

STIRLING COUNCIL

MINUTES of SPECIAL MEETING of the STIRLING COUNCIL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on THURSDAY 10 FEBRUARY 2005 at 7.30 pm.

Present:-

Provost Colin O'BRIEN (in the Chair)

Councillor Alasdair BEATON	Councillor John HOLLIDAY
Councillor Alistair BERRILL	Councillor Pat KELLY
Depute Provost Margaret BRISLEY	Councillor David LONSDALE
Councillor Tom COLL	Councillor Corrie McCHORD
Councillor Ann DICKSON	Councillor Charles MCKEAN
Councillor Tony FFINCH	Councillor Paul NELSON
Councillor Colin FINLAY	Councillor Gerard O'BRIEN
Councillor Pat GREENHILL	Councillor John PATERSON
Councillor Anne HARDING	Councillor Gerry POWER
Councillor Tom HAZEL	Councillor Gillie THOMSON
Councillor John HENDRY	

In Attendance:

Jim Boyle, Chief Accountant, Corporate Services
Peter Broadfoot, Corporate Governance Manager/Solicitor to the Council
Andrew Cassells, Head of Environment and Waste, Environment Services
Irene Cavanagh, Head of Community Care Services, Community Services
Brian Devlin, Director of Regeneration Services
Lorraine Eivers, Corporate HR Manager, Corporate Services
Fiona Fulton, Communications Officer, Corporate Services
Lesley Gallagher, Stirling Community Planning Partnership Manager
Carol George, Quality, Performance and Research Manager, Corporate Services
Laura Hoskins, Policy Officer, Corporate Services
Bob Jack, Director of Corporate Services
Gordon Jeyes, Director of Children's Services
Lyn Kennedy, Community Governance Manager, Corporate Services
Fiona MacLeod, Head of Strategy and Governance, Corporate Services
Hazel McMorro, Head of Strategic Support, Community Services
Caroline Moore, Corporate Policy and Planning Manager, Corporate Services
Don Monteith, Press and PR Manager, Corporate Services
Helen Munro, Director of Community Services
Arthur Nicholls, Director of Environment Services
John Risk, Head of Customer Services, Corporate Services
Willie Watson, Head of Resource Management, Corporate Services
Keith Yates, Chief Executive
Joyce Allen, Committee Officer, Corporate Services
Sheila McLean, Trainee Committee Officer, Corporate Services
Margaret Murray, Committee Officer, Corporate Services

SC210 POLICY FOR THE DISPLAY OF ELECTION MATERIAL

Stirling Council had inherited the policy adopted by Central Regional Council in respect of the display of election material on the Council's lamp standards. In recent years a number of other Local Authorities had adopted policies prohibiting the display of election material/posters on lamp standards within their Local Government areas. At its meeting held on 8 June 2004 the Council agreed to undertake a review of the Policy in consultation with Elected Members, Political Parties (at a local level), Community Councils and the Roads Authority with a view to a new Policy being in place by the next General Election.

A questionnaire had been issued to all Elected Members, Political Parties (at a local level), Community Councils and the Director of Environment Services with responses requested by Friday 21 January 2005. Of the nineteen responses received, only four respondents favoured a complete ban on the display of election material on lamp standards. The majority of respondents considered that posters on lamp standards did have a role to play in raising public awareness of the existence of an election and the names of the candidates standing. A report by the Director of Corporate Services invited the Council to consider, in light of the comments received, whether it would wish to amend the existing Policy or introduce a ban on the display of election material on the Council's lamp standards.

Motion

"The Council agrees:-

- (1) to introduce a ban on the display of election posters on lamp standards outwith a 50 metre radius of polling places within the Stirling Council area on a pilot basis for the next General Election;
- (2) that it be remitted to the Director of Corporate Services to revise the Policy appropriately;
- (3) to instruct Officers to report back to the Council on the operation of the pilot".

Moved by Councillor Corrie McChord, seconded by Councillor John Hendry.

Amendment

"The Council agrees to continue with the existing Policy on the display of election material on lamp standards within the Stirling Council area".

Moved by Councillor Pat Greenhill, seconded by Councillor Paul Nelson.

The vote on the Amendment was as follows:-

For	-	10
Against	-	11

The Amendment was defeated by 11 votes to 10.

The vote on the Motion was as follows:-

For	-	11
Against	-	10

Decision

The Motion was carried by 11 votes to 10 and accordingly the Council agreed:-

- (1) to introduce a ban on the display of election posters on lamp standards outwith a 50 metre radius of polling places within the Stirling Council area on a pilot basis for the next General Election;
- (2) that it be remitted to the Director of Corporate Services to revise the Policy appropriately;
- (3) to instruct Officers to report back to the Council on the operation of the pilot.

(Reference: Report by Director of Corporate Services of 12 January 2005, submitted).

SC211 EQUALITIES POLICY FRAMEWORK

The Local Government in Scotland Act 2003 placed on Councils a duty to secure Best Value. One of the key characteristics identified of an authority, which secured Best Value, was one, which could demonstrate equal opportunity arrangements.

