

REPORT TO: East Lothian Council

MEETING DATE: 28 June 2016

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Policy for the Management of Donated Commemorative Benches

1 PURPOSE

- 1.1 To seek Council approval to adopt the policy and procedures for the Management of Donated Commemorative Benches and approve the introduction of a maintenance fee for donated benches.

2 RECOMMENDATIONS

- 2.1 That Council approves the adoption of the policy and proposed maintenance fee at the maximum proposed Year 1 figure of £175.

3 BACKGROUND

- 3.1 The Council had traditionally offered a commemorative seat service to the public but this was done on an ad hoc basis, with no firm commitment to the long-term maintenance of donated benches. The process was time-consuming and often involved back and forth communication with the benefactor while suitable sites were identified, bench styles selected and plaque content confirmed. Following a review of available resources, the Council withdrew the service in 2013.
- 3.2 However, donated benches are a popular feature of the public environment and are important to both the benefactors and the wider public who enjoy the amenity. Accordingly a decision was taken to consider the reintroduction of the donated bench service, but to do so with appropriate management arrangements in place to administer requests consistently and to deliver a funded maintenance programme to adequately look after the bequests.
- 3.3 The policy has been drawn up in such a way as to offer a wide range of choices to customers, from payment of all purchase, installation and maintenance costs, to complete self service whereby the customer

purchases, installs to an acceptable standard and maintains the bench themselves to any combination of provision and maintenance elements. In this way customers can, according to their own financial circumstances and wishes, make provision of a commemorative bench.

- 3.4 Built into the policy are adequate safeguards to ensure that benches provided are fit for purpose, commemorate events or people in an appropriate manner, remain a safe amenity for the public to enjoy and do not place any undue burden on the council in terms of liability. The policy places the final decision regarding suitability, site, inscription and construction of bench with the Council.
- 3.5 With regard to installation and maintenance, this will be undertaken primarily by Amenity Services and administered by each cluster based Local Amenity Officer to ensure efficient handling, timeous installation and consistent maintenance standards. However, depending on the availability of Community Service hours and skills, the ongoing maintenance of donated benches could be delivered by that team and the installation fees adjusted accordingly.

4 POLICY IMPLICATIONS

- 4.1 The proposed policy offers sufficient protection to the Council to avoid any undue long-term cost burden and introduction of a maintenance fee is in line with the Council Charging Strategy.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The policy proposes arrangements that would be a zero cost option for the Council
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Commemorative Benches FAQ Sheet and Draft Policy attached as Appendix 1 and 2 respectively

AUTHOR'S NAME	Stuart Pryde
DESIGNATION	Principal Amenity Officer
CONTACT INFO	Tel: 01620 827430 spryde@eastlothian.gov.uk
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EAST LoTHIAN COUNCIL

AMENITY SERVICES

MANAGEMENT OF DONATED COMMEMORATIVE BENCHES

FREQUENTLY ASKED QUESTIONS

1. How much will it cost me to donate a commemorative bench?

The cost will vary according to the type of bench, the number of words required on the plaque and if a foundation has to be built to place the bench on. The cost with a foundation will be between £1,250 and £1,520 or without a foundation £990 to £1,260. All these figures include VAT.

2. Do I have to have a foundation?

Yes you do. If the bench is not properly bolted down it is more likely to be stolen, moved to an unsafe place or damaged by being tipped over.

3. Why does the Council suggest an Aged Bronze Plaque rather than a Brass one?

Brass will very quickly tarnish in the open air and unless polished regularly will soon look unattractive and be hard to read. An Aged Bronze Plaque is delivered with an even colour, finish and white lettering, so keeps its attractive appearance, does not need polished and is easy to read.

4. What does the Maintenance Fee cover?

The Maintenance Fee will cover the cost of repainting, staining or oiling the bench every 2 - 3 years and any minor repairs to the wood or metal to keep it in good condition for as long as possible. Maintenance will not cover polishing or replacement of plaques. This will normally be for a minimum of 15 years but will be carried on for as long as the bench remains in a safe condition.

5. What happens at the end of the 15 year period?

The Council will continue to maintain donated benches as best it can for as long as the bench remains in a safe condition. When the bench reaches the end of its safe life the Council will write to your last known address telling you the bench is to be removed and offer the chance to purchase a replacement bench which would not require a plaque unless it had been stolen, or a foundation. If you do not want to purchase a new bench the site will be available for another person to site a bench.

6. Do I have to pay the Maintenance Fee?

You can make your own arrangements to maintain the bench yourself but would have to ensure that it is kept in a safe condition at all times and make sure that the public are not exposed to wet paint. If the bench becomes damaged and unsafe the Council may have to remove it until you make arrangements for the proper repairs to be carried out. If you are only providing a plaque for an existing public bench you must pay the maintenance fee.

