. Two specific issues have a strong bearing on the Development Framework Area:
  - Sites south of the Manuel Burn (H45(S), H46 and H48) lie adjacent to Vellore Road, and would most obviously be accessed from Vellore Road. However, Vellore Road is subject to constraints in terms of the width of the carriageway and pedestrian and cycle provision at certain sections, and its junction with Main Street, the improvement of which is hampered by current parking at the junction associated with the adjacent shop. Suitable upgrades will need to be agreed with the Council; the extent of which will be dependent upon the amount of additional traffic which will be using Vellore Road and its junction with the B805.
  - Sites north of the Manuel Burn (H44, H45(N) and H47) would most naturally be served off Glendevon Drive. However, the Council's Transport Planning Unit consider that it is undesirable for any further houses to be accessed off Glendevon Drive other than those already approved while it remains a cul-de-sac.
- (3) *Impact on natural and built heritage*. Priorities include:
  - Minimising severance of the Manuel Burn SINC
  - Minimising loss of trees, particularly where these form part of the ancient and semi-natural woodland.
  - Respecting the setting of The Haining and its designed landscape
  - Achieving a good landscape fit and minimising the visual impact of road infrastructure

- (4) *Development viability and deliverability.* The access solution must be cost-effective, affordable and deliverable, taking account of the scale of housing proposed, and the pattern of land ownership.
- (5) *Fit with the Local Development Plan.* The solution should be focused on delivering the allocated sites, without prejudicing decisions on any future growth which may take place in the area

## Options

- 3.3.3 This draft Development Framework presents four main access options as shown on the four maps (options 1-4) for consideration and consultation. These are as follows:

### Option 1: Glendevon Drive to Vellore Road Link



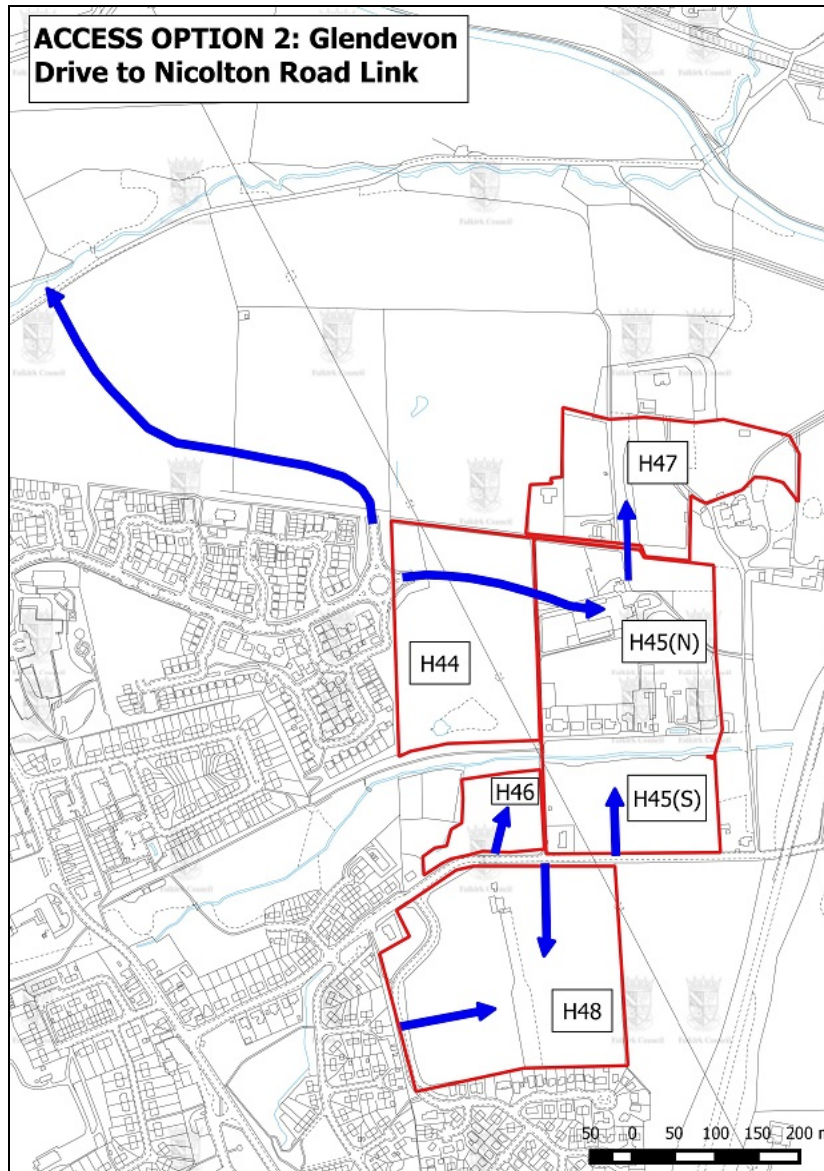
A new primary route would be built from Vellore Road northwards across the Manuel Burn to connect to Glendevon Drive. There are three route variants:

- (A) through H46;
- (B) along the route of the Parkhall Farm track;

(C) through H45.

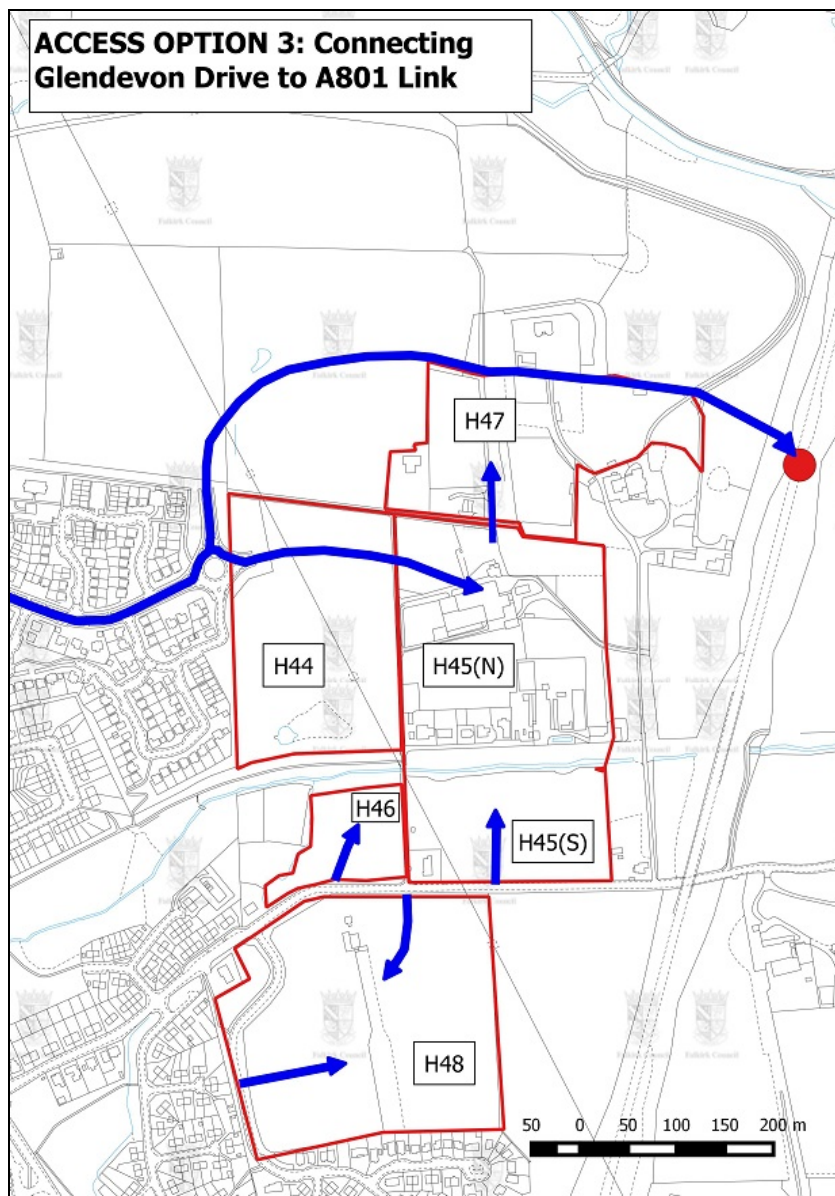
- 3.3.5 If this option is adopted, the preferred solution for this option would be that sites H45 and H46 are accessed off this possible road, rather than Vellore Road itself, but it is recognised that site H46 already has planning permission based on an independent access off Vellore Road, and that independent accesses may be acceptable subject to appropriate junction spacing. The junction of the new road with Vellore Road would ideally be a roundabout, off which access to the lower section of H48 would also be taken. The upper section of H48 would be taken from the existing Toravon Manor access road.

3.3.6 **Option 2: Glendevon Road to Nicolton Road Link**



A new primary link road would be built from Glendevon Drive to Nicolton Road to provide a second connection to the wider road network, allowing sites north of the Manuel Burn to be accessed off Glendevon Drive. Sites south of the Manuel Burn would be accessed off Vellore Road.