Stirling Council had for many years been committed to improving equal opportunities in all its operations. A report by the Director of Corporate Services advised of a Diversity Working Group (DWG) comprising representatives of all Services, a JTUC representative and chaired by the Head of Strategy and Governance, which had been set up to consider all equalities policy and legislative developments which would impact on the Council.

The recent Best Value Audit had focussed on the Council's equal opportunities policies. A significant amount of excellent work had been recognised, but it had been identified that a more co-ordinated and sustainable approach should be developed.

The Working Group had developed an overarching Equalities Policy Framework for the Council, which included achieving equality in recruitment and employment, service delivery and access to services, commissioning and procurement of services and in-partnership working. The Framework, which was included as an appendix to the submitted report and had been submitted to the JTUC and within Services for comment, also included a detailed equalities action plan for the Council and a proposal for an Equalities Impact Assessment process to be piloted on the RAHMAS Strategy and the Council's Housing Allocation Policy and then implemented on a planned programme basis after the pilot has been assessed.

Decision

The Council agreed:

- (1) to approve the adoption of an overarching Equalities Policy Framework for Stirling Council, attached as Appendix 1 to this Minute;
- (2) to approve the Equalities Action Plan, included in Appendix 2 to this Minute;
- (3) to approve the creation of an Equalities Impact Assessment (EQIA) Process, included in Appendix 3 to this Minute, and the proposal to pilot this within two policy areas (Housing Allocations Policy and Racial Attacks and Harassment Multi-Agency Strategy) initially, prior to rolling out a planned programme for further EQIAs;
- (4) to note that the Commission for Race Equality had indicated an intention to visit selected local authorities to 'spot check' their equality impact assessment processes.

(Reference: Report by Director of Corporate Services of 1 February 2005, submitted).

SC212 EQUAL OPPORTUNITIES IN EMPLOYMENT POLICY

Following adoption of the Equalities Policy Framework in the previous item, a report by the Director of Corporate Services advised of the need to produce an Equal Opportunities in Employment Policy for the Council as reflected in Section 5 of the Framework.

The Equal Opportunities in Employment Policy, attached as an Appendix to the submitted report, provided clear statements of intent on how the Council would administer, manage and promote equal opportunities in its employment practices.

The Policy had been developed by a working party consisting of cross Service and union representatives. The draft Policy had been through full consultation with management from each Service and had been presented to both the JTUC and the Corporate Bi-partite.

The scope of the Policy covered all employees employed under a contract of service with the Council, Elected Members, and Trade Union representatives. It was confirmed that other persons acting in the name of Stirling Council, for example contractors or consultants would also be expected to uphold the principles of the policy. It was recognised that achievement of the aims of the policy would require full commitment and support from all of these groups.

Decision

The Council agreed to approve the Equal Opportunities in Employment Policy attached as Appendix 4 to this Minute.

(Reference: Report by Director of Corporate Services of 1 February 2005, submitted).

SC213 NEGOTIATION AND CONSULTATIVE FRAMEWORK

A report by the Director of Corporate Services sought approval of a revised Negotiation and Consultation Framework, which was attached as an Appendix to the report.

The report detailed the mechanisms currently in place to enable the Council to consult and negotiate with the recognised Trades Unions. It was acknowledged that these mechanisms had proved to be effective, but a formal framework was required to provide clarity of timing, role and levels of authority.

The framework had been based on a previously agreed framework from 1998. It accurately reflected the mutual inter-dependency of Elected Members, Management, Employees and Trades Unions and sought to provide clear guidance and to ensure more effective communication throughout the Council.

Decision

The Council agreed to approve the formal Negotiation and Consultative Framework attached as Appendix 5 to this Minute.

(Reference: Report by Director of Corporate Services of 1 February 2005, submitted).

SC214 POLICY ON TIME OFF FOR TRADES UNION DUTIES, ACTIVITIES AND TRAINING

Following detailed consultation with Trades Unions, a draft policy on Time Off Work for Trades Union Duties, Activities and Training had been prepared to ensure that the Council complied with its statutory responsibilities under the Employment (Protection and Consolidation) Act 1978 and the Trades Union and Labour Relations (Consolidation) Act 1992 in allowing reasonable time off to Trades Union officials and representatives to enable them to take part in certain duties, training and activities. The Policy also reflected the principles of the ACAS Code of Practice and the Negotiation and Consultative Framework agreed with the Trades Unions.

A report by the Director of Corporate Services sought Council approval of the Policy attached as an Appendix to the submitted report.

In seeking to represent the Council's commitment to partnership working with the Trades Unions, the Policy provided an objective framework which Trades Union representatives, full time officials, line management and the Council as a whole could work to, regularly review and develop as required.

Decision

The Council agreed to approve the Policy on Time Off for Trades Union Duties, Activities and Training attached as Appendix 6 to this Minute.

