AGENDA ITEM NO 3

REPORT NO 317/21

ANGUS COUNCIL

SPECIAL POLICY & RESOURCES COMMITTEE – 29 SEPTEMBER 2021

COMMON GOOD FUNDS – PROJECT APPROVAL

REPORT BY THE DIRECTOR OF INFRASTRUCTURE

ABSTRACT

This report seeks Committee approval of additional funding for a 2021/22 Common Good funded project. Funding has previously been approved by this Committee.

1. **RECOMMENDATION**

- 1.1. It is recommended that the Committee:
 - (i) approves the additional requested funding for a 2021/2022 project from Forfar Common Good Fund as detailed in **Appendix 1**.

2. ALIGNMENT TO THE ANGUS LOCAL COMMUNITY PLAN / COUNCIL PLAN

ECONOMY

- 1. An inclusive and sustainable economy
- 2. A skilled and adaptable workforce
- 3. Attractive employment opportunities

PEOPLE

- 4. The best start in life for children
- 5. More opportunities for people to achieve success
- 6. Improved physical, mental and emotional health and well-being

PLACE

- 7. Safe, secure, vibrant and sustainable communities
- 8. A reduced carbon footprint
- 9. An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

- 3.1 The Council administers the five individual Common Good funds:
 - Arbroath
 - Brechin
 - Forfar
 - Kirriemuir
 - Montrose
- 3.2 As part of the budget cycle council services have the opportunity to submit bids for Common Good funds and this is particularly prevalent where the bids are for the maintenance of the Common Good asset for repairs and maintenance which is a liability on the Common Good funds. Other organisations may make bids for funding from Common Good funds in accordance with the application process and guidance notes.
- 3.3. The process for approval of Common Good fund bids is set out in the Council's Financial Regulations.

4. PROPOSALS

- 4.1 Details of the additional Common Good funding requirement for which formal approval is sought is contained in **Appendix 1** in this report. Relevant local Members views were sought regarding the additional funding and the responses are noted in Appendix 1.
- 4.2 Members will be aware that the project for Toilet Provision, Forfar Loch, has been the subject of previous requests for funding (Report 18/21 <u>https://www.angus.gov.uk/sites/default/files/2021-01/18.pdf</u>). Members will recall there has been discussion on the type of facilities being provided, and the re-purposing of Common Good land at Forfar Country Park has been the subject of a section 104 consultation under the Community Empowerment (Scotland) Act 2015.
- 4.3 In the development of the project the local members have been consulted in terms of the design and the funding provision from Common Good. In accordance with the Members' views the design is for accessible toilet provision. The section 104 consultation was issued with a closing date of 31 March 2021. 42 responses were received to the consultation; 41 of which objected on the grounds of the lack of disabled facilities of which 39 cited lack of Changing Places facilities. One objection was on the grounds that the proposal was premature in light of the ongoing consultation on the future use of Lochside Leisure Centre. A copy of the responses is attached in **Appendix 2**.
- 4.4 Due regard to these consultation responses has been given. Provision of Changing Places facilities are supported in the Council's policy for major projects (Report No 19/15 (https://www.angus.gov.uk/sites/default/files/2017-08/19_ChangingPlaces%28PAMIS%29Facilities.pdf). Local Members have given careful consideration to the option of a Changing Places facility at this location. There is concern in regard to the risk of vandalism to such an unmanned facility, as the location has experienced several examples of such behaviour. The equipment provided for A Changing Places facility is susceptible to vandalism and while there are measures such as limited key access the risk of vandalism remains. There was also consideration of the costs to provide the new accessible facilities which falls to the Common Good Fund and there would be extra costs of providing a Changing Places facility along with any costs of vandalism. In consideration of these matters and the consultation responses, the design has been confirmed as accessible toilet provision. This consideration aligns with previous agreement at the Policy & Resources Committee on 2 February 2021.
- 4.5 In discussion and in recognisance of the views of the majority of the local Members the project was put on hold until late June 2021, whereby the local Members agreed the project be tendered for the accessible toilet design. Tenders were returned in August 2021. The tenders indicate there have been cost increases in the order of 30% overall on construction costs from a previous price.
- 4.6 As a result, Members have been consulted on provision of additional Common Good Funding with additional funding provision from Town Centre Funds making up the remainder of the price increase. The views expressed are as set out in **Appendix 1**. It is recommended Committee agree to the additional funding, which will enable the tender to be accepted and the project to proceed to the construction phase.

