

AGENDA

AGENDA for the **SPECIAL MEETING** of the **STIRLING COUNCIL** to be held in the **COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING** on **MONDAY 17 NOVEMBER 2008** commencing at **5.00 pm.**

FIONA MACLEOD
Head of Governance
Clerk to the Council

11 November 2008

B U S I N E S S

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **SINGLE STATUS AND JOB EVALUATION**
Report by Director of Corporate Services (Pages 1 - 4)
4. **CROWN ESTATE LAND STIRLING**
Report by Director of Corporate Services (Pages 5 - 10)

(For further information please contact Claire Dunbar on 01786 443301)

STIRLING COUNCIL**THIS REPORT RELATES
TO ITEM 3
ON THE AGENDA**

STIRLING COUNCIL**CORPORATE SERVICES**

17 NOVEMBER 2008**NOT EXEMPT**

SINGLE STATUS AND JOB EVALUATION

1 SUMMARY

This report updates the Council on the progress made towards implementing Single Status and Job Evaluation.

2 RECOMMENDATION(S)

The Council is asked:

- 2.1 To note the stage that has been reached with voluntary sign up.
- 2.2 To determine the approach to be taken regarding those employees who have not voluntarily signed up for their new terms of employment.

3 CONSIDERATIONS

- 3.1 The Council on 11 September 2008 agreed to instruct management to proceed to offer all employees the opportunity of voluntary sign up to new contracts incorporating their new grades and terms and conditions under Single Status/Job Evaluation, in the event that the Trades Unions had not confirmed by the end of September 2008 that binding ballots (authorising the conclusion of the local agreement on Single Status/Job Evaluation) would be held not later than the end of October 2008.
- 3.2 At the end of September, the Trades Unions confirmed that ballots of their members would not be held. The Trades Unions however worked with management on the arrangements for advising employees of the voluntary sign up process and supported Service meetings with employees.
- 3.3 During week commencing 20 October 2008 letters were sent to the 3,200 employees who come within Single Status advising them of their new grade following Job Evaluation, and their new terms of employment.
- 3.4 The letters asked employees to respond by Friday 7 November 2008. Managers in Services helped support and answer questions from employees; and a Single Status Helpline and e-mail contact point were set up.

- 3.5 Urgent News bulletins explained, in summary terms, the process, and what employees needed to do.
- 3.6 By Monday, 10 November 2008, 4 out of 5 employees had accepted their new terms of employment.
- 3.7 The analysis of acceptances by Service is:-

Service	Single Status employees in Service	Numbers accepted at 10/11/2008	Percentage accepted at 10/11/2008
Children's	951	741	78%
Chief Executive's Office	26	20	77%
Community	833	603	72%
Corporate	377	334	89%
Environment	1028	859	84%
TOTALS	3215	2557	80%

- 3.8 Letters to employees in Children's and Community Services were issued at the very end of the week commencing 20 October 2008 and many would not have been received by employees until the following week. This is reflected in the lower percentage acceptances in these Services by 10 November 2008 in the above table.
- 3.9 The return date for responses had been set at 7 November 2008 because the Council Meeting had been proposed for 13 November 2008. But with the Meeting date changed to 17 November 2008, an Urgent News bulletin was sent to employees on 10 November 2008 advising them that they now had until 14 November 2008 to respond. This extension of the deadline was intended to ensure that everyone had adequate time to consider the issues.
- 3.10 At the same time, Services are helping to support employees who have not returned their acceptances, by ensuring that they have their questions answered and have access to all the information they need.
- 3.11 The up to date acceptance statistics will be presented to the Council Meeting.
- 3.12 **Next Stage**
- 3.12.1 Employees have been advised that implementation will be from 16 February 2008. While a high proportion of employees have voluntarily signed up for their new terms of employment, others have not.

3.12.2 The normal course of action for a minority who have not voluntarily signed up would be to serve them with Notice of Termination of their existing terms of employment and at the same time give them fresh contracts of employment. The terms would be the same as those the employees had already been sent, but which they had not signed.

3.12.3 The statutory notice period that would need to be given to these employees would depend on their length of service.

3.12.4 If the Council is minded to serve notices of termination of employment and fresh contracts, this would need done with immediate effect in order to meet the requirements.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

Policy Implications	
Diversity (age, disability, gender, race, religion, sexual orientation)	Yes
Sustainability (community, economic, environmental)	Yes
Corporate/Service Plan	Yes
Existing Policy or Strategy	No
Risk	Yes
Resource Implications	
Financial	Yes
People	Yes
Land and Property or IT Systems	No
Consultations	
Internal or External Consultations	Yes

Policy Implications

4.8 Implementation of Job Evaluation and Single Status will allow the Council to meet its objections for creating a fit for purpose workforce.