(Reference: Report by Director of Corporate Services of 1 February 2005, submitted).

SC215 COUNCIL TAX DISCOUNT ON SECOND HOMES AND LONG TERM EMPTY PROPERTIES

Under current legislation, properties which were not a main residence, or which were empty for more than six months, were charged 50% Council Tax. A report by the Director of Corporate Services gave notice of a change of rules being implemented by the Scottish Executive from 1 April 2005 to allow Councils to increase the Council Tax rate on second homes and long term empty properties, giving discretion to charge between 50% and 90% Council Tax.

This discretion would allow local authorities to set a different level of discount for long term empty properties as opposed to second homes and a different level of Council Tax for different areas of the Council area if appropriate.

Extra Council Tax collected from second homes and empty properties would have to be passed to Registered Social Landlords in the area to provide new-built affordable social housing, in areas determined by the local authority.

A number of exemptions were noted, namely:

- second homes owned by people living in tied accommodation - example clergy, publicans, farm workers
- properties unoccupied and unfurnished for less than 12 months
- properties undergoing major repairs for less than 6 months after purchase
- purpose built holiday homes (in Stirling these were all in the valuation roll and subject to non-domestic rates)

By reducing the discount to 10% and charging the maximum of 90% Council Tax, it was estimated that additional revenue of £250,000 could be generated annually for passing to Registered Social landlords for new-built affordable social housing.

Increasing the Council Tax charges on properties empty for more than 12 months could mean additional charges of up to £20,000 to be paid by the Housing Revenue account if the Housing Service had the same number of houses empty for that length of time as it had at the present time. Where a property became scheduled for demolition, it would immediately cease to be liable for any Council Tax.

If the Council exercised its discretion, it was noted that water service charges collected on behalf of Scottish Water would be similarly increased as the water charges discount had to be the same as the Council Tax discount. If the Council charged the maximum Council Tax, the additional water charges would amount to approximately £70,000.

Decision

The Council agreed:

- (1) to apply a discount of 10% to Council Tax charge on second homes, with exceptions given where appropriate in the terms detailed in the submitted report;

- (2) to apply a discount of 10% to Council Tax charge on long term empty properties, with exceptions given where appropriate on the terms detailed in the submitted report.

(Reference: Report by Director of Corporate Services of 1 February 2005, submitted).

Depute Provost Margaret Brisley joined the Meeting at this point

SC216 STIRLING COUNCIL RESIDENTS' SURVEY: FUTURE PROPOSAL

A key element of Stirling Council's approach to Best Value was ensuring that a representative cross-section of the Council's local residents were engaged in the consultation process where the performance of its principal public facing services were concerned. The Council's core values included listening and responding to Citizens, organising services to meet the needs of citizens and communities, promoting fair shares for all, and encouraging and enabling communities to fully participate in the decision making process.

A report by the Director of Corporate Services explained that in keeping with these commitments, the Council had undertaken Residents' Surveys to give the citizens of Stirling a regular opportunity to provide feedback about their needs for a range of services, their awareness of service provision and their satisfaction with Council performance.

The Council undertook its third Residents' Survey in September/October 2002 using the Citizens' Panel. A fourth Residents' Survey had initially been scheduled for October 2004. Delays in the implementation of key Service improvement action plans arising from the 2002 Survey had, however, led to the recommendation that the next Survey be postponed until the autumn of 2005.

The findings from the Residents' Survey had been used alongside other information to develop the Council's Corporate Plan and to assess the Council's performance for the Best Value Audit. Continued generation of findings was essential if the Council was to properly inform its planning and improvement decisions.

The anticipated time taken for the development and implementation of service specific improvement action plans and their subsequent evaluation based on the recommendations made to the three Policy Committees suggested that a biennial cycle for conducting the Survey would be appropriate.

Decision

The Council agreed:-

- (1) that it be remitted to the Director of Corporate Services to undertake a survey of local residents on a biennial cycle to assist with service improvement planning;
- (2) to instruct the Director of Corporate Services to plan for the next Residents' Survey in the autumn of 2005;

- (3) to approve a parallel approach to the survey using both the Citizens' Panel and a random sample of local residents to check that the views of the Panel were representative.

(Reference: Report by Director of Corporate Services of 31 January 2005, submitted).

SC217 CUSTOMER ACCESS

On 8 June 2004, the Council approved a report recommending developments to improve customer access, which would be the subject of an extensive consultation process. The proposed developments included; making more services available through the Contact Centre; opening a One Stop Shop in the centre of Stirling offering a wide range of services currently available in Local Offices and making libraries, or other suitable accommodation the single Council contact point in local communities for face to face customer enquiries.

Consultation had taken place over the Summer with Community Councils, Tenants Organisations, Local Office service users and employees. A report by the Director of Corporate Services explained that although many respondents to the consultation had expressed concerns about certain aspects of the proposals, a significant number of respondents supported the developments. Respondents in the rural areas did not want to lose the Council's physical presence in their communities and wished to retain a Local Registration Service.