5. FINANCIAL IMPLICATIONS

5.1 At the Council meeting on 24 June 2021, Report 214/21 set out the provisional revenue budget and estimated revenue balances for future financial years for each on the Common Good funds. Members will note that the project is partially funded by the Town Centre Fund as well as the Common Good. There is a time limit requiring the Town Centre Funding to be fully spent by January 2022. Therefore, in order to utilise that funding, Members' approval of the additional Common Good Funding is required now in order to allow the tender to be awarded and construction to commence and be completed in that timescale. 5.2 A summary of the financial implications if the Committee is minded to agree the proposed project are outlined below.

Common Good Fund	Actual Revenue Balance as at 31/03/21 (£)	Estimated Outturn Revenue Balance as at 31/03/22 (£)	Additional 2021/22 Cost per this Report (£)	Updated Estimated Outturn Revenue Balance as at 31/03/22 (£)	Minimum Revenue Account Balance (£)
Forfar	732,579	607,978	15,000	592,978	300,000

6. CONCLUSION

- 6.1 A funding request has been received for 2021/22 totalling £15,000 from Forfar Common Good Fund.
- **NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:
 - Report No 19/15 Changing Places (Pamis) Facilities Communities Committee 20 January 2015
 - Report 18/21 Common Good Funds Project Approvals Policy & Resources Committee 2 February 2021
 - Report 214/21 Common Good Funds Revenue Budget 2021/22 and Provisional Budgets 2022/23 to 2025/26 – Angus Council – 24 June 2021

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Appendices Appendix 1 – Project for Approval Appendix 2 – Section 104 Consultation responses

FORFAR COMMON GOOD FUND

Project Name 1	Toilet Provision, Forfar Loch
Organisation	Angus Council: Infrastructure
Value	£15,000 additional funding
Description	Part funding toward the provision of new toilet block at Forfar Loch £62,700 already approved/committed from Forfar Common Good Fund £55,000 Town Centre Fund (increased from original allocation) Total budget available £132,700
Status	Supported by 3 ward members; No response from 1 ward member