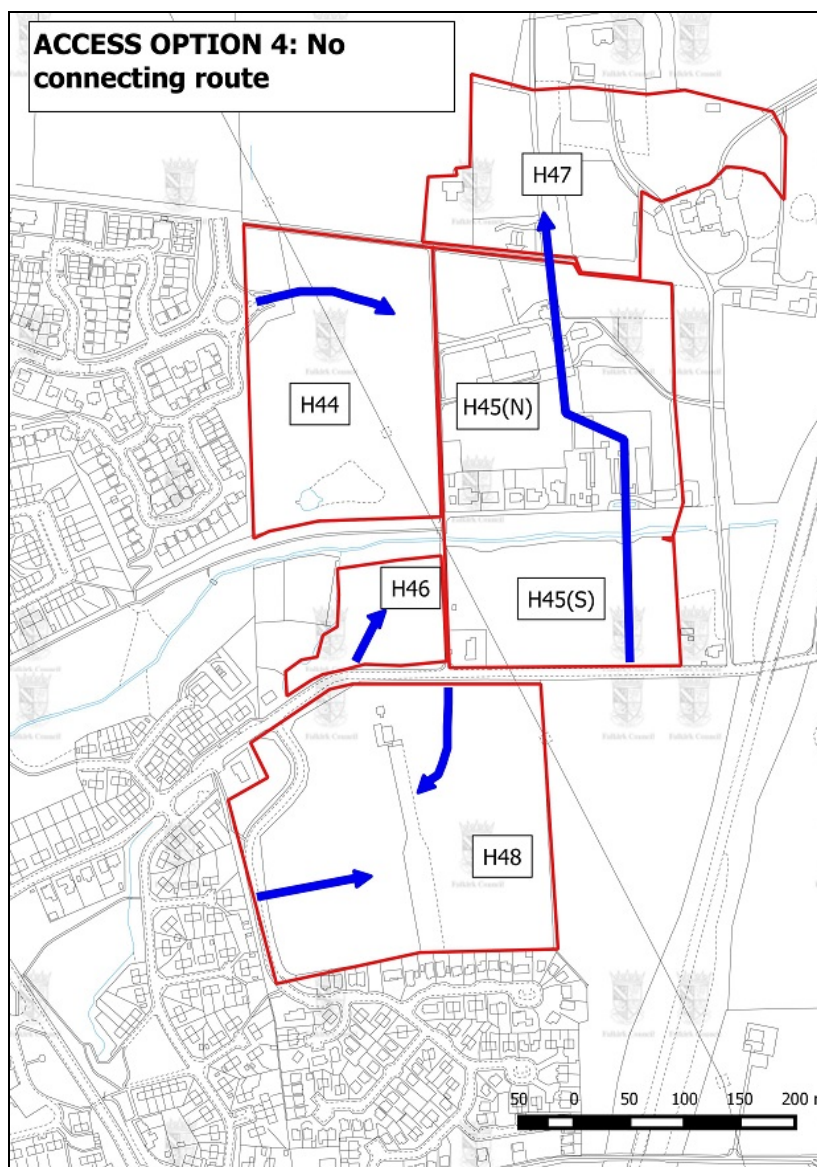
### 3.3.7 Option 3: Glendevon Road to A801 Link



A new primary link road would be built from Glendevon Drive to a new roundabout on the A801 to provide a second connection to the wider road network, allowing sites north of the Manuel Burn to be accessed off Glendevon Drive. Different routes may be possible, although the route shown is that which is subject to the current planning application (P/14/0486/FUL). Sites south of the Manuel Burn (H45(S), H46 and H48) would be accessed off Vellore Road.

### 3.3.8 Option 4: No Connecting Link Road





Sites would generally be accessed via their own independent access road (with the exception of H47, which would be accessed by means of a continuation of the H45 access route). The continuation of Glendevon Drive as a cul-de-sac serving additional houses in H44 would be contrary to the advice of the Council's Transport Planning Unit. This issue might be mitigated by the provision of an emergency second access (e.g. along an upgraded Parkhall Farm Road) and by reducing the number of houses in H44. However, there are potential difficulties with emergency accesses and therefore they have not been recommended in recent years.

### Option Assessment

#### *Designing Streets*

- 3.3.9 Option 1 potentially provides the best fit with Designing Streets, offering a continuation of Glendevon Drive as a connecting 'main street' through the Development Framework Area, although other options would be able to secure pedestrian/cycle connectivity. The link roads in Option 2 and 3 are outwith the urban area and so are considered as roads rather than streets.

#### 3.3.10 *Road network issues*

All of the options introduce additional traffic on to Vellore Road and would require the constraints associated with Vellore Road to be addressed. Option 1 is likely to have the greatest impact on Vellore Road because it proposes a through road.

- 3.3.11 Option 3 has the advantage that it distributes traffic more effectively to the wider network by connecting with the A801. Options 1 and 2 are less effective because they connect back into the more congested B805.
- 3.3.12 Option 3 provides a potential short cut to the A801 from the B805. This may encourage additional through traffic, although this could be controlled through appropriate traffic calming.
- 3.3.13 Option 4 is problematic in that it loads additional traffic on to the Glendevon Drive cul de sac with no alternative access out into the wider network, although as noted above, this might be mitigated by provision of an emergency access. The problems associated with this approach are highlighted in Section 3.3.8.
- 3.3.14 Option 2 is problematic due to the substandard nature of Nicolton Road. There is doubt as to whether land exists to upgrade it westwards towards the B805, including any necessary improvement to the of B805/Carron Terrace junction.

*Impact on natural and built heritage*

- 3.3.15 Options 1 and 4 involve additional or widened crossing of the Manuel Burn with associated landscape and ecological impacts, including some loss of the riparian ancient and semi natural woodland.
- 3.3.16 Option 2 will have significant landscape and ecological impacts. Its route takes it up on to the ridge, with associated visual impacts. Depending on the route, it may involve removal of a significant area of ancient and semi-natural woodland, and have adverse impacts on the Haining and its designed landscape.

*Development viability and deliverability*

- 3.3.17 Multiple ownership within the Development Framework Area means that all of the options have deliverability issues, requiring suitable agreements to be reached between the different parties. Nonetheless, it appears that some sites largely have control over their own accesses, and may be easier to deliver.
- 3.3.18 All of the options are likely to require off-site upgrading of Vellore Road, which may require land acquisition and additional cost.
- 3.3.19 Options 2 and 3 involve lengthy link roads (and in the case of Option 3 a substantial roundabout on the A801) which involve a level of cost that appears unsustainable in relation to the scale of the allocated sites.
- 3.3.20 Options 1 and 4 involve crossings of the Manuel Burn which will also entail additional cost.

*Fit with the development plan*

- 3.3.21 Options 1 and 4 are contained within the envelope of the allocate sites.
- 3.3.22 Options 2 and 3 involve the construction of roads extending outwith the Urban Limit, thereby putting development pressure on unallocated sites and potentially prejudicing the outcome of future planning for the area.

**Option Selection**

- 3.3.23 Clearly, there are advantages and disadvantages associated with the various options. The Council is inviting views on the options through this draft document, prior to determining a preferred solution when the Development Framework is finalised. However, whichever option

is selected, Transport Assessments will need to be undertaken to establish the extent of off-site improvements required to the network, in association with each phase of development.

### **3.3 FLOODING AND DRAINAGE**

#### **Flood Risk**

- 3.4.1 As identified in Section 2.7, parts of the Development Framework area are located within areas which are at risk of flooding (from watercourses and surface water). Developers must therefore produce a Flood Risk Assessment (FRA) for each of the development sites. A key requirement for a FRA is that it must consider all sources of flooding and demonstrate how flood mitigation methods will be managed. The FRA will be required to ensure that any flood risk associated with the development can be managed now and in the future, taking into account climate change projections and illustrate how the development will not increase the risk of flood risk downstream. SEPA advise that there should be no development within the 0.5% annual probability fluvial flood extent determined by a flood risk assessment. Furthermore, mitigation measures for the surface water flood risk should not increase the risk of flooding to neighbouring areas and runoff rates should be agreed with Falkirk Council.

#### **Drainage**

- 3.4.2 A Drainage Impact Assessment will be required for all sites within the Development Framework area. This will assess potential impacts in terms of surface water drainage and foul drainage. SUDS (Sustainable Urban Drainage Systems) will be required as part of the drainage strategy. SUDS help to protect water quality, contribute to green networks, reduce potential for flood risk and release capacity in the public sewerage network where the alternative is use of combined systems. The preference will be for a co-ordinated SUDS solution with facilities serving more than one site. The detailed work up of identifying SUDS locations should be the subject of early discussions between SEPA, the Council and the developers so as to maximise the green network potential of the SUDS scheme.