The report detailed the responses in the consultation process and suggested how the customer access arrangements might be taken forward.

It was noted that these developments would have implications for the current network of Local Offices in terms of both a reduction in enquiries and transactions under the new arrangements and the resources which would be available to operate the Local Offices. Members recognised the extent of the community feeling on the issue of local access to services and the amount of work undertaken by Officers throughout the consultation process.

The Leader of the Council indicated that whilst in the longer term there might require to be a rationalisation of staffing in the Local Offices and the exploration of funding opportunities for a One Stop Shop in the City centre, the Administration had no intention of proposing the closure of any Local Offices in the near future.

Decision

The Council agreed to take no action on the customer access proposals at this time.

(Reference: Report by Director of Corporate Services of 1 February 2005, submitted).

SC218 PRUDENTIAL BORROWING – REPLACEMENT OF WHEELED BINS

The reconfiguration of the refuse collection service had been ongoing for the past 18 months since the introduction of brown bins in May 2003 for the collection of green waste and cardboard. In recent months progress had also been made in terms of service improvements.

A joint report by the Directors of Corporate and Environment Services indicated that the majority of wheeled bins would require to be replaced as part of the re-engineering of the service. To date 13,000 bins had been replaced with another 26,000 due to be replaced to complete the programme at a cost of £527,800. It was proposed that the purchase of the bins be financed by means of Prudential Borrowing over a seven year period with an annuity charge to the service of £92,000 per annum. This would mitigate against both an overspend on the Revenue Budget and preclude any bid against the Capital Budget.

The bins would be purchased through an existing supplier as a result of an earlier procurement exercise. The replacement of the green bins with grey bins would allow the return of the leased bins to the supplier and others to be recycled where appropriate.

Decision

The Council agreed to approve the use of Prudential Borrowing for the purchase of wheeled bins as the appropriate means by which to finance this purchase.

(Reference: Joint Report by Director of Environment Services and Director of Corporate Services of 27 January 2005, submitted).

SC219 GENERAL SERVICES CAPITAL PROGRAMME 2005/06 TO 2009/10

A report by the Head of Resource Management set out the estimated capital resources for 2005/06 to 2009/10. After taking account of revisions to the previously approved core expenditure programme for 2005/06 to 2008/09, the inclusion of a new Year 5 core expenditure programme for 2009/10 and the inclusion of development/ringfenced funding budgets, there was a balanced programme in each year.

The existing five-year programme already contained provisions for key spending pressures/policy choices such as transfer station construction, Bannockburn High School refurbishment and provision for Lower Polmaise landfill site restoration. These were accommodated in the programme approved by the Council on 12 February 2004, with reductions to the previously approved core programme, the inclusion of a capital receipt target and the use of prudential borrowing being implemented to ensure a balanced programme.

An increase in supported borrowing announced as part of the Local Government Finance Settlement for 2005/06 to 2007/08 had allowed resources planning assumptions for Years 4 and 5 to be revised upwards. As a result, a surplus resources position was anticipated for Years 4 and 5 of the proposed programme. The recommended use of this surplus would be to allocate it to fund Corporate Plan policy objectives in order to keep prudential borrowing to a minimum.

With the absence of significant new spending pressures, other than for Corporate Plan priorities, the Council was asked to approve the programme for 2005/06 and to set a provisional programme for the following four years, including the new Year 5 (2009/10).

The proposed expenditure programme totalled £11.176M in 2005/06, £10.080M in 2006/07, £9.642M in 2007/08, £7.367M in 2008/09 and £7.367M in 2009/10.

Decision

The Council agreed:-

- (1) to approve a capital programme for 2005/06 as set out in Appendix 7 (programme resources) and Appendix 8 (programme expenditure) to this Minute;
- (2) to approve a provisional capital programme for 2006/07 to 2009/10 as set out in Appendix 7 (programme resources) and Appendix 8 (programme expenditure) to this Minute.

(Reference: Report by Head of Resource Management of 30 January 2005, submitted).

SC220 REVENUE BUDGET 2005/06 TO 2007/08 AND DETERMINATION OF COUNCIL TAX

As part of the last three-year finance settlement, the Council had received a firm indication of its grant allocations for the period to 2005/06. As well as fixing the Council Tax for the current year, the Council had to give an indication of the Council Tax level that could be expected next year. The Council had noted a draft budget and announced an indicative Council Tax increases of 4% for 2005/06.

The indicative budget for 2005/06 had been reviewed and draft budgets were prepared at an early stage for the 2006/07 and 2007/08 years. Following the announcement of the Local Government Finance Settlement on 8 December 2004, updated budget figures and savings options had now been prepared for the next three years. A summary of the settlement was set out in Appendix 4 to the submitted report. The headline year on year grant increase was 4½% for 2005/06, 2% for 2006/07 and 2.7% for 2007/08. It was noted that most of this increase was taken up by the need to target expenditure on national priorities. As a result, the resources available to cover inflation and unavoidable budget pressures such as increased population pressures, single status/job evaluation and superannuation costs were insufficient, confirming the need to deliver significant savings over these three years to set a balanced budget.