Total funding requested Forfar Common Good Fund 2021/22 – £15,000

APPENDIX 2

Section 104 Consultation Responses

1	I think it is a good idea to have toilets at Lochside in Forfar however there seems to be a complete lack of facilities for adults and children with a disability in these plans. There is no suitable changing facility for someone who requires assistance or someone who requires a hoist to assist with movement. Surely these toilets should be suitable for all not just able bodied members of the public. I think the lack of changing places facilities in Forfar really lets down the community and this should be rectified as a priority so that all residents can benefit from our local facilities.
2	I am disappointed to see that the opportunity to provide a Changing Places facility is not being taken in this development. It is now more widely recognised that communities need more than a baby changing table or an accessible toilet. I know of families who struggle with enjoying a family life in the outdoors because their only option would be to get down on to the floor. It is essential that a Changing Places facility is provided in Forfar to allow for families and carers to enjoy a more fulfilling and dignified life. I cannot believe that this perfect opportunity to provide a Changing Places facility is not being taken. I respectfully request that this is re considered.
3	further to the drawings I have viewed for the proposed toilets to be built adjoining the ranger centre at Forfar loch, I would like to understand why it hasn't been considered adding a changing places toilet for those who require it? These toilets are essential for so many people who need additional support to use the toilets or who require to be charge through the day, both adults and children. The path around Forfar loch is generally suitable for wheelchairs, making it an ideal place to go however for many of those wheelchair users, they cannot spend the day there as there is no suitable place for personal care. This is something so many take for granted however imagine having to plan your day around the very limited places you can access a suitable toilet space. Therefore, I object to a toilet block being built in such a location without the needs of all being taken into consideration.
4	I would like to express my dismay from watching the consultation meeting via zoom in regards to constructing a new toilet block at Forfar loch. I am disappointed to have heard that there were disagreements from the decision makers with the proposal of a changing places facility being included within the construction of a new toilet block. I support a number of individuals whom require use of this type of facility and having this available to them whilst accessing their local community would be an asset and essential in meeting one of their basic needs, this would also benefit individuals visiting from other areas. I understand and recognise the issue of vandalism and the concerns it brings but I personally feel the issue of a lack of what's available to them far more concerning. I therefore object the decision not to have a changing places facility on the grounds that not everyone in the wider community will be included.
5	I wish to register my objection to the new toilet block at Forfar Loch community park as it neglects to include a Changing Places facility. I do not feel that the proposed new facilities meet the needs of the general public if Changing Place facilities are not included.
6	Id like to object to the change of use at Forfar Loch Country Park where you intend to build toilets. Common Good Land is there for the use and enjoyment of all members of our community and beyond. The proposed new toilets will only meet the needs of a proportion of society and will exclude those who have complex care and medical needs. Therefore I cannot support the change of use of Common Good Land where the human rights of all are not being upheld. This does not fit in with the Council's aims to maximise inclusion and reduce inequalities and ensure that Angus is Accessible to all
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	fit in with the Council's aims to maximise inclusion and reduce inequalities and ensure that
4.4	Angus is Accessible to all.
14	Id like to object to the change of use at Forfar Loch Country Park where you intend to build toilets.
	I need a Changing Places toilet and this facility has not been included. This means I would
	not be able to go to the toilet or enjoy the Loch. I don't think this is fair on me or others who
	need a Changing Places toilet . Common Good Land is meant to be for everyone.
15	I would like to reject the current proposals for the new toilet block on the grounds that there
	has been no consideration of people with a non ambulatory disability, specifically wheelchair users. I find it disgusting that new build public toilets only cater for the privileged majority and
	anyone involved in this project should on reflection be equally appalled.
16	I'd like to object to this proposition as in the design it doesn't include disabled toilets, as an
	architecture student and a friend to many people with ranges of disabilities I think that this
	should not be allowed unless consideration for those with disabilities are in place considering
47	that their are other public toilets available.
17	Id like to object to the change of use at Forfar Loch Country Park where you intend to build toilets.
	Common Good Land is there for the use and enjoyment of all members of our community and
	beyond.
	The proposed new toilets will only meet the needs of a proportion of society and will exclude