7. Why do the Council limit the range of benches that I can donate?

The types of bench recommended are proven to be good value for money, will last for a reasonable time, are durable enough to withstand public use and can often be repaired quite easily. The range of benches also fit into the landscape of the majority of popular locations for donated benches. In certain rural sites the Council may recommend a slightly different style of bench. You can select another type of bench but the Council may not

accept maintenance responsibility for it. The decision of the Council will be final in this matter.

8. *Where can I have a bench placed?*

The Council owns and manages a lot of public open space and many of these locations are popular places for donated benches. In some cases benches can encourage youths to gather and cause a local nuisance and in other cases the landscape is carefully managed for general appearance, nature conservation or burial space. Locations covered by these restrictions would not normally be suitable. In certain cases sites are managed by local committees or groups and their permission would have to be given.

9. *If my bench is damaged or beyond repair what happens?*

If the bench can be repaired for a reasonable price, less than its current remaining value, then the Council will carry out the repair. If the bench is damaged in an accident such as a car crash or a contractor working in the area and the person responsible can be traced then the Council will try to recover the cost of repair through any insurance policy the responsible person may have. The Council will not pursue an individual for replacement.

10. *I have already donated a bench, what will happen to that?*

The Council is trying to bring together a list of everyone who has donated a bench in the last 10 years. Contact the Council and give them your details and you will be offered the option to take up a maintenance agreement at a reduced cost according to the current age of the bench. Existing benches will continue to be maintained as best they can and according to available budget.

11. *What are considered to be appropriate circumstances to commemorate by donating a bench?*

Generally benches can be donated to commemorate any individual or group that has an association with the area, has made a significant contribution to the local community, been awarded national recognition for achievement or to commemorate a particular event or anniversary. The Council will make the final decision as to what is appropriate based mainly on acceptable standards of equality and avoiding subjects that could be considered divisive or promote racist, sectarian or discriminatory views.

12. *How long will it take for a bench to be placed on site?*

Normally from the date of the initial enquiry to placement on site will take around 8 weeks allowing for final approval of the plaque wording, installation of a foundation and manufacture of the bench. Periods of extended or extremely wet or cold weather may hold up the installation of the foundation and bench manufacturers may have busy periods that slow down delivery.

13. *When would I have to pay for the bench?*

When the bench is installed you will be asked to inspect the bench or, if you live a long way away you will be sent a photograph for approval. Once you have approved the finished installation you will be invoiced for the full amount and required to pay within the maximum 30 days.

14. *If I have to pay for a foundation and then someone else places a bench on it many years later will I be reimbursed for the cost?*

Unfortunately not but equally you may select a site that does not require a new foundation and avoid having to pay that cost.

15. I do not think there is currently space to site a bench at my preferred location, what can I do?

If you make contact with the Council the situation will be confirmed and you can request that your name be placed on a waiting list. However it could be in excess of 10 -15 years before a space becomes available to the first named person on a waiting list. If there are benches on site that do not have a plaque they could be replaced or you could apply to have a plaque fitted to an existing one.

EAST LoTHIAN COUNCIL

AMENITY SERVICES

POLICY AND PROCEDURES FOR THE MANAGEMENT OF DONATED COMMEMORATIVE BENCHES

BACKGROUND

The Council has for a long number of years accepted donations of commemorative benches from members of the public and accepted a degree of liability for the care and repair of such benches.

In 2013, following a significant reduction in administrative staff the Council considered it was no longer able to offer a responsive commemorative bench service with appropriate maintenance and has since been refusing most applications.

However, the gift of commemorative benches is a popular feature amongst the general public and the gift of such benches does provide added amenity to the wider public. Accordingly it is considered prudent to develop a consistent policy for receipt and management of donated benches.

Previously management arrangements for commemorative benches were made on a case by case basis but it is considered important to now formalise these practices and ensure a consistent management process and positive response to benefactor requests.

OBJECTIVES

The key aim of this policy is to control the placement, management and recording of commemorative benches and to ensure that such benches are well placed and suited to the discrete environment while meeting the expectations of benefactors (hereafter referred to as the Client) and needs of the site managers.

COMMUNICATION

The service will be promoted via the Council's website and prospective clients will be encouraged to make use of an On-line enquiry form and to communicate via email to reduce the administrative burden.