Since June last year, the Management Team had been looking at the means by which those gaps might be closed and regular updates on this exercise have been provided to the Policy Executive. Details of the finance settlement and draft budgets had also been reported and information had been provided to the Opposition Group on the Council. Management Team had also been working on absorbing cost pressures and delivering savings in excess of £2.5m over the next two years agreed as part of the budget strategy in February 2004. Further management efficiencies of

1% (£1.4M) had been identified in order to offset unavoidable spending pressures and this left a small budget gap for 2005/06 prior to consideration of Corporate Plan priorities.

As a result of the difficult financial settlement and after taking account of further management efficiencies of 1½% in each year (£4.2M in total), the position for 2006/07 was a budget shortfall of £1.2M and for 2007/08 a further shortfall of £0.5M. This shortfall was after allowing for a 3% increase in Council Tax in each year but the actual level of tax increase would require to be determined by the Council. The Council would also require to determine a strategy to deliver a balanced budget in those years.

It was advised that the Council's Draft Corporate Plan, recently considered by Members, contained details of a number of major strategic spending pressures. In order to fund any of the policy pressures it would be necessary to identify further savings to enable the redirection of resources. For 2005/06 the sum of £602,000 was available to be allocated against Corporate Plan priorities whilst in years 2006/07 and 2007/08, increased spending would increase the budget shortfall which would require a redirection of resources or additional funding to be identified.

Motion

That the Council agrees :

- (1) that the Total Budgeted Expenditure to be Funded in 2005/06 be set at £165.318M as detailed in Appendix 1 to the tabled motion;
- (2) to agree to budget savings of £230,000 as detailed in Appendix 2 to the tabled motion to close the budget gap and contribute to Corporate Plan priorities;
- (3) to agree the allocation of resources to Corporate Plan priorities for 2005/06 and note the indicative allocation for 2006/07 and 2007/08 as set out in Appendix 3 to the tabled motion;
- (4) that a Band D Council Tax of £1,149 (4% increase) be set for 2005/06 as detailed in Appendix 1 to the tabled motion;
- (5) that a Council Tax be paid in respect of chargeable dwellings in each of the other valuation bands in accordance with Section 74(1) of the Local Government Finance Act, 1992;
- (6) to note that the Minister for Finance has set the Uniform Business Rate for 2005/06 at 46.1p in the £ and that the supplement for larger businesses has been set at 0.45p;
- (7) to set an indicative Budget and Band D Council Tax of £1,205 (4.9% increase) for 2006/07 as set out in Appendix 1 to the tabled motion;
- (8) to agree the Prudential Indicators as set out in Appendix 4 to the tabled motion;
- (9) to agree that General Fund revenue balances should over next three financial years be maintained at a target level of 3% of budget;

- (10) to note the potential funding shortfall of £4.4m in 2007/08 after inclusion of Corporate Plan priorities and to continue consideration of further savings targets and an indicative Council Tax level. A full examination of services will be carried out, Corporate Plan priorities will be kept under review and the Council will continue to urge the Scottish Executive to give further consideration to the Local Government Finance Settlement before any final decisions are taken on Council Tax levels;
- (11) To note that, in his pre-budget speech at the beginning of December, the Chancellor of the Exchequer announced a package of £1 billion in additional funding support to English local authorities for 2005-2006. This funding would allow Councils south of the border to avoid unacceptably high increases in local tax levels while they work towards meeting efficiency targets set for them in future years. This followed an additional package of £340 million in December 2003;

The Scottish Executive has not, to date, made a similar commitment to Scottish Councils. However, the Minister has stated an expectation of low Council Tax increases, despite the deduction of assumed efficiency savings from the Government grant settlement, amounting to £58 million in 2006-2007 and £114 million in 2007-2008;

The Council calls upon the Scottish Executive to make available additional funding to Scottish Councils in line with the funding provided to English local government. This would allow Scottish Councils to avoid large increases in Council Tax and to protect key services while the necessary measures were put in place to achieve further efficiency gains in service provision.

Moved by Councillor Corrie McChord, seconded by Councillor John Hendry.