	those who have complex care and medical needs. Therefore I cannot support the change of use of Common Good Land where the human rights of all are not being upheld. This does not fit in with the Council's aims to maximise inclusion and reduce inequalities and ensure that Angus is Accessible to all.
18	Whilst I appreciate there is additional cost associated with the building of a fully accessible Changing Places toilet facility this should be a prime consideration given that Forfar does not currently have such a facility in the town centre with the nearest fully accessible facility being provided some distance away at Forfar Community Campus. I would hope that Angus Council have carried out appropriate community impact assessments and a needs analysis prior to the design phase however it would appear this has been neglected and disabled individuals are once again being excluded, forgotten about and discriminated against. In all planning and development considerations the needs of the whole community must be considered and cost should not be a factor when providing a facility to meet basic human needs. Clearly Angus Council recognise there is a need to support the community with adequate toilet facilities just not disabled individuals within the Angus community. This proposal is completely unacceptable and fails to meets the needs of a diverse community and as such I consider the design should be revisited and the current application refused until a fully inclusive facility can be designed to meet the needs of all visitors to Angus and Angus residents.
19	The proposed toilet block should include a Changing Places Toilet. Why should disabled people be excluded from enjoying the outdoors when they have no access to toilet facilities in the area? This is the 21st century and facilities should be provided for everyone regardless of their abilities! The planners should put themselves in a person with disabilities shoes and see what obstacles they are up against. CHANGING PLACES TOILETS MUST BE PROVIDED!!!!
20	Id like to object to the change of use at Forfar Loch Country Park where you intend to build toilets. Common Good Land is there for the use and enjoyment of all members of our community and beyond. The proposed new toilets will only meet the needs of a proportion of society and will exclude those who have complex care and medical needs. Therefore I cannot support the change of use of Common Good Land where the human rights of all are not being upheld. This does not fit in with the Council's aims to maximise inclusion and reduce inequalities and ensure that Angus is Accessible to all.
21	 PAMIS, Promoting A More Inclusive Society, solely supports people with profound learning and multiple disabilities and their families to lead healthy, valued and included lives. With 29 years' experience in family support, inclusive practice, learning and development, research and campaigning, PAMIS understand the complexity of care and support required by this group. PAMIS are the co-founders and current co-chair of the changing places toilet consortium. We have spent nearly 2 decades supporting the development of changing places toilets, a larger facility – (12 square metres) that contains a range of equipment to support people with more complex needs to have their personal care needs met safely and with respect. The lack of changing places toilets is one of the biggest barriers to inclusion for over 250,000 people across the UK. Scottish Government has been wholly supportive of this need and the inclusion of changing places toilets in the Scottish Building regulations has been a major milestone in the realisation of the human rights of many marginalised and excluded individuals. The impact of COVID on the group of people that PAMIS support means that access to outdoor physical activity will be more important than ever before. Places like Forfar Loch Country Park provide an opportunity for outdoor activity for those who have for over a year found themselves isolated at home shielding and desperate to find fully accessible, safe outdoor spaces. PAMIS wish to urge the inclusion of a changing place toilet alongside the other toilets in this proposal. This provision would ensure that everyone is welcomed to the park and that Angus council are meeting the human rights of local people with a more complex disability and their families as well as those who might want to visit this part of Scotland. Life is and has been challenging enough without having to have your personal care needs met in the back of a car or on the floor of the other toilets so please ensure that a changing places toile
22	Submitted on behalf of PAMIS and the many families we support There should be a changing places toilet included in this. Angus needs to provide for the disabled people who struggle and move with the times to make available things which help and make people equally able to go to the toilet

23	I'm utterly shocked that a changing places toilet is not being considered. This should be standard protocol for any new build now and the thought of it not being considered is a huge disappointment
24	Having a member of your family who needs a changing places toilet makes daily life very hard for where you can go. When I found out it was not part of the plans I was shocked, this is a disgrace that a council are even considering a new build without this included. Shame on you Angus council
25	Great news for toilets at Forfar Loch, however these plans don't appear to have suitable facilities to accommodate disabled access and changing which should be standard practice to accommodate and welcome everyone in the community to Forfar Loch. I urge you to take this into consideration.
26	This is a necessity for many disabled persons. Our grandson who is in a wheelchair cannot access normal disabled toilets and requiring a full size changing bench means a changing places toilet must be made available. No more coats on floors and lying him baby changing station. Stand up Angus council and do the right thing
27	It has been brought to my attention the plans in relation to building a toilet block at Forfar Loch, Craig O'Loch Road, Forfar. It appears from these plans that consideration has not been taken to meet the needs of all persons within the community. This facility should be adapted for the inclusion of a suitable sized toileting and changing facility for all people including those with a disability including wheelchair users which would have the adequate changing facilities within and suitable room to meet the needs of all persons who would require to access this. This is quite a concern given the Land is held by Forfar Common Good and maintained for the common good of ALL residents within the Angus Council local authority area and beyond who may visit the area. This would also cause a concern in regards to the Equality Act 2010 and the rights of persons with a disability to be afforded the suitable facilities by the local authority of Angus council to be able to access services and local authority maintained areas with the proper and suitable facilities, allowing all members of the community and wider general public the same opportunities for social inclusion at this site. Can you confirm if there is to be adequate adjustments made to meet the needs of all who require to access this facility within this proposed plan.
28	I write to inform you of my objection of common good land and funding being used to provide public toilets at Forfar loch country park. I feel that The exclusion of a changing places toilet will continue to prohibit a section of our community from accessing the country park. To be able to have our personal care needs met with dignity is a basic human right and this should not be overlooked. I have previously worked with people with disabilities and am fully aware of the struggles that they have in having personal care needs met when out and about. This has included being changed on the floor of a public toilet. Sighting previous vandalism as a reason for not providing a changing places toilet is a very poor excuse and I believe that if this was challenge under equalities legislation the reason would be ruled unlawful. Furthermore the previous toilets that were previously vandalised were potable toilets that are used on building sites etc these a beacon for for vandalism at the best of times not only at Forfar loch country park. As a member of the community of Forfar I feel that is is unfair and unjust for common good monies and land to be used in this manner without providing toilet provision for all.
29	I am absolutely amazed to see that there will be no changing places facilities in the plans for new build of toilet block !! This is a very much required facility for so many people & should be automatically included in any new build plans of any public service It is a human right to be able to access a toilet without the need to lay coats/covers on floors to allow person to be attended to I have a personal member of family who requires a full size changing bench & hoist facility as they cannot transfer from wheelchair to bench Normal disabled toilets are a disgrace as you cannot even get in most of them with wheelchair&?there is sometimes a baby changing pad attached to wall which is totally ridiculous for a full grown persontherefore creating the need to block door & struggle in so many ways it's a disgraceful situation to be in & prevents people from going out due to this situation!! This is a disgraceful situation for any council to be in & would appear that "inclusion" is definitely not dominant in said decisions Shameful action on your part Angus Council, TIME FOR CHANGE & INCLUSION WITHOUT EMBARRASSING PEOPLE