### **3.5 CONTRIBUTIONS TO EDUCATION AND COMMUNITY FACILITIES**

#### **Education**

- 3.5.1 As noted in Section 2.8, there are capacity issues in certain schools in whose catchments the East Maddiston SGA lies. Developer contributions to education infrastructure will therefore be required for all sites within the Development Framework area, in line with the guidance in Supplementary Guidance SG10 Education and New Housing Development. Contribution rates are set out in Appendix 1 of SG10. These rates may be updated in line with future projected growth. At present, contributions will be sought in relation to:

- Maddiston Primary School (Non-Denominational Primary)
- Nursery provision
- St Mungo's High School (RC Secondary)
- Braes High School (Non-Denominational Secondary)

- 3.5.2 There may be a requirement for future contributions relating to St Andrew's RC Primary School. This will be reviewed in line with future growth projections.

#### **Community Facilities**

- 3.5.3 The main community spaces serving the village are Maddiston Community Centre and Maddiston Primary School. The community has highlighted that there have been capacity issues highlighted within Maddiston Community Centre in terms of availability of community space.
- 3.5.4 Policy INF02 of the LDP requires developers to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate

deficiencies in, or impose significantly increased burdens on, existing infrastructure. The Development Framework sites will be generating around 280 additional units and may therefore exacerbate existing capacity problems in the future, particularly with respect to the Community Centre. Developers should therefore engage with the community and the Council on whether contributions relating to the upgrading or extension of community facilities at pre-application stage. As set out in Section 2.8, the capacity issues relating to Maddiston Community Centre are being monitored. Developers may be required to contribute to upgrading/expansion where there is an identified need exacerbated by new development.

- 3.5.5 In applying the policy, consideration of the overall viability of the development will be taken into account and this should be addressed by the developer.

### **3.6 AFFORDABLE HOUSING**

- 3.6.1 Affordable housing will be required on each of the sites within the Development Framework area in accordance with LDP Policy HSG02 and Supplementary Guidance SG12 Affordable Housing. This stipulates a requirement of 25% for the Polmont area in developments of 20 or more houses. SG12 provides flexibility as to how the requirement is delivered, and early discussions with Falkirk Council Housing Services are recommended.

### **3.7 LOW AND ZERO CARBON DEVELOPMENT**

- 3.7.1 Policy D04 of the LDP requires all new buildings to incorporate on-site low and zero carbon generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'.
- 3.7.2 A settlement expansion also represents an opportunity to investigate the potential for district heating. Feasibility work for each site should be undertaken to assess potential opportunities in line with Policy D04. There should also be consideration of future-proofing the site and taking the following considerations into account:
- ensuring that service connections are compatible with district heating solutions in the future in the event that District Heating cannot be implemented as part of the current development.
  - building or setting aside land for a future energy centre – preferably compatible with other fuels or LZCGT in advance of more integrated long-term DH scheme utilising renewable energy sources.
  - developers should explore the various sources of finance for renewable heat such as the District Heating Loan Fund and the Renewable Heat Incentive.



## 4 DEVELOPMENT FRAMEWORK: SITE REQUIREMENTS

- 4.1 Section 4 sets out the specific site requirements for each site within the Development Framework. It is not an exhaustive list of matters to be addressed within a planning application, but does identify specific challenges or attributes associated with each site and how issues identified in Section 3 Strategic Requirements should be addressed. These are as follows:

H44	PARKHALL FARM 2
<b>Green Network</b>	<ul style="list-style-type: none"> <li>Central open space corridor formed by the powerline wayleave and the existing SUDS pond to be designed as positive landscape feature (landscape component 7).</li> <li>Structure planting to be formed along the northern site boundary (min 15 m) (landscape component 4 on Map 5).</li> <li>Burn corridor to be enhanced and managed in conjunction with sites H44-H46, including removal of invasive species and a 10 m landscape buffer between development and the burn (landscape component 3 on Map 5).</li> <li>Tree survey required if development affects any trees on the site.</li> <li>Landscape plan required to accompany detailed proposals</li> <li>Appropriate ecological surveys to be carried out including protected species surveys,</li> </ul>
<b>Design</b>	<ul style="list-style-type: none"> <li>Development to comprise pockets of housing on either side of the central open space corridor, with housing fronting the open space.</li> <li>Design and palette of materials reflecting that of Parkhall Farm 1 to the west.</li> <li>Level difference between Parkhall Farm 1 to be handled carefully with ground graded appropriately.</li> <li>Design statement will be required.</li> </ul>
<b>Open Space</b>	<ul style="list-style-type: none"> <li>Central open space corridor is likely to meet passive open space requirements.</li> <li>Active open space requirement likely to be met by off-site contributions to facilities on other sites.</li> </ul>
<b>Access &amp; Drainage</b>	<ul style="list-style-type: none"> <li>All strategic access options envisage extension of Glendevon Drive into site which should have housing frontages. In all but one of the options this will require to connect across to H45(N).</li> <li>Access will have to be maintained to 'Shamistle'.</li> <li>In conjunction with Site H45(N), core path along eastern boundary to upgraded to adoptable standard and integrated into layout.</li> <li>Flood Risk and Drainage Impact Assessment required.</li> <li>Existing SUDS pond to be utilised if possible, with modifications if necessary.</li> </ul>
<b>Developer Contributions</b>	<ul style="list-style-type: none"> <li>Developer contributions required for education and core path upgrade, and potentially also community facilities and off-site road network improvements depending on further investigations. Need for off-site open space contributions dependent on extent of on-site provision.</li> <li>25% affordable housing to be provided.</li> </ul>

<b>H45(N)</b>	<b>PARKHALL FARM 3 (NORTH)</b>
<b>Green Network</b>	<ul style="list-style-type: none"> <li>Existing woodland to east to be retained and brought under management (landscape component 2 on Map 5).</li> <li>Burn corridor to be enhanced and managed in conjunction with sites H44-H46, including removal of invasive species and a 10 m landscape buffer between development and the SINC (landscape component 3 on Map 5).</li> <li>Tree survey required to inform layout and design.</li> <li>Landscape plan required to accompany detailed proposals.</li> <li>Appropriate ecological surveys to be carried out including protected species surveys.</li> </ul>
<b>Design</b>	<ul style="list-style-type: none"> <li>Parkhall Farm steading and former nursery to be removed and redeveloped.</li> <li>Existing dwellinghouses on the southern part of the site are likely to remain. These should be sensitively integrated into the layout in a way that respects their amenity and privacy.</li> <li>House designs and palette of materials should take inspiration from traditional rural forms.</li> <li>Design Statement will be required.</li> </ul>
<b>Open Space</b>	<ul style="list-style-type: none"> <li>Recreational open space to be located within site with play provision.</li> <li>Depending on scale on on-site provision, contributions to off-site upgrading of open space may also be required, in line with SG13.</li> </ul>
<b>Access &amp; Drainage</b>	<ul style="list-style-type: none"> <li>Depending on the access option chosen, access will either be from the south over the burn; from the west from H44; or both as part of the through road from Glendevon Drive to Vellore Road.</li> <li>Site layout will have to make provision for access to H47 and continuing access to 'Shamistle'.</li> <li>In conjunction with Site H44, core path along western boundary to upgraded to adoptable standard and integrated into layout.</li> <li>Flood Risk and Drainage Impact Assessment required.</li> <li>SUDS provision to be integrated as a positive landscape feature within development.</li> </ul>
<b>Developer Contributions</b>	<ul style="list-style-type: none"> <li>Developer contributions required for education and core path upgrade, and potentially, community facilities and off-site road network improvements depending on further investigations. Need for off-site open space contributions dependent on extent of on-site provision.</li> <li>25% affordable housing to be provided.</li> </ul>

<b>H45(S)</b>	<b>PARKHALL FARM 3 (SOUTH)</b>
<b>Green Network</b>	<ul style="list-style-type: none"> <li>Burn corridor to be enhanced and managed in conjunction with sites H44-H46, including removal of invasive species and a 10 m open space buffer between development and the SINC (landscape component 3 on Map 5).</li> <li>Power line wayleave to form landscaped open space at western end of site (landscape component 7 on Map 5).</li> <li>Tree survey required if development affects any trees on the site.</li> <li>Landscape plan required to accompany detailed proposals</li> <li>Appropriate ecological surveys to be carried out including protected species surveys.</li> </ul>