RANGE OF BENCHES ACCEPTED FOR DONATION

In order to streamline the long-term maintenance of wooden benches in particular and deliver a corporate identity for the civic spaces of the county, the choice of benches accepted for placement within parks and civic spaces will be limited to 2 styles of wooden bench and 1 style model of metal bench. These styles are currently represented by the J&J Learmonth Glen Ogil and Glen Isla or the David Ogilvy Engineering KC model. Benches intended for placement in rural, coastal and countryside areas may be of alternative styles and subject to the express agreement of the site management team.

Clients wishing to select alternative styles of bench may do so, subject to the style and construction of the bench being of suitable quality, durability and in keeping with the environment and setting in

which it is to be located. Specific styles and materials of benches may also be a requirement in certain locations such as within a designated Conservation Area or in a townscape where street furniture has been installed to a common design. In those cases East Lothian Council Planning Service will require to be consulted and final approval received before a bench may be provided for such a location. Aside from cases where the Planning Service specify a particular style of bench, where a bench of specific style or construction is selected by the client the Council may not accept any long-term maintenance liability for such and the Client will be required to put in place their own arrangements to ensure the bench is maintained in a satisfactory and safe condition. The Council's decision in such matters will be final.

Plaques or inscriptions containing any reference that could be considered racist, sectarian or discriminatory or likely to incite such a response will not be permitted. The Council's decision in such matters will be final and based around the Council's current Equality & Diversity Policy

Requests to fit an additional plaque or place an additional inscription on an existing commemorative bench will not be accepted without the express written consent of the original Client or their immediate next of kin.

Clients will be permitted to supply their own plaques should they so request but the Council will not be liable for the maintenance or replacement of such under any circumstances.

COST OF SERVICE

Donated benches will be charged to the Client at supplier cost according to the catalogue price at the time including the cost of any commemorative inscription or plaque plus delivery fee. In addition and in the absence of an existing base of suitable size and condition, the Council will provide a quotation to the Client to install a suitable hard surface foundation for the bench to be secured to and the Client shall pay the full cost of supply, delivery and installation.

In addition, the Council will take a maintenance fee of £175 to provide a programme of maintenance that will protect the bench from weather related detriment for a period of 15 years.

Where benches are provided via the established network of Community Councils or Area Partnerships, the Council will recover an at cost maintenance fee annually according to the number of benches under their respective control that are in receipt of maintenance that year.

Where a Client requests a plaque to be fitted to an existing public bench, the fee will be the cost to supply and fit the plaque, including the cost of a welded mounting plate if required plus the maintenance fee for a full bench. On installation of a plaque on an existing public bench, that bench will be cleaned, repaired or repainted as required when the plaque is fitted and an agreed cost invoiced to the Client to cover the cost of this work. When providing a plaque for an existing public bench the Client must pay the maintenance Fee

Where an adequate allocation of Community Service for Offender hours exist and those allocated the hours have appropriate skills, installation of benches, foundations and annual maintenance will be delivered by use of that resource and savings for installation costs only will be passed back onto the client. Any savings from the annual maintenance programme will be used to extend the period of maintenance beyond the minimum 15 years as described below.

All fees and charges will have VAT added at the current rate.

DEFENITION OF MAINTENANCE

Maintenance will be considered as rubbing down and painting with an appropriate durable outdoor wood stain or metal paint designed to protect the components from rot or rust every 2 – 3 years. Minor woodwork repairs such as the replacement of individual bolted on spars or easy to replace components will be undertaken where detriment occurs as a result of natural wear and tear. Such maintenance will be delivered for a minimum period of 15 years.

Where an adequate maintenance programme has been delivered for those 15 years but the overall structural condition of the bench is deemed to be beyond economic repair, the Council will remove the bench if required, in order to maintain public safety.

Regardless of age and previous maintenance applied, should the bench be stolen or completely destroyed as a result of vandalism, vehicle collision or similar single event, the Council will not be liable for replacement under any circumstances.

Maintenance will not include the cleaning, polishing or re-lettering of any plaque, removal of scratches or other damage or complete replacement of a plaque should it be stolen or vandalised.

REPLACEMENT ARRANGEMENTS

Where any donated bench is deemed to have reached the end of its safe operational life, the Council will write on one occasion to the last known address of the Client advising them of the situation and offering the Client the opportunity to purchase a replacement bench for the vacated site. Should a response not be received within the timescales quoted in the letter, the site will be considered available for any other potential Client to place a bench on.

Should an existing Client request a replacement be provided, this will be charged at rates according to current supplier prices.

Any bench requiring to be removed will have any metal plaque associated with it taken off and stored for a reasonable period by the Council.