Resource Implications

4.2 The ongoing cost of Job Evaluation is estimated to be £2.7M.

Consultations

3.3 Trades Unions through Corporate Negotiating Groups and Sub-Groups, Corporate Bi-partite; Corporate Tri-partite Working Group.

3.4 Party Group Leaders; Executive Member for Corporate Resources and Economy; Opposition Spokesperson through Corporate Tri-partite Working Group.

5 BACKGROUND PAPERS

- 5.8 Reports to Council on 28 June 2007, 13 September 2007, 13 December 2007, 24 January 2008, 13 March 2008, 19 June 2008, 11 September 2008.

Author(s)

Name	Designation	Tel No/Extension
John Risk	Head of Improvement & Customer Service	443086

Approved by

Name	Designation	Signature
Bob Jack	Director of Corporate Services	

Date _____ Reference _____

STIRLING COUNCIL**THIS REPORT RELATES
TO ITEM 4
ON THE AGENDA**

STIRLING COUNCIL**CORPORATE SERVICES**

17 NOVEMBER 2008**NOT EXEMPT**

CROWN ESTATE LAND STIRLING

1 SUMMARY

- 1.1 Council has previously approved in principle proposed arrangements for the future of the Crown Estate Lands at Kings Park, Stirling. The proposed arrangements have now been the subject of public consultation and Council is invited to consider the issues raised during the consultation and determine how to proceed with this matter.

2 RECOMMENDATION(S)

- 2.1 It is recommended that Council considers the issues raised during the consultation on the proposed arrangements for the future of the Crown Estate Lands at Kings Park Stirling and to proceed with this matter.

3 CONSIDERATIONS

- 3.1 Council has previously approved in principle the proposed arrangements for the future of the Crown Estate Lands at Kings Park Stirling negotiated among the three principle parties, the Council, the Crown Estate and Stirling Golf Club. Under the proposals the Crown Estate Lands at Kings Park Stirling would transfer to a new Public Trust who would hold these lands as public open space for the benefit of the public in all time coming. The Crown Estate would be paid a consideration of £600,000 for this transfer. The new Public Trust would grant Stirling Golf Club a 175 year ground lease of the golf course at Kings Park for a nominal rent in exchange for a capital consideration of £450,000. Arrangements for management of the park and other public open space have yet to be determined. Council previously agreed that a capital contribution of £150,000 would be made available from the Stirling Common Good Fund to assist with the purchase of these lands from the Crown Estates.

- 3.2 A consultation paper on these proposed arrangements was issued for public consultation at the beginning of the summer allowing a period of several months for public comments. Written responses have been received from Kings Park Community Council, Friends of Kings Park and Stirling Golf Club as well as from a small number of individuals. In response to requests, a public meeting was also held on 14 October 2008 to consider the proposals. A file containing a copy of the consultation paper, the written responses received and a summary of the issues raised at the public meeting has been placed in the Members Lounge for information. The Appendix to this report summarises the main issues arising from the consultation process and sets out suggested responses and considerations for Council to determine.
- 3.3 Council is now invited to consider the issues raised during the consultation process and determine how to proceed with this matter. Should Council decide to proceed with the proposed arrangements previously approved in principle, with or without amendment, it is expected that legal agreements among the principal parties can be concluded, with the proposed new Trust established and the land transferred within a matter of months. Further progress reports will be brought to Council as appropriate.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

Policy Implications	
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	Yes
Corporate/Service Plan	No
Existing Policy or Strategy	No
Risk	No
Resource Implications	
Financial	Yes
People	No
Land and Property or IT Systems	Yes
Consultations	
Internal or External Consultations	Yes

Policy Implications

- 4.1 Acquisition of the Crown Estate Lands at Kings Park Stirling and their transfer to a proposed new Public Trust will secure the future of these lands as open space for the enjoyment of the public of Stirling in perpetuity.

Resource Implications

- 4.2 A capital contribution of £150,000 from the Stirling Common Good Fund has previously been agreed by Council. In addition to this, there will be some costs of the various legal agreements and planned transactions involved.

Consultations

- 4.3 Public Consultation on the Council's proposed arrangements for the future of these lands has been carried out and this report details the main issues arising.

5 BACKGROUND PAPERS

- 5.1 Report to Council dated 24 January 2008.
- 5.2 Previous reports to the Executive Committee and Council.