<b>Design</b>	<ul style="list-style-type: none"> <li>• Frontage with Vellore Road should maintain existing rural character through retention and upgrading of stone wall with roadside planting buffer to housing behind. This will provide a high-quality frontage with filtered views into the site, particularly when approached from the east. This will assist in the transition in character between rural area and the urban edge.</li> <li>• A gateway feature (identified on Map 5) as part of the vehicular access to the site would assist in the above objective. Layout should provide a positive built frontage to the burn corridor open space, rather than rear fences, resulting in the burn corridor forming an integral part of the site, and contributing to overall placemaking.</li> <li>• House designs and palette of materials should take inspiration from traditional rural forms.</li> <li>• Design Statement will be required.</li> </ul>
<b>Open Space</b>	<ul style="list-style-type: none"> <li>• Burn corridor and power line wayleave are likely to meet passive open space requirements.</li> <li>• Active open space requirement likely to be met by off-site contributions to facilities on other sites.</li> </ul>
<b>Access &amp; Drainage</b>	<ul style="list-style-type: none"> <li>• Access will be from Vellore Road. Depending on the access option chosen, this will either serve only H45(S); be required to provide onward access to H45(N) and H47; or be part of a primary route connecting Vellore Road to Glendevon Drive.</li> <li>• In conjunction with Site H46, core path along western boundary to upgraded to adoptable standard and integrated into layout.</li> <li>• Flood Risk and Drainage Impact Assessment required.</li> <li>• If not shared with H45(N), SUDs provision to be integrated as a positive landscape feature within development.</li> </ul>
<b>Developer Contributions</b>	<ul style="list-style-type: none"> <li>• Developer contributions required for education and core path upgrade, and potentially also community facilities and off-site road network improvements depending on further investigations. Need for off-site open space contributions dependent on extent of on-site provision.</li> <li>• 25% affordable housing to be provided.</li> </ul>

<b>H46</b>	<b>PARKHALL FARM 4</b>
<b>Green Network</b>	<ul style="list-style-type: none"> <li>• Burn corridor and SINC to be enhanced and managed in conjunction with sites H44 and H45, including removal of invasive species and a 10 m landscaped buffer between development and the SINC (landscape component 3 on Map 5)</li> <li>• Power line wayleave to form landscaped open space at north east corner of site (landscape component 7 on Map 5)</li> <li>• Tree survey required if development affects any trees on the site.</li> <li>• Landscape plan required to accompany detailed proposals</li> <li>• Appropriate ecological surveys to be carried out including protected species surveys.</li> </ul>
<b>Design</b>	<ul style="list-style-type: none"> <li>• Housing frontage to Vellore Road is required, with existing stone wall retained and incorporated as far as possible.</li> <li>• House designs and palette of materials should take inspiration from traditional rural forms.</li> <li>• Design Statement will be required.</li> </ul>

<b>Open Space</b>	<ul style="list-style-type: none"> <li>• Burn corridor buffer and power line wayleave may meet some passive open space requirements, but requirement for off-site contributions likely,</li> <li>• Active open space requirement likely to be met by off-site contributions to facilities on other sites.</li> </ul>
<b>Access &amp; Drainage</b>	<ul style="list-style-type: none"> <li>• Access will be from Vellore Road. Depending on the access option chosen, this will either serve only H46; or be part of a primary route connecting Vellore Road to Glendevon Drive.</li> <li>• In conjunction with Site H45(S), core path along eastern boundary to upgraded to adoptable standard and integrated into layout.</li> <li>• Flood Risk and Drainage Impact Assessment required.</li> </ul>
<b>Developer Contributions</b>	<ul style="list-style-type: none"> <li>• Developer contributions required for education and core path upgrade, and potentially also community facilities and off-site road network improvements depending on further investigations. Need for off-site open space contributions dependent on extent of on-site provision.</li> <li>• 25% affordable housing to be provided if site capacity is 20 units or more.</li> </ul>

<b>H47</b>	<b>THE HAINING</b>
<b>Green Network</b>	<ul style="list-style-type: none"> <li>• Safeguarding and management of the policy woodland associated with the Haining is paramount (landscape component 1 on Map 5)</li> <li>• Three clearings have been identified (see Map 5) which are areas of less mature scrub and trees which could potentially be developed.</li> <li>• Tree survey required which will confirm the number and location of trees which could be felled and which should be retained, as well as root protection zones required.</li> <li>• Replacement planting will be required to reinforce the policy woodland and replace any trees lost.</li> <li>• Landscape plan required to accompany detailed proposals</li> <li>• Appropriate ecological surveys to be carried out including protected species surveys</li> </ul>
<b>Design</b>	<ul style="list-style-type: none"> <li>• Site constraints will only allow development of small pockets of low density housing, designed in a bespoke manner to fit sympathetically within the policy woodland and rural setting, to deal satisfactorily with topography, and to respect the various components of designed landscape.</li> <li>• Number of units to be derived from assessment of sites constraints, rather than indicative capacity stated in LDP.</li> <li>• Development should respect the setting of the B-listed Haining, particularly if it is in close proximity to, or visible from, the Haining.</li> <li>• A Design Statement incorporating a Landscape and Visual Impact Assessment and Heritage Impact Assessment will be required to demonstrate that the design solution meets the above objectives.</li> </ul>
<b>Open Space</b>	<ul style="list-style-type: none"> <li>• The restored policy woodland may satisfy functional passive open space requirements</li> <li>• Active open space requirement likely to be met by off-site contributions to facilities on other sites.</li> </ul>
<b>Access &amp; Drainage</b>	<ul style="list-style-type: none"> <li>• Access is expected from site H45(N) under all strategic access options. It is unlikely that the existing South Avenue to the Haining</li> </ul>

	<p>could serve additional development without substantial upgrading, but this could be explored.</p> <ul style="list-style-type: none"> <li>• The core path within the boundary of the site will require to be upgraded.</li> <li>• Drainage Impact Assessment required.</li> </ul>
<b>Developer Contributions</b>	<ul style="list-style-type: none"> <li>• Developer contributions required for education and core path upgrade, and potentially also community facilities and off-site road network improvements depending on further investigations. Need for off-site open space contributions dependent on extent of on-site provision.</li> <li>• Development unlikely to be reach affordable housing threshold of 20 units</li> </ul>

<b>H48</b>	<b>TORAVON FARM</b>
<b>Green Network</b>	<ul style="list-style-type: none"> <li>• Landscape framework needed to break up and reduce visual impact of development. This should comprise structure planting along line existing north-south hedgerows/tree belts (landscape components 5 and 6 on Map 5), and east-west planting along the most steeply sloping section of the site (landscape component 8 on Map 5)</li> <li>• Tree survey required if development affects any trees on the site. Any existing mature trees and woodland suitable for retention will require root protection zones which will influence overall layout.</li> <li>• Landscape plan required to accompany detailed proposals</li> <li>• Appropriate ecological surveys to be carried out including protected species surveys</li> </ul>
<b>Design</b>	<ul style="list-style-type: none"> <li>• Visual impact of development needs careful consideration given topography and elevated nature of southern part of site.</li> <li>• Housing frontage to Vellore Road is required, with appropriate boundary treatment.</li> <li>• Landscape framework elements 7 and 5 along the eastern boundary of the site will provide a robust urban edge.</li> <li>• House designs and palette of materials should take inspiration from traditional rural forms.</li> <li>• Design statement will be required.</li> </ul>
<b>Open Space</b>	<ul style="list-style-type: none"> <li>• Recreational open space to be located within site with the provision of a play area. Depending on scale on on-site provision, contributions to off-site upgrading of open space may also be required, in line with SG13.</li> </ul>
<b>Access &amp; Drainage</b>	<ul style="list-style-type: none"> <li>• Access to be off Vellore Road, with elevated southern section likely to be accessed from Manor Wynd</li> <li>• Core path along eastern boundary to upgraded.</li> <li>• Flood Risk and Drainage Impact Assessment required.</li> <li>• SUDS provision likely to be in north-east corner of site where it should be integrated as a positive landscape feature within development, integrating with landscape framework element 7, shown on Map 5.</li> </ul>
<b>Developer Contributions</b>	<ul style="list-style-type: none"> <li>• Developer contributions required for education and core path upgrade, and potentially also community facilities and off-site road network improvements depending on further investigations. Need for off-site open space contributions dependent on extent of on-site provision.</li> <li>• 25% affordable housing to be provided.</li> </ul>

## **APPENDIX: RELEVANT PLANNING POLICY**

### **NATIONAL POLICY**

Scottish Planning Policy (2014): <http://www.gov.scot/Publications/2014/06/5823>

Designing Streets (2010): <http://www.gov.scot/Publications/2010/03/22120652/0>

### **LOCAL DEVELOPMENT PLAN POLICY**

HSG02 Affordable Housing	GN01 Falkirk Green Network
HSG04 Housing Design	GN02 Landscape
INF02 Developer Contributions to Community Infrastructure	GN03 Biodiversity and Geodiversity
INF03 Protection of Open Space	GN04 Trees, Woodland and Hedgerows
INF04 Open Space and New Residential Development	GN05 Outdoor Access
INF05 Education and New Housing Development	D01 Placemaking
INF06 Healthcare and New housing Development	D02 Sustainable Design Principles
INF07 Walking and Cycling	D03 Urban Design
INF08 Bus Travel and New Development	D04 Low and Zero Carbon Development
INF02 Developer Contributions to Community Infrastructure	D09 Listed Buildings
INF10 Transport Assessments	D12 Historic Gardens and Designed Landscapes
INF11 Parking	RW05 The Water Environment
INF12 Water and Drainage Infrastructure	RW06 Flooding
	RW09 Waste Reduction in New Development
	RW10 Vacant, Derelict, Unstable and Contaminated Land