30	Id like to object to the change of use at Forfar Loch Country Park where you intend to build toilets. Common Good Land is there for the use and enjoyment of all members of our community and beyond. The proposed new toilets will only meet the needs of a proportion of society and will exclude those who have complex care and medical needs. Therefore I cannot support the change of use of Common Good Land where the human rights of all are not being upheld. This does not fit in with the Council's aims to maximise inclusion and reduce inequalities and ensure that Angus is Accessible to all
31	I am very concerned that the proposed Toilet facilities at Forfar loch do not have suitable facilities for disabled people. There is no bench to enable a disabled person to get changed. Surely this is an oversight
32	Regarding the proposals for the above, I believe it only fair that the plans include disabled toilets with full assisted adult changing facilities to make the park more accessible and viable for disabled people. For your consideration.
33	I write to note my concerns/objections re the proposed building of public conveniences at The old Leisure Centre at Forfar Loch Forfar. Why would you not include a changing places facility at this location, more and more we are seeing a greater need for such facilities for wheelchair users/people with disabilities that would benefit great from a changing places facility. A facility like this included in the build would be a huge benefit to these individuals and allow them to visit the area giving them peace of mind knowing that their personal care needs are being met. Hopefully the decision will be made to include this much needed facility
34	I would like to raise my objection that Forfar Loch and Country Park is not going to have a changing area for vulnerable and disabled people of all ages. This is a very short sighted view as when life eventually goes back to normal and we will surely want to have tourists and visitors coming to our town, especially as the building is on an adjacent site to a Caravan Park. Please don't be the town that disregards the vulnerable and disabled community, it's not a lot to ask that we have a small room set aside suitable for changing children and adults alike. I eagerly await a change to the plans.
35	Regarding your plans for a new toilet block at Forfar loch I feel there should be a changing places toilet to welcome the whole community to Forfar loch
36	There are no changing places for people with disabilities or wheelchair users here. As a community we should be including these people since they are part of our community as well and have the same rights as we do. These individuals need to know that they can go and enjoy a day out like anyone else and get personal care when they require it without getting upset about it
37	Subject: Change of use of Common Good Property: Forfar Loch Country Park
	We wish to make a representation in terms of Angus Council's proposal to build a new toilet block at Forfar Loch Country Park. In general terms we would submit that the proposal is premature in light of the ongoing consultation on the future use of Lochside Leisure Centre meaning it presents a significant risk in failing to fulfil Angus Council's duty of delivering best value. The justification for these concerns is set out below.
	Change of use Lochside Leisure Centre already has the following toilet facilities which from our recent inspection appear to be still in acceptable condition albeit Angus Council would need to undertake some work to get them up and running again. From the plans provided in the Lochside Leisure Centre Public Consultation there appear to be: - 3 x gents toilets with approximately four toilet cubicles and 8 urinals - 3 x female toilets with approximately nine toilet cubicles - 2 x disabled toilets one with both a toilet and a shower - 4 x changing areas with approximately ten showers The use of this facility for toilets by Angus Council would not require the change of use of any part of the common good, would utilise an existing facility for the community and would thus not require consultation or court consent. The proposal for change of use only provides for two toilets and requires construction to take place on common good land.
	Cost The proposal will cost in excess of £76,000 (appendix 1, report no. 35 of 11th February 2021). Plus, the cost to demolish the existing toilets will cost £427,000 plus court fees to consent the demolition and ongoing revenue costs in the meantime. The total cost of constructing two toilets for the public is thus over £500,000. Double this if you consider the