Author(s)

Name	Designation	Tel No/Extension
Bob Jack	Director of Corporate Services	01786 443293

Approved by

Name	Designation	Signature
Bob Jack	Director of Corporate Services	

Date 11 November 2008

Reference _____

APPENDIX 1

Issue	Considerations
<p>1. Price:</p> <p>Kings Park Community Council believes very strongly that the lands should transfer at nil consideration. It has urged the Council to raise this issue with the Scottish Government.</p>	<p>The Crown Estates Commission is accountable to the UK Parliament through the UK Treasury. It has a statutory obligation to obtain market value on disposal of its assets. The park and other public open space areas are being transferred at nil consideration. The consideration payable is for the golf course which has a commercial value. However, the Crown Estate has agreed a reduction in the price originally negotiated with Stirling Golf Club. It is for the Council to decide whether or not to pursue the possibility of the whole land package transferring for nil consideration.</p>
<p>2. Extent of Land Transfer:</p> <p>Kings Park Community Council and others have argued that all of the Crown Estate Lands comprising the ancient Royal Park at Kings Park should transfer.</p>	<p>The Council has made it clear in negotiations with the Crown Estate that it would prefer all of the lands in question to transfer. However, the Crown Estate have indicated that the two areas of tenanted agricultural land on either side of the Dumbarton Road are not for sale at present. They have not ruled out the possibility that these areas may be transferred at a later date.</p>
<p>3. Length of Lease:</p> <p>Kings Park Community Council has questioned the length of lease to be granted to Stirling Golf Club. It is concerned that under proposals currently being considered by the Scottish Law Commission this lease could be converted to outright ownership at a later date.</p>	<p>A ground lease of 175 years is the maximum length of lease that can now be granted following recent amendments to Scottish Land Law. Further proposals under consideration by the Scottish Law Commission may provide a mechanism for converting existing leases greater than 175 years to outright ownership. These proposals will not apply to the proposed 175 year ground lease to Stirling Golf Club.</p>
<p>4. Use of Common Good Fund:</p> <p>Kings Park Community Council has objected to the use of the Stirling Common Good Fund to provide £150,000 capital support for the acquisition for the lands from the Crown Estate.</p>	<p>The purchase of these lands secured by a contribution from the Stirling Common Good Fund is a legal and appropriate use of the Common Good Fund for the benefit of the residents of the former Royal Burgh. The contribution can either be made from the capital of the fund or from accrued revenue balances.</p>

Issue	Considerations
<p>5. The “Two Trusts” Proposal:</p> <p>Friends of Kings Park have questioned the “two Trusts” proposal. They believe that the “Guardian Trust” should be more pro-active and less passive and should take a full part in the development of the park and public open space for public enjoyment and recreation.</p>	<p>The proposal for two Trusts reflects the need to separate the “guardian” role which is essentially negative in character from the development of the park and other public open space areas. By having two Trusts, it is suggested that the “Guardian” trust can be a very small focused body whose sole purpose is stewardship of these important lands in the public interest. A second Trust could be established to actively develop and manage the park and other public space areas. This Trust could have a much wider membership</p>
<p>6. Stirling Golf Club Interest:</p> <p>Stirling Golf Club has queried the membership of the “Guardian” Trust. They believe that as the major contributor of funding for the acquisition of these lands they should be represented on this body.</p>	<p>Stirling Golf Club’s interests will be fully recognised and protected in the title granted to the new Public Trust and in the ground lease granted by the Trust to the Golf Club. Subject to the terms of the title and ground lease, Stirling Golf Club will have full management control over the Golf Course for their purposes. As the main lessee of the “Guardian” Trust, there would be an obvious conflict of interest were the Golf Club represented on that body.</p>
<p>7. Size of Trust(s):</p> <p>Several parties have comments on the size of the “Guardian” Trust and have argued for representation on both that body and any Development & Management Trust established for the park and other public open space areas.</p>	<p>It is for the Council to determine the size and constitution of the Trust(s). It is suggested that the “Guardian” Trust should be a small focussed body that concentrates entirely on stewardship of these lands in perpetuity. Initial Trustees (whether Councillors or others) will be appointed by the Council. Thereafter the Trustees themselves shall have power to assume new Trustees to fill any vacancies. Whether the Council should retain appointment rights to the “Guardian” Trust is a matter for determination.</p> <p>The size and constitution of the Development & Management Trust also is a matter for the Council to determine. It is suggested that representative Trustees from the various interested bodies would be more appropriate on this Trust.</p>
<p>8. Role of Council:</p> <p>Several parties have questioned the role of the Council in relation to the Trust(s).</p>	<p>While it is for the Council to determine, it is suggested that as the local authority for the area it is appropriate for the Council to have both a founding and an ongoing role, certainly in the “Guardian” Trust and maybe also any Development & Management Trust.</p>