### **RELEVANT SUPPLEMENTARY GUIDANCE**

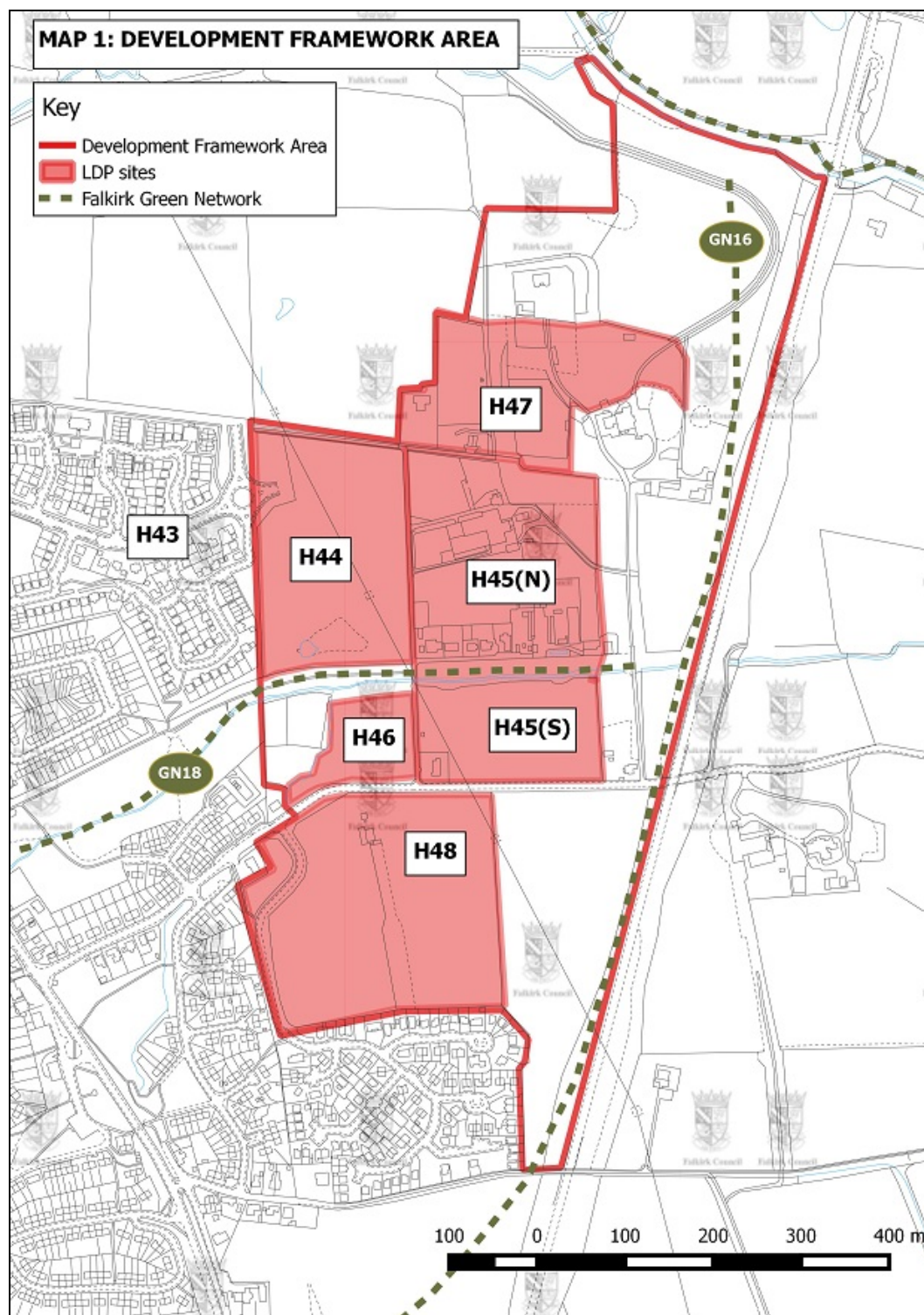
SG02	Neighbourhood Design
SG05	Biodiversity and Development
SG06	Trees and Development
SG09	Landscape Character Assessment and Landscape Designations
SG10	Education and New Housing Development
SG11	Healthcare and New Housing Development
SG12	Affordable Housing
SG13	Open Space and New Development
SG15	Low and Zero Carbon Development

Design Statements SPG (Non-statutory)

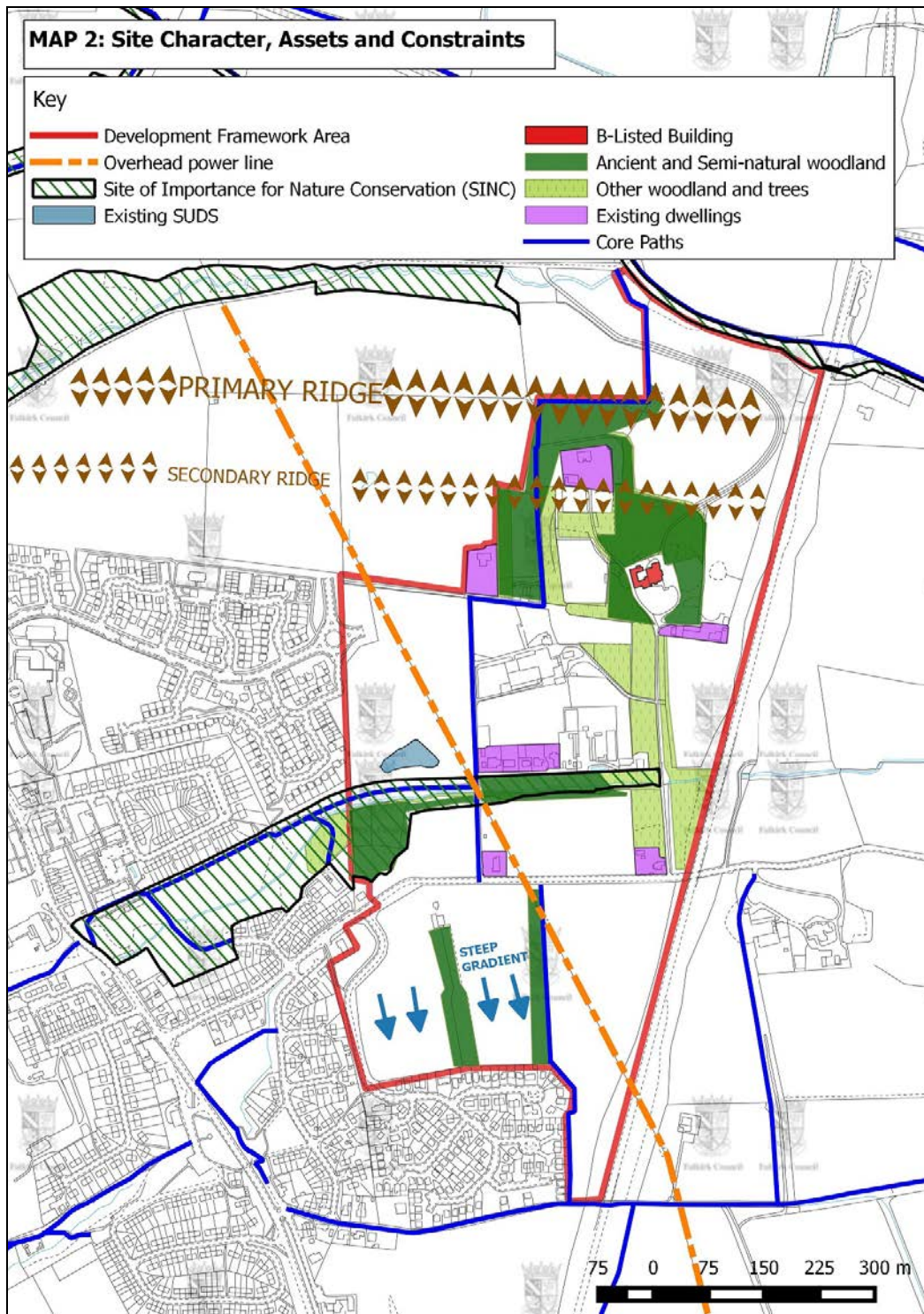
Contaminated Land SPG (Non-statutory)

Flooding and Sustainable Urban Drainage Systems SPG (Non-statutory)

Travel Plan SPG (Non-statutory)

