

Subject: FW: SDCC - March 11

From: Tim Stephen <tim.stephen@aberdeenshire.gov.uk>

Sent: 09 March 2025 20:50

To: chair@stonehavenc.org.uk

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Hi David.

Please find enclosed a briefing that sets out the relationship between Aberdeenshire Council and SRG. I intend to be at SDCC by 8pm (latest) and would be happy to answer any questions.

Stonehaven Recreation Grounds (SRG) and Aberdeenshire Council – Brief for Stonehaven and District Community Council (SDCC).

Background:

SRG took on the lease of the current grounds in 1902, at which point the land was owned by the then Ury Estate. The predecessor of Aberdeenshire Council acquired the ownership of the land in stages between 1921 and 1926, and subsequently agreed 999 year leases between the then council and SRG – with the most recent lease signed in 1932. SRG and the then Council have always been separate organisations and it should be noted that SRG is an entirely private organisation.

The Long Leases (Scotland) act 2012 converted the existing 999 lease into full ownership (by SRG) in 2015. However, a burden remains on the land that it will “be occupied solely for recreation purposes and purposes incidental thereto”

Formal links between SRG and Aberdeenshire Council:

Aberdeenshire Council has traditionally nominated between 2 and 3 councillors who attend the SRG board of Trustees in an advisory capacity. This was not reviewed on transfer of ownership of the site in 2015 – so members have continued to be nominated.

Officers have recently reviewed this situation and concluded that as SRG is (and always has been) an independent and private organisation and (from 2015) is the sole landowner – it is not competent to ‘nominate’ cllrs to any position on the SRG board.

This should not be interpreted as Aberdeenshire Council not being willing to work with this large and important local facility, but simply reflects the fact that it is not appropriate to nominate councillors to an independent organisation operating on its own land.

The Area Manager has met with the SRG trustees and highlighted that although we will no longer be nominating cllrs to sit as advisory trustees, they are welcome to invite ward 18 Cllrs to their Trustee meetings who can continue to give their views to SRG in their capacity as local councillors if they would like their views. Equally, should they prefer Trustee meetings to be held in private that is entirely within their rights as a private organisation. Should SRG trustees feel it would be appropriate to ask councillors (or any other invited representatives from the general public or other organisations) to ‘step out’ of a meeting to enable a private trustee discussion, they would be entitled to do so in the view of Aberdeenshire Council. Local Councillors have indicated that they are happy to continue giving their views to SRG under these adapted circumstances.

The 1902 Act:

It has been highlighted that there is a belief that the 1902 Town Hall Act confers a mandate on Aberdeenshire Council to provide 3 trustees to SRG, and is still a binding piece of legislation.

The view of Aberdeenshire Council legal advisors is that whilst the 1902 Act is still competent in terms of being relevant to SRG governance, it cannot be used to compel Aberdeenshire Council to provide representatives or confer any form of direct financial or managerial responsibility on the Council for the SRG operation. This is due to:

- The length of time since 1902, during which time there have been significant changes to both local government structures and pertinent related legislation.
- The change of ownership of the land – leaving SRG as the sole landowners.

In the event that the SRG board of trustees approach Aberdeenshire Council for their views on any potential change in governance it will give views as appropriate – though has a duty to stress that SRG should primarily take their own independent legal advice on this.

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