Amendment

That the Council agrees with the First Minister when he said in Parliament to-day "There is absolutely no need for Councils to increase the Council Tax above inflation. Councils have a duty and a responsibility to have the lowest Council tax possible," and therefore resolves:

- (1) that the Total Budgeted Expenditure to be Funded in 2005/06 be set at £163.286m as detailed in Appendix 1;
- (2) to further efficiency measures of £1,393,000 and to the use of £300,000 of the Service / Policy Development Fund both as referred to in Appendix 1;
- (3) that a Band D Council Tax of £1,105 (no increase) be set for 2005/06 as detailed in Appendix 1;
- (4) that a Council Tax be paid in respect of chargeable dwellings in each of the other valuation bands in accordance with Section 74(1) of the Local Government Finance Act, 1992;
- (5) to note that the Minister for Finance has set the Uniform Business Rate for 2005/06 at 46.1p in the £ and that the supplement for larger businesses has been set at 0.45p;

- (6) to set an indicative Budget and Band D Council Tax of £1,105 (no increase) for 2006/07, as set out in Appendix 1. This would be after accounting for further efficiency measures of £1,397,000 and budget reductions with policy implications of £707,000, principally through further staffing reductions (approximately 36 posts) through natural wastage and turnover;
- (7) to accept Prudential Indicators as adjusted for the impact of additional prudential borrowing of £3M in 2005/06, and £2M in 2006/07 to be applied to capital expenditure on additional roads investment;
- (8) that General Fund revenue balances should over next three financial years be maintained at a level of at least 2.5%;
- (9) to note that production of an indicative balanced budget for 2007/08 is inhibited by a lack of knowledge of the likely budgetary allocations to contracts into which the Administration may enter under their Corporate Plan and the timing of such initiatives. This Group's objective would be to hold the 2007/08 Council Tax at the same levels as for 2004/05, 2005/06 and 2006/07, ie. a Band D Council Tax of £1,105.

Moved by Councillor Gerry Power, seconded by Councillor Paul Nelson.

The vote on the Amendment was as follows:-

For	-	10
Against	-	12

The Amendment was defeated by 12 votes to 10.

The vote on the Motion was as follows:-

For	-	12
Against	-	10

Decision

The Motion was carried by 12 votes to 10 and accordingly the Council agreed:-

- (1) that the Total Budgeted Expenditure to be Funded in 2005/06 be set at £165.318M as detailed in Appendix 9 to this Minute;
- (2) to agree to budget savings of £230,000 as detailed in Appendix 10 this Minute to close the budget gap and contribute to Corporate Plan priorities;
- (3) to agree the allocation of resources to Corporate Plan priorities for 2005/06 and note the indicative allocation for 2006/07 and 2007/08 as set out in Appendix 11 to this Minute;
- (4) that a Band D Council Tax of £1,149 (4% increase) be set for 2005/06 as detailed in Appendix 9 to this Minute;
- (5) that a Council Tax be paid in respect of chargeable dwellings in each of the other valuation bands in accordance with Section 74(1) of the Local Government Finance Act, 1992;

- (6) to note that the Minister for Finance has set the Uniform Business Rate for 2005/06 at 46.1p in the £ and that the supplement for larger businesses has been set at 0.45p;
- (7) to set an indicative Budget and Band D Council Tax of £1,205 (4.9% increase) for 2006/07 as set out in Appendix 9 to this Minute;
- (8) to agree the Prudential Indicators as set out in Appendix 12 to this Minute;
- (9) to agree that General Fund revenue balances should over next three financial years be maintained at a target level of 3% of budget;
- (10) to note the potential funding shortfall of £4.4m in 2007/08 after inclusion of Corporate Plan priorities and to continue consideration of further savings targets and an indicative Council Tax level. A full examination of services will be carried out, Corporate Plan priorities will be kept under review and the Council will continue to urge the Scottish Executive to give further consideration to the Local Government Finance Settlement before any final decisions are taken on Council Tax levels;
- (11) To note that, in his pre-budget speech at the beginning of December, the Chancellor of the Exchequer announced a package of £1 billion in additional funding support to English local authorities for 2005-2006. This funding would allow Councils south of the border to avoid unacceptably high increases in local tax levels while they work towards meeting efficiency targets set for them in future years. This followed an additional package of £340 million in December 2003;

The Scottish Executive had not, to date, made a similar commitment to Scottish Councils. However, the Minister had stated an expectation of low Council Tax increases, despite the deduction of assumed efficiency savings from the Government grant settlement, amounting to £58 million in 2006-2007 and £114 million in 2007-2008;

The Council calls upon the Scottish Executive to make available additional funding to Scottish Councils in line with the funding provided to English local government. This would allow Scottish Councils to avoid large increases in Council Tax and to protect key services while the necessary measures were put in place to achieve further efficiency gains in service provision.

(Reference: Report by Head of Resource Management of 31 January 2005, submitted).

SC221 HOUSING REVENUE ACCOUNT 2005/06 – 2006/07

At its meeting on 12 February 2004 the Council had agreed an indicative rent rise of 4% for 2005/06 and 2006/07. A report by the Director of Regeneration Services outlined the current context for setting Stirling Council's rents for 2005/06 and the issues facing the Council in determining rents in the context of a possible housing stock transfer in 2006/07.

The Housing Revenue Account budget for 2004/05 was currently projecting an under-spend of £85,000 with balances of £637,000 at the year-end. The budget had been prepared on the basis of the indicative 4% rent rise previously agreed by the Council.