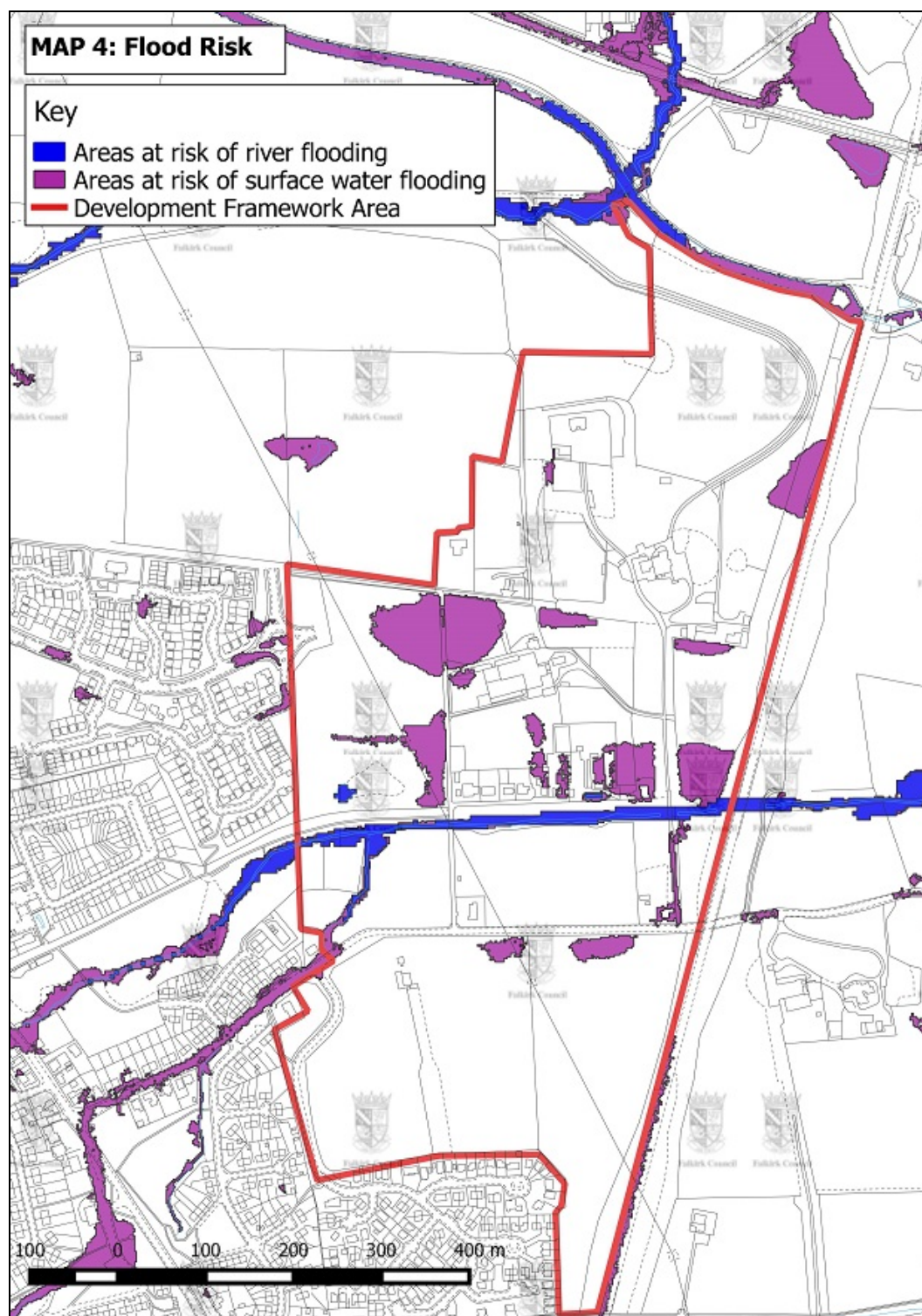




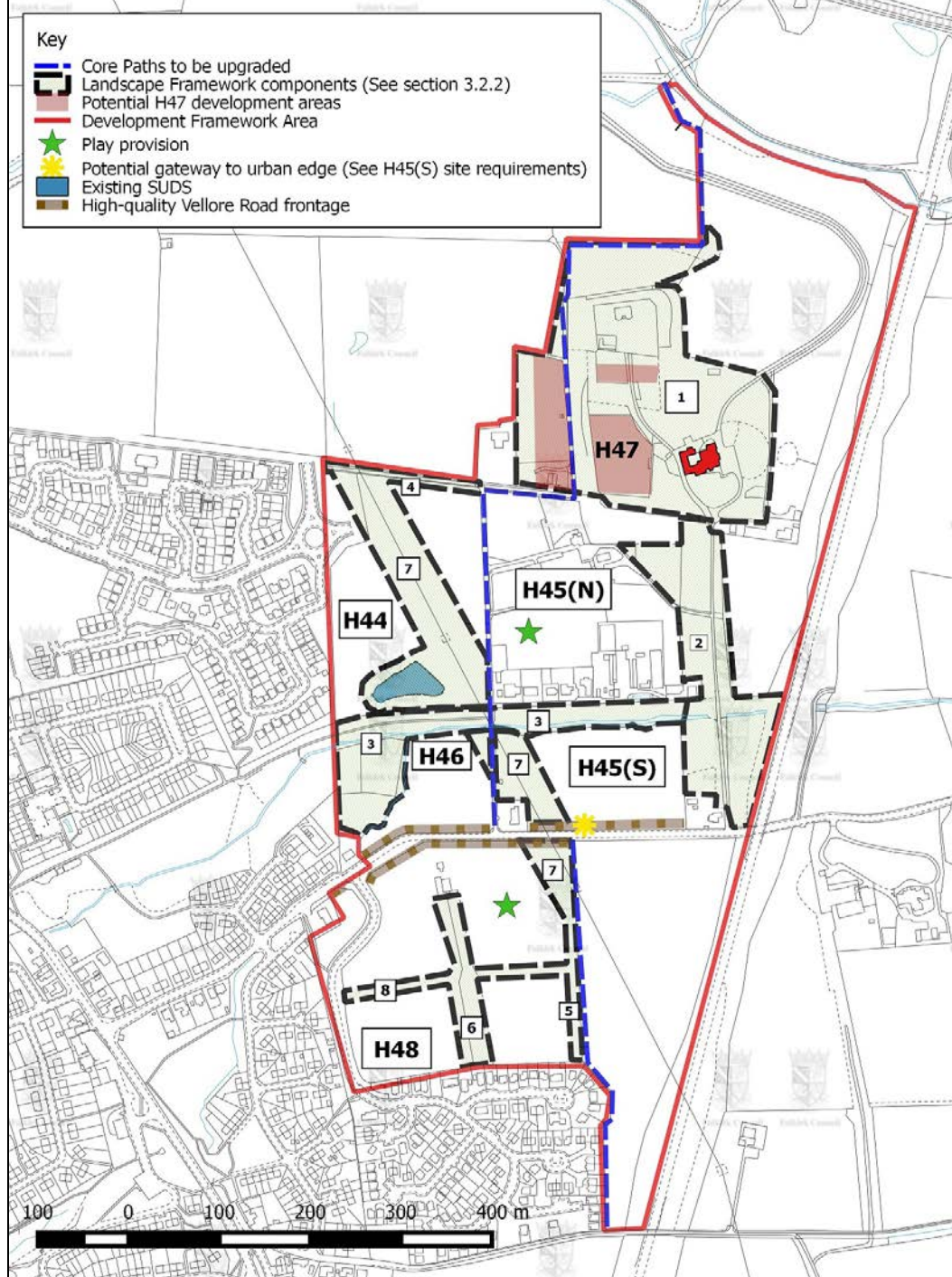








**MAP 5: Development Framework Plan**





## FALKIRK COUCIL

**Subject: BUSINESS TRANSFORMATION – STRATEGIC PROPERTY REVIEW**  
**Meeting: EXECUTIVE**  
**Date: 17 May 2016**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

### 1.0 INTRODUCTION

- 1.1 The purpose of this report is to advise the Executive of proposals to progress a strategic review of the Council's operational properties and seek agreement to the scope of work, project plan and facilitation of the work by Hub Co.