	cost of maintenance, court fees and rates for the period whereby the public have been arguably deprived of toilet facilities.
	Working with interested community trusts to find a solution for Lochside Leisure Centre would appear to be a better value solution than the proposal to demolish effectively 15 toilets (not including staff toilets) and replace them with 2 toilets neither of which are suitable in terms of a changing places room. Given the guidance on where changing places facilities are required and the Public Sector Equality Duty we find it surprising that a changing places room has not been proposed here.
	Rationale/ Consultation We question the rationale behind the proposal to construct, effectively a lean-to on the same land that was considered to be inadequate for construction based on the concept that Lochside Leisure Centre was thought to be sinking. Despite the fact that the Leisure Centre is not sinking we still question Angus Councils rationale in terms of constructing on common good land where there already exists an adequate facility. Also given their concerns in terms of aging buildings we question their rationale in attaching the new toilet facility to the Rangers Centre which will be of similar age and condition to Lochside Leisure Centre and certainly has as many, if not more external cracks.
	Conclusion For the reasons provided above we conclude that this consultation is at best premature and as such we believe a decision on the construction of new toilets should be deferred until a conclusion has been put forward for the future of Lochside Leisure Centre. Further we believe Angus Council should be utilising their resources to assist a Community Trust in finding a solution that can both deliver for the trust but also deliver the best public facility possible in terms of toilets and changing areas for the general public/ local community.
38	I note the Council's plan to build a toilet block at Forfar Loch and would like to highlight that this should include a full sized changing bench. This would ensure that the facilities can be used by everyone, without exclusion. This is a lovely area and a great suggestion, but without a new facility encompassing all
39	needs it seems ill thought and exclusive rather than inclusive. I wish to note my objection to the current plans for the public convenience at the former leisure centre at Forfar Loch.
	As a teacher who works with ASN pupils in the Forfar area I am astounded that the new facility does not contain a proper accessible changing room. This is short sighted and incredibly disappointing. This is to have proper toilets for all people there must be further consideration to include a room with a fullxgangin bench. If you wish to discuss this further please feel free to email me.
40	I understand the proposals for toilet facilities at the Forfar Loch County Park do not include a changing places toilet. This must be included to any upgrade to the facilities to provide some dignity to disabled users. Having a member of our family needing to use a changing Places toilet, we understand how vital this is for them.
41	I understand the new toilet block planned for Forfar Loch Country Park, Craig O'Loch Road Forfar, does not include changing facilities for those with accessibility and additional needs. I feel these need to be taken into account with any new planning of public facilities so they serve the community as a whole. If this build is part of council or community asset transfer I would assume this would be taken into account. I would therefore ask that these plans be rejected until appropriate amendements are made.
42	I am writing to you in consideration to the new toilet block at Forfar Loch Country Park. Please forgive me if I have not noticed this on the plans, However it does not appear to me to Include the appropriate toilet and changing facilities to accommodate individuals who have permanent disabilities. With relatives who use this space regularly, I understand the benefits of having this included in this development. If this permission does not support this. Can this please be looked into