A comparison of rents charged in 2004/05 across Local Authorities in Scotland showed that Stirling was mid-range for rental charges and in monetary terms was £0.08 per week more than the Scottish average rent. The Council was invited to agree a rent rise for 2005/06.

Decision

The Council agreed:-

- (1) to approve a rent rise of 4% for tenants for 2005/06 giving an average rent increase of £1.70 over 52 weeks which was consistent with the indicative rent rise for 2005/06 approved last year;
- (2) to approve an equivalent rise of 4% for garages and pitch sites;
- (3) to approve an equivalent rise of 4% for homeless properties;
- (4) to approve an equivalent rise of 4% for pitches on the travelling person's site, increasing the weekly rent by £2.33 to £60.66;
- (5) to approve the HRA Budget for 2005/06 as detailed in Appendix 12 to this minute;
- (6) to note the indicative rent rise of 4% in 2006/07 for houses, garages and pitch sites, homeless properties and pitches on the travelling persons site.

(Reference: Report by Director of Regeneration Services of 1 February 2005, submitted).

The Council resolved under Section 50A(4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting for the following item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

Councillors Tom Coll and Gillie Thomson declared an interest in the next item of business and left the meeting.

SC222 STIRLING COUNCIL EMPLOYEE CREDIT UNION LIMITED

In June 2001 the Resources Committee agreed a package of assistance and grant arrangements for the Stirling Council Employee Credit Union for three years spread over four financial years ending in September 2004. A report by the Director of Corporate Services updated the Council on the current staffing situation, clarified the support given to-date and considered the requested support required by the Board of Directors of the Credit Union.

The Director of Corporate Services explained that out of a total of 36 months full-time paid administrative support initially agreed by the Resources Committee, the Credit Union Board had, for whatever reason, only been able to have effective use of this administrative support for approximately 14 months.

The report provided a comparison of the performance of the Credit Union against its original Business Plan and detailed three different scenarios for projecting the growth of the Credit Union up to and including September 2008.

Motion

“The Council agrees to continue the support to the Credit Union for a period of 18 months”.

Moved by Councillor Corrie McChord, seconded by Councillor John Hendry.

Direct Negative

Councillor Pat Greenhill, seconded by Councillor Paul Nelson moved the direct negative.

The vote on the Motion was as follows:-

For	-	10
Against	-	10

Decision

The votes being equal the Provost used his casting vote for the Motion, which was carried by 11 votes to 10 and accordingly the Council agreed to continue the support to the Credit Union for a period of 18 months.

(Reference: Report by Director of Corporate Services of 1 February 2005, submitted).

The Provost declared the Meeting closed at 9.30 pm

Stirling Council Equalities Policy Framework

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Appendix 1 - Key Legislation

Appendix 2 - Equality Action Plan 2004-2007

Appendix 3 - Equalities Impact Assessment (EQIA) process

1 Introduction

1.1 Equality of opportunity is central to Stirling Council's vision for the Stirling Council area and underpins everything that we do.

1.2 The Council's vision for the Stirling Council area is that it will be:

- A good place to live, work or visit, with a clean, safe environment
- An area with a range of good jobs for everyone who wants one and with equal opportunities in education, housing and other services;
- A caring, compassionate community where people are treated with dignity and respect and are provided with services that meet their needs; and
- An area in which people have control and influence over their lives.

1.3 Stirling Council's values are to:

- Make access to the Council as easy as possible, to listen and respond;
- Organise services to meet the needs of citizens and communities, promoting fair shares for all;
- Encourage and enable communities to fully participate in the decision-making process;
- Deliver quality services that are efficient and effective
- Value and develop all employees equally and delegate accountability
- Encourage open communication and working together across services and with other organisations to achieve the best results; and
- Promote the distinctive identity and civic pride of the Stirling Council area.

1.4 The Strategic Aims of Stirling Council are to:

- To promote local democracy and provide community leadership
- To promote social inclusion
- To work towards sustainability
- To promote quality services

1.5 The Council has also adopted a Social Charter that aims to promote individual rights and responsibilities and encourage mutual respect among citizens. Our Social Charter identifies key themes that are critical to social inclusions: access; information; accountability; equality; participation; choice and responsibility. To promote social inclusion we will make sure that citizens' rights and responsibilities and our key themes are central to all of our activities.

1.6 The Vision, Values and Aims of the Council and its Social Charter provide the foundation for the Council's Equal Opportunities Policies.

2 Background

2.1 Stirling Council is both a provider of a wide range of services and a major employer. We have both a legal and moral responsibility to be fair and just in all that we do. We accept that some members of our community may have difficulties in accessing our services or employment and we aim to address this. Each member of our community is entitled to expect fair and equal treatment in all dealings with the Council.