### 2.0 BACKGROUND

- 2.1 At its meeting on 16<sup>th</sup> December 2015 it was reported to the Council that an overarching review of the operational property estate would be carried out. This exercise is also proposed to enable delivery of savings related to the Falkirk Community Trust (FCT) Business Plan. It will assist consideration of options relating to efficiency savings for the Council and FCT and is to examine, for example, co-location, rationalisation, savings from property and other running costs and potential closures of operational buildings. The outcome of the review is to inform the preparation of the 2017-18 budget and subsequent budgets. The work will align with a portfolio of strategic reviews approved by Council as part of the budget report in February 2016.
- 2.2 The Business Transformation Board at its meeting on 12 January 2016 were advised of the approach to the review and were updated on several other property related projects currently progressing with a view to generating savings. This report recognises that considerable work has already been undertaken to appraise the Council's asset portfolio as context for the review.
- 2.3 The purpose of the review is, therefore, to produce proposals for consideration by Members which will help inform the next round of the budget process. A comprehensive review of this nature would be likely to take a significant period of time to complete, however, given the constraints imposed by an August 2016 reporting deadline, a streamlined process to provide initial findings will be required. An effective interface between this review and other budget related reviews will also be maintained.
- 2.4 To facilitate this exercise Hub East Central Scotland (HubCo) has agreed to allocate enabling funds to the project and has assisted with the development of a project plan, set out later in this report to expedite the work.

### 3.0 SCOPE OF REVIEW

- 3.1 The intent of the Review is to provide recommendations for:
- the integration of business planning with strategic property management to derive savings from the portfolio.
  - restructuring of the portfolio to meet or support future service and customer demands and balance this with affordability.
  - delivery of a more efficient portfolio utilising properties that are more cost effective and flexible.



- co-ordination and integration of business transformation, service and property reviews to inform outcomes.

3.2 The scope of the Review involves an initial assessment of:

- the identified customer need within each locality, community or the overall Council area
- a more detailed understanding of current service delivery models / property use / capacity and service delivery costs, together with future affordability
- the current and anticipated demand for services over the next 5 to 10 years
- the role of the Council and other providers
- opportunities for colocation or sharing services / properties with partners reflecting affordability and alternative service delivery models,
- deliverable and acceptable outcomes in policy terms. This must be clear from the outset in order that the review exercise is meaningful.
- the potential impact of community asset transfer arising from the outcomes of the review

3.3 The above information, together with work that has been undertaken concerning existing property specific asset management data e.g. condition, suitability in terms of customer expectation, running costs, and locational data, will inform the optimum property solution or options necessary to achieve significant savings.

3.4 The overall target for the review is to identify significant savings options from the operational property portfolio (costing c £22.28m p.a ). A breakdown of these costs as they relate to property types is attached at Appendix 1. The portfolio includes those assets examined recently in terms of the Council's review of office headquarter requirements, considered by the Council in its meeting on 11 May. The outcome of the Council's decision will be a consideration in progressing the review.

3.5 It is anticipated that the outcome of the review will be the preparation of service and locality asset plans identifying, for example:

- Key areas and locations where service need is identified
- A list of "core" properties providing the flexibility to meet future community needs and removing any duplication
- Alternative options focussing on a move away from single service locations
- Potential options for closure and disposal / reuse etc
- Co-location, sharing and intensification of use within core properties
- Reinvestment strategy / budget realignment for retained properties
- Potential opportunities for affordable new and more sustainable assets

## 4.0 PROJECT PLAN

4.1 The review will consist of 2 main phases with early outputs from the first phase to inform budget preparation for 2017/18 and more detailed locality assessments thereafter, from which further detailed work programmes will be derived.

4.2 Phase 1 will focus on establishing a forecast of spatial need through assessment of service delivery options and initial evaluation of property options to meet this demand on a best value basis. The outcomes will provide:

- i) An assessment of the Council's anticipated space requirements
- ii) A notional allocation across localities/services
- iii) Assessment of current properties likely to meet need and those that don't
- iv) Options for future configuration
- v) Analysis of current costs vs future based on initial assessment

4.3 A series of workshops and collection of data is planned over an estimated 14 week period which will involve significant input from Council services. Appendix 2 summarises the anticipated programme for the first phase of work.

4.4 This process involves:

**a) Data capture** a precursor to area reviews in order to;

- make the proximity, gaps and overlaps in asset provision apparent;
- focus discussions to identify opportunities for rationalisation, co-location etc
- provides a common basis for analysing service and asset data;
- show the property type and spatial relationship of users and assets;
- quantify demand, use and capacity etc.

**b) Assessment of Service Need**

Based within the context of the Strategic Community Plan, consideration will be given to demographics, health and wellbeing, socio economic factors as well as potential future demand / customers. Current models and approaches to service delivery will need to be considered, for example:

- the capacity for the Council to continue delivering the service
- can it be delivered in a different way
- options to share service provision across partners or a wider area
- synergies with other Council uses or developments to inform co-location options to meet the community need.

4.5 The exercise will also include consideration for any potential interest from the community, services and partners arising from the implementation of the Community Empowerment Act.

4.6 After completion of Phase 1 it is anticipated that a second phase of work over a longer period will be required to consider more detailed application of options across localities. This will be contingent on the outcomes of the initial phase and will be subject of a future report.

## 5.0 GOVERNANCE

5.1 The process will be progressed by the Corporate Asset Management Group (CAMG) reporting as appropriate to CMT, FCT Board and Executive and liaising as appropriate with the Policy Development Panel for FCT. Specific proposals arising from the exercise outwith delegated authority will require decisions of the Executive or Council as necessary.

- 5.2 This is a corporate exercise involving all Council services as appropriate. The timescale for completing the project is August 2016 although it is recognised that this will relate to the initial phase of work.

## **6.0 IMPLICATIONS**

### **6.1 *Policy***

The Council's Corporate Plan sets out how the Council will effectively manage its property portfolio through the implementation of the Corporate Asset Management Strategy "Better Assets, Better Services". This is aligned with the joint Forth Valley Strategic Asset Management Strategy "Making the most of Property and Assets" developed in conjunction with public sector partners.

This approach is also consistent with the Council's Property Asset Management Plan which identifies Area Reviews as one of 4 key cross cutting corporate efficiency initiatives.

The strategic property review will form the basis of an updated Property Asset Management Plan aligned to the restructuring of the property portfolio to meet future demands for services within the Council's available financial resources.

### **6.2 *Personnel***

Significant input of staff time from all Council services is required to progress and inform the review.

### **6.3 *Financial***

HubCo has indicated that enabling funds are available of £25,000 initially and provision for up to £100,000 to complete the phase 1 review. There will be no cost to the Council associated with completion of the initial phase of the review as detailed above. HubCo indicate that there will be no obligation to commission future works from the company arising as an outcome of the review but that this option is available should the Council choose to proceed by this route.

### **6.4 *Legal***

An agreement is required with HubCo to provide the support to facilitate and expedite the review

## **7.0 CONCLUSION**

- 7.1 The proposal for this strategic review of assets recognises that the Council needs to reduce the number of properties it occupies and their associated costs. The purpose of the review is to analyse the current stock of Council assets against collective service needs, identifying options for rationalisation, disposal and reinvestment, all in the context of the need for substantial revenue budget savings.
- 7.2 The approach and potential outcomes requires to challenge the rationale for holding onto assets, actively evaluating opportunities to share, relocate, reinvest, reduce, or dispose of assets while maintaining affordable and effective service delivery.



- 7.3 The review will aim to highlight a number of locality and alternative service delivery based solutions including, where possible, potential options for collaboration or early wins. However, some options will be more complex and will require further detailed business cases or option appraisals.

## **8.0 RECOMMENDATIONS**

### **8.1 It is recommended that the Executive approves:-**

- i) the scope of the Strategic Property Review and Project Plan as detailed in the report**
- ii) the appointment of HubCo to progress the review as set out in this report.**

.....  
Director of Development Services

Date: 5 May 2016

Contact Officer: Craig Isdale extn 4811

## **LIST OF BACKGROUND PAPERS**

- 1. Corporate Asset Management Strategy
- 2. Property Asset Management Plan

Anyone wishing to inspect background papers should contact Craig Isdale on extn 4811.

## Property Costs by Type (2014/15)

Property Type	GIA (sqm)	Total Cost	% of Total
Primary Schools	115,710	£7,308,998	32.81
Secondary Schools	129,185	£5,123,109	23.00
Offices	30,754	£3,409,155	15.30
Depots	18,146	£1,537,614	6.90
Sports Centres	27,186	£1,203,205	5.40
Residential Homes & Day Centres	13,413	£956,655	4.29
Community Buildings	14,761	£708,391	3.18
Nursery Schools	4,735	£412,734	1.85
One Stop Shops	2,521	£388,718	1.74
Libraries	5,348	£266,228	1.20
Crematorium	772	£190,026	0.85
Museums	3,990	£177,386	0.80
Misc	1,797	£151,415	0.68
Town Halls	5,147	£149,792	0.67
Special Schools	41,665	£93,042	0.42
Park Buildings	1,449	£89,019	0.40
Public Conveniences	473	£61,641	0.28
Registrars	717	£49,916	0.22
<b>Total</b>		<b>£22,277,043</b>	<b>100.00</b>

### High Level Programme and Activity Plan

Phase 1 of the Strategic Property Review will be undertaken over an anticipated 14 week core period and involve a 2 part process and a 2 week preparation period between Parts 1 and 2.

