
STIRLING COUNCIL

CHIEF EXECUTIVE

13 DECEMBER 2012

NOT EXEMPT

CROWN ESTATE LANDS AT KING'S PARK, STIRLING

1 SUMMARY

- 1.1 At its October meeting the Council received a report on developments relative to this matter since the Council decision last March to proceed with acquisition of these lands. Council agreed to continue consideration of the report until its December meeting to allow for further discussions with a number of interested parties on key aspects of the matter.
- 1.2 This report and other information to be presented at the meeting informs Council of the outcome of these further discussions and seeks a view from Council on how this matter should now be progressed.

2 OFFICER RECOMMENDATION(S)

The Council is invited to consider the information contained in this report and other information to be provided at the meeting and to instruct the Chief Executive as regards future progress of this matter.

3 CONSIDERATIONS

- 3.1 At its meeting on 11 October 2012 the Council received a report on a number of significant developments relative to this matter since the previous decision of Council on 1 March 2012. A copy of the October report is appended for ease of reference. Council decided to continue consideration of the report until its December meeting to allow for further discussions with a number of interested parties on key aspects of the matter.
- 3.2 One important issue on which further clarification was sought through further discussion is the extent of the Secretary of State for Scotland's powers to give statutory directions to the Crown Estate Commission. The House of Commons Scottish Affairs Select Committee in a report issued on 10 July 2012 had recommended that the Secretary of State direct the Crown Estate Commission to enter into negotiations with a view to transferring all of the land at Kings Park remaining in its ownership to the ownership of Scottish Ministers.

- 3.3 A meeting with the Secretary of State was held on 3 December 2012 attended by the Council Leader, the Portfolio Holder for Finance & Economy, the Chief Executive and the MP for Stirling. The meeting was very constructive and the Secretary of State expressed his support for a solution to the long term future of these lands that meets the concerns of all interested parties so far as possible. To this end, clarification was obtained as to the extent of the Secretary of State's powers to direct the Crown Estate Commission regarding transfer of ownership. Written confirmation of the position discussed at the meeting is awaited and this will be circulated as soon as it is received.
- 3.4 The other issue requiring further discussion was how local control over the various parts of the lands would be secured if the ownership was to pass to Scottish Ministers. The Council's original proposal was for ownership to pass to a Guardian Trust appointed by the Council, with long leases of the Kings Park Golf Course to Stirling Golf Club and of Kings Park itself and all other amenity land to a Community Trust, again appointed by the Council. Council wanted to explore with other parties how much of its original proposal could still be achieved if ownership was to pass to Scottish Ministers.
- 3.5 To this end, there have been a number of meetings with the Crown Estate Commission and Historic Scotland (on behalf of Scottish Ministers). There is agreement on an outline of a revised proposal that would secure appropriate local control of the lands while ownership would pass to Scottish Ministers. Some details remain to be finalised and, of course, the revised proposal is subject to political approval by all parties, including the Council, hopefully at this meeting.
- 3.6 The revised proposal was discussed with the Secretary of State who has expressed his support. A meeting with Scottish Ministers has been arranged for 12 December 2012 when it is hoped that their support for the revised proposal can be agreed. There is a further meeting with the Crown Estate Commission this week when it is anticipated that final details of the revised proposal will be agreed. There has been ongoing discussion with Stirling Golf Club and their agreement to the revised proposal is awaited. Once other parties' agreement is obtained, the detail of the revised proposal will be circulated for Council's consideration at this meeting.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

Policy Implications	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Single Outcome Agreement	Yes
Diversity (age, disability, gender, race, religion, sexual orientation)	No
Sustainability (community, economic, environmental)	Yes
Effect on Council's green house gas emissions	No effect
Strategic/Service Plan	Yes
Existing Policy or Strategy	Yes
Risk	Yes
Resource Implications	
Financial	Yes
People	Yes
Land and Property or IT Systems	Yes
Consultations	
Internal or External Consultations	Yes

Equality Impact Assessment

- 4.1 This report was considered under the Council's Equality Impact Assessment process and was assessed as not relevant for the purpose of Equality Impact Assessment.

Strategic Environmental Assessment

- 4.2 The report was considered under the Environmental Assessment (Scotland) Act 2005 and a Strategic Environmental Assessment is not required.

Single Outcome Agreement

- 4.3 The acquisition of the lands at King's Park Stirling and this development as public open space will greatly enhance the amenity of Stirling and its attraction for visitors. (Strategic Topic 6: Making Stirling a place with a high quality environment).

Other Policy Implications

- 4.4 None.

Resource Implications

- 4.5 Further details will be provided, depending outcome of negotiations.

Consultations

- 4.6 Secretary of State for Scotland, Scottish Ministers, Elected Members, the Crown Estate Commission, Friends of King's Park, Stirling Golf Club and King's Park Community Council have been consulted on the terms of this report.

	Tick (✓) to confirm
The appropriate Portfolio Holder and Depute Portfolio Holder has been consulted on this report	✓ NB, JH
The Chief Executive/appropriate Assistant Chief Executive(s) has been consulted on this report	✓ BJ

5 BACKGROUND PAPERS

- 5.1 Reports to Council dated 11 October 2012, 1 March 2012, 29 October 2009, 17 November 2008, 24 January 2008, 4 October 2007 and 14 December 2006 and minutes of Council decisions in relation to these reports.
- 5.2 Reports to Executive Committee dated 26 April 2007 and 21 November 2006 and minutes of the decisions of the Executive Committee relating to these reports.

6 APPENDICES

- 6.1 Appendix A - Report to Stirling Council dated 11 October 2012.

Please note paragraph 3.2 of this report should be amended to read as follows:-

Delete: "There is a precedent for such a transfer as in 1998 when title to Stirling Castle itself was transferred **to** the Crown Estate Scotland as part of the Devolution Settlement."

Insert: "There is a precedent for such a transfer as in 1998 when title to Stirling Castle itself was transferred **from** the Crown Estate Scotland as part of the Devolution Settlement."

Author(s)

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Approved by

Name	Designation	Signature
Bob Jack	Chief Executive	

Date 5 December 2012

Service Reference 131212 Kings Park/Crown Estate