Should a donated bench be damaged and require repair or replacement as a result of a vehicle accident or activities of a contractor and the person / company causing such damage becomes known to the Council then the Council will endeavour to recover the cost of the repair or replacement through the responsible parties insurance. Similarly if an individual or group of persons are convicted of any crime, the result of which involves damage or loss of a donated bench then the Council, if made aware of a pending conviction will request an award of damages via the court. If a bench is stolen and can't be recovered then the Council will not be liable for the cost of a replacement.

ADMINISTRATION ARRANGEMENTS

Initial enquiries relating to donation of a commemorative bench will be managed by the respective Local Amenity Officer (LAO) for the Cluster or Countryside Ranger (CR) for the site in which the donation is intended.

The LAO / CR will consider if the proposed location is suitable for placement of a bench with due regard to confirmed public ownership, maintaining free access for pedestrian and legitimate maintenance/service vehicle traffic, maintaining the overall visual amenity and functionality of the site, possible detriment to quality of life for neighbouring residents through creating a focus for antisocial behaviour and conservation area/archaeological/habitat status that may prevent installation.

Should the requested site be deemed suitable the LAO / CR will advise of approximate costs based on a current price schedule and if acceptable in principle to the Client, will arrange via the preferred supplier to issue a full supply and install quotation.

On receipt the Client will be required to sign off on a standard contract, agreeing to the supply price and accepting the long-term maintenance and management arrangements.

On completion of installation the LAO / CR will advise the main office of the Client details for recording onto a database to facilitate future communication. The LAO will also add the bench onto a maintenance schedule and liaise with the preferred painting contractor on an annual basis to ensure donated benches are maintained in accordance with this policy.

AVAILABLE SITES FOR PLACEMENT

Generally sites considered suitable for placement of donated benches are established and mainly occupied. Accordingly requests for new donations will only be accepted if an existing bench is determined as having reached the end of its life and requires removal. If the existing Client doesn't indicate a wish to provide a replacement, the site will then become available for the next applicant on a first come first served basis.

Only in the traditionally popular sites such as the environs of Fisherrow Harbour, Gullane Bents, North Berwick Harbour and Dunbar Harbour, where their respective capacity is generally filled, is this likely to be an issue and, should demand exceed capacity then the LAO / CR will maintain a waiting list and contact those Clients in order of application date advising them when space becomes available.

In the case of other Countryside sites, the Council will determine if placement of a donated bench is appropriate and in keeping with the management and conservation ethos for the area. In certain cases it may be deemed appropriate to consider a specific alternative form of seating and, if appropriate, Clients will be offered a quote on that basis.

Donations of benches will be permitted to;

- Commemorate the visit of royalty, heads of state and other dignitaries
- Commemorate international, national or significant local events
- Recognise an important historical body or figure associated with the area
- Record an official opening of a park or facility within a park
- Commemorate the contribution to community life of a group or person living or dead
- Recognise national or international achievements of an individual sports person
- Allow family or friends to commemorate the life of an individual who lived in, regularly visited or was generally associated with the area in which the bench is to be sited

TARGET TIMES FOR DELIVERY AND INSTALLATION

From date of acceptance of the final quote by the Client, the Council will normally aim to have the bench delivered and installed within 8 weeks. Delays in providing the bench by the supplier and periods of severe weather preventing construction of bases may delay this process and be outwith the control of the Council

Where the Client indicates a particular date by which time they wish the bench to be installed, such as the anniversary of a death, the Council will indicate at time of order if this is possible and will generally endeavour to meet reasonable installation date requests.

GENERAL CONDITIONS

If at any point the site in which the bench is located requires to be redesigned, have utility services installed, is subject to necessary road or path realignment, suffers erosion or subsidence or any other similar circumstances that are generally outwith the control of the Council, the Council will be permitted to remove the bench and relocate it to the closest alternative suitable location. If no alternative exists or the Client objects to the proposed alternative, the bench will either be taken into storage for a reasonable period until an agreeable alternative site becomes available or the bench returned to the Client for use as they see fit.

MANAGEMENT OF EXISTING DONATED BENCHES

In the absence of consistent records and contact details the Council will initially promote this policy through a range of media and encourage existing benefactors to make contact with the Council and take up the option to pay a maintenance fee appropriate to the remaining life of the bench. Existing Clients will also be encouraged to formally record their contact details so they benefit from the opportunity to secure the site for donation of a replacement bench in future. Records of existing benefactors will also be developed by examination of archived correspondence dating back to April 2006 which is considered to be a reasonable timeframe into which donated benches will be in a condition that they would still offer benefactors value from signing up to a formalised maintenance agreement.

APPENDICES

Appendix 1 – Request Processing Sheet