#### PART 1

Week	Summary of work focus in the Period
	<ul style="list-style-type: none"> <li>Pre-commencement briefing session to establish the parameters of the overall exercise and likely individuals who will be involved</li> <li>Completion by Council of Service Overview pro-formas</li> <li>Interviews with Heads of Service</li> </ul>
1	<b>Workshop No.1 – Focus:</b> Overview of the process, sense checking Service Overview information and commencement of demand modelling discussion
2	Analysis and development of workshop No.1 outputs, provision by Council of supplementary information and preparation by Hubco for Workshop No.2
3	<b>Workshop No.2 – Focus:</b> Conclusion of demand modelling and commencement Service Response discussion
4	Analysis and development of workshop No.2 outputs, further consideration of the Demand Modelling Scenarios and preparation by Hubco for workshop No.3
5	<b>Workshop No.3 – Focus:</b> Conclusion of Service Response discussion and commencement of strategic functional brief discussion
6	Analysis of and development of workshop No.3 outputs and preparation by Hubco for workshop No.4 based on the outputs of Workshop No.3
7	<b>Workshop No.4 – Focus:</b> Conclusion of strategic functional brief discussion
8	Capture all outputs in the form of Briefing Documents for Part 2

#### PART 2

This Option Appraisal & Feasibility Review will be undertaken over a 6 week core period and involve 3 workshops.

Week	Summary of work focus in the Period
	<ul style="list-style-type: none"> <li>Preparation by Hubco and its advisors considering the strategic functional briefs and better understanding the properties that comprise the estate</li> <li>Desktop review of property floor layouts and condition reports</li> <li>Site walk-about with the Council to better understand the context of key properties in each locality</li> </ul>
1	<b>Workshop No.1 – Focus:</b> Overview of the process, sense checking the functional briefs, consideration of option evaluation criteria and commencement of developing the spatial design concepts and the
2	Analysis and development of workshop No.1 outputs, preparation by Hubco for Workshop No.2
3	<b>Workshop No.2 – Focus:</b> Conclusion of spatial design concepts, identification of spatial options, agreement of assumptions to be used for allocation of space for each locality and initial discussion around building operating costs
4	Analysis and development of workshop No.2 outputs and preparation by Hubco for Workshop No.3
5	<b>Workshop No.3 – Focus:</b> Confirmation of options, non-financial evaluation of options and review of sufficiency of outputs generated
6	Conclude close out actions and issue Draft Report for comment (including proposed next steps)



**FALKIRK COUCIL**

**Subject: TRAFFIC MANAGEMENT ARRANGEMENTS FOR MARCHES, PROCESSIONS AND PARADES**  
**Meeting: EXECUTIVE**  
**Date: 17 May 2016**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1. INTRODUCTION**

- 1.1 In a tradition that is shared with villages, towns and cities throughout the world, the Falkirk Council area hosts throughout the year processions and parades to celebrate and/or commemorate events of significance to our communities. In addition, we see, from time to time, marches that reflect the rights of individuals or groups to have the voice of protest or support be heard in relation to a particular cause or issue. This form of expression, walking through public thoroughfares, can form an important part of the cultural and community landscape of an area but in every case is a right enshrined in the European Convention of Human Rights. This right, however, is not entirely unfettered and can be restricted or denied where other over-riding factors exist.

**2. THE ROLE OF THE COUNCIL**

- 2.1 The Council's powers and duties in dealing with public processions are set out in the Civic Government (Scotland) Act 1982 which was amended in 2006 following publication of Sir John Orr's 'Review of Marches and Parades in Scotland'. The relevant provisions in the Act take as their starting point article 11 of the European Convention on Human Rights which provides that everyone has the right to freedom of peaceful assembly. This includes the right to march or parade. Any interference with that right must be proportionate, which means that the nature of any restrictions must be in proportion to the issues which the authority is trying to tackle.
- 2.2 When considering whether to prohibit a march or to impose conditions on it, the Act requires the Council to have regard to the likely effect of holding it in relation to public safety; public order; damage to property and disruption to the life of the community. For the purpose of this report, the principle issue is about managing traffic in a way that secures public safety. When making a determination on this matter, the Council in its capacity as the Civic Licensing authority will consult with the Council in its capacity as a Roads Authority to assist in forming a view.

**3. TRAFFIC MANAGEMENT AT THESE EVENTS**

- 3.1 The parades etc referred to above involve pedestrians walking on public roads. Without proper regulation and restriction of the vehicular traffic which normally use these roads there would be a clear danger to the public which would render the risk of such an event proceeding unacceptable. The council, as Roads Authority, require to be satisfied that appropriate measures in relation to traffic regulation are in place before it would be able to give a supportive consultation response as referred to above.

- 3.2 Until very recently, traffic management for such events in the Falkirk Council area was provided by the Police. Guidance issued by the then Scottish Executive in 2005 recognises that this has often been the practice throughout Scotland, albeit that it has been done on an informal basis. This has proved to be a very effective means of traffic management and one acceptable to Roads Authorities throughout the country. In a letter to the Council, dated 22 April 2016, Assistant Chief Constable Higgins on behalf Police Scotland wrote *inter alia*

“It is acknowledged that previously police officers may have assisted organisers of such events-by closing off roads, controlling traffic and general ensuring the safety of the public for the duration of an event. This appears to have been done on goodwill and on an informal basis but without authority. Police Scotland has no desire to jeopardise the future of community events but responsibility and activity must be restricted to and in keeping with the limitations of current legislation”.

Accordingly, it appears that the position of Police Scotland is that no such support will henceforth be provided.

- 3.3 The only other way for traffic at these events to be regulated, and thus, the public safety test met, is for the promotion by the council, as Roads Authority, of Temporary Traffic Regulation Orders (TTRO's). Before any such order can be promoted, there is a requirement for the Roads Authority to be satisfied that effective arrangements will be in place before, during and after the event, to ensure the proper implementation of its terms. This is effected by the submission of a traffic management plan (TMP). The process for this is an established one, it is used regularly where works on or around public roads require traffic regulation. The party who seeks the relevant Order simply makes an application in the appropriate form, including the appropriate TMP, and the application is processed by the relevant Council officers. Each TTRO application attracts a fee of £725. This process has also been used in the recent past in relation to events such as parades.
- 3.4 The fee identified above is a flat fee for all applications. Given the revised stance of Police Scotland in relation to management of traffic at community events, it is difficult to see how traffic regulation, and the consequent issues for public safety, can be properly achieved other than by means of TTRO'S. However, this will place an extra burden on event organisers, who are responsible for all aspects of the arrangements for the event, including public safety. In some cases this may be seen as simply another overhead to be factored in, in others, particularly very local events where the funding all has to be raised from within the community, this could be more of a challenge.

#### **4. PROPOSAL FOR INTERIM MEASURES**

- 4.1 Research undertaken by officers from within both the Governance Division and Roads Services has disclosed that there is no consistent approach being adopted throughout Scotland to this issue. This is possibly because there appears to be a certain inconsistency of application of the Police Scotland policy approach. This is not uncommon when these policies and practises are in a transitional phase. Given this level of uncertainty around consistency of approach and the fact that the Police Scotland national position has only recently been intimated to the Council, it is suggested that a review of the council's approach to the use of TTRO's for such events might be a useful exercise. This could include a charging structure.

- 4.2 In order to properly undertake this review, it would be necessary to ingather information from other local authorities and undertake other research with a view to developing and incorporating best practise into our own approach. This will take some time to ensure a satisfactory and robust outcome. Accordingly, it is unlikely that recommendations flowing from the review would be available for members to consider until late summer/early autumn.
- 4.3 Given the above, it would seem appropriate to consider a suspension of the fee payable for TTRO applications for such events, and those community based events of a similar nature, until such time as the review could be considered by Members.

## **5. IMPLICATIONS**

### **5.1 Legal**

None other than those described above

### **5.2 Financial**

The anticipated fee income from such events for the relevant period has been estimated at £3,600, a significant proportion of fees going on advertising costs. This sum can be accommodated from within existing budgets given that it is a temporary suspension of charge only. The financial implications of any longer term proposals will be contained within the review.

## **6. RECOMMENDATIONS**

- 6.1 **It is recommended that Members agree to a suspension of the relevant fee for TTRO applications where these relate to traffic regulation in respect of marches, processions and parades, and other similar community based activities, which suspension shall be in place until the review referred to in this report has been completed and considered by Members or a period of 6 months, whichever is the shorter.**

.....  
Director of Development Services

Date: 9<sup>th</sup> May 2016

Contact Officer: Rhona Geisler, Ext 4948

### **LIST OF BACKGROUND PAPERS**

1. Galas and events affecting public roads. Guidance to organisers. Issued by the Scottish Executive 16 June 2005
2. Letter from ACC Higgins, Police Scotland 22 April 2016.

Anyone wishing to inspect background papers should contact Rhona Geisler, Ext 4948