- 2.2 The Council recognises that we have specific responsibilities under EU and UK equal opportunities legislation. We follow the codes of practice which define good practice in the areas of gender and sexual orientation, race, faith and belief and disability as well as anticipating changes in the area of age discrimination legislation. The legal framework for all equalities and diversity issues is given in Appendix 1 of this paper.
- 2.3 As an overarching principle, equality and diversity issues are identified in Schedule 5 of the Scotland Act 1998 as 'the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions, such as religious beliefs or political beliefs'.
- 2.4 However, legislation alone will not bring about the changes in values, attitudes, practices and behaviour which are necessary to achieve a genuine equality of opportunity for all groups including those not currently covered by legislation. The Council's Equalities Framework aims to address this by working towards the removal of inequitable barriers and prejudices and to ensure in practice, that the outcome of delivering services and providing employment is fair and just for all. An Equalities Action Plan (see Appendix 2) has been developed to ensure that progress towards these aims is achieved. This focuses on what we will do in the next three years
- 2.5 The Equalities Policy Framework and the associated action plan has been developed by the Council's Diversity Working Group made up of people from across all services and with JTUC representation.

3 Statement on Equal Opportunities

The Council is committed to equal opportunities in its dealings with the public, community groups, customers, contractors, partners and employees and councillors. The Council's Equalities Policy Framework is given at 4, below.

4 Equalities Policy Framework

- 4.1 The Equalities Policy Framework (EPF) provides the overarching framework for how the Council (both as an organisation and as individuals within that organisation) meets its statutory equal opportunities obligations. The EPF also aims to promote within the Council a culture of respect for all people, irrespective of age, race, religion, gender, sexual orientation, disability or health.
- 4.2 There is a family of equality strategies and policies that sit within the Framework, as follows. These have been already been approved by Council and some of which are in the process of being developed in the equalities action plan (appendix 2):
- Race Equality Scheme (RES) - The RES is a three-year plan setting out how the Council promote race equality, which is subject to regular monitoring, and review;
 - Sexual Harassment Policy – This policy forbids acts of sexual harassment which is the unwanted verbal or physical advances, sexually explicit statements which have the effect of creating an intimidating environment; this is included in the proposed Dignity at Work Policy (see below)

- Racial Harassment Policy - This policy forbids acts of racial harassment, which is the effect of causing physical or emotional harm or mental distress to a person for reasons of racial, ethnic or national origins or for reasons of colour. Examples might be insensitive jokes or pranks of a racial, ethnic or religious nature (this is included in the proposed Dignity at Work policy);
- Dignity at Work Policy - This policy will affirm all employees rights to be treated with dignity and outlines penalties and procedures to address unacceptable behaviour which may contain elements of sexual, racial harassment or other forms of harassment and is currently being developed by a working group for Council adoption;
- Disability policy guidance. The overall purpose of the policy guidance will be to ensure that the council is committed to providing access to and enabling customers and employees with physical and mental disabilities, sensory impairments, learning difficulties and severe medical problems to be treated fairly. The policy guidance aims to comply with the requirements of the Disability Discrimination Act 1995, and the wider expectations of the Council's Equalities Policy Statement (see 4.3-4.9 below);
- RAHMAS Racial Attacks and Harassment Multi-Agency Strategy. This provides a sensitive and supportive service to victims of racially aggravated crimes;
- Maternity and Paternity Provisions - details of the main provisions relating to maternity and paternity leave and pay are included in the appropriate Schemes of National Conditions of Service;
- An Organisational Change Policy has been developed;
- Employment Policy – a working group has been set up to produce this policy;
- Recruitment and Selection policy – a working group has been set up to review this policy;
- Whistle-blowing policy – a working group has been set up to produce this policy at corporate level. The policy 'Empowering Employees' to raise concerns regarding the provision of services to children was adopted by Children's' Committee in February 2001;
- Substance (Drug and Alcohol) – a working group has been set up to produce this policy;
- Equal Opportunities Policy – a working group has been set up to produce this policy;
- Code of Protocol and Conduct - a working group has been set up to produce this policy;
- Absence Management Procedure will be reviewed as a priority in the action plan;
- Cultural Diversity and Religious Observance policy guidelines will be developed

- 4.3 Stirling Council is committed to the elimination of discrimination and promotion of equality of opportunity for all and we will work towards this goal, both in employment and in the provision of services.
- 4.4 The Council is committed to taking effective action to achieve its goal of removing discrimination and inequitable barriers. We will make the best possible use of our existing and potential workforce and resources to ensure that employment opportunities and service provision are bias-free and readily accessible to people with differing needs. In all its activities, the Council will seek to treat all people equally and fairly whether they are:
- seeking employment with the council or are already employees of the council;
 - users of, or potential users of, council services;
 - contracting to supply services or goods to the council;
 - seeking financial or other assistance from the council;
 - the wider community and
 - partner organisations.
- 4.5 The Council will not discriminate directly or indirectly through applying conditions or requirements that cannot be shown to be justifiable.
- 4.6 The Council will make equality of opportunity an integral part of its values, policies and practices and promote equal opportunities in the wider Stirling community.
- 4.7 In pursuit of excellence of service to the customer, the Council will seek to identify where groups or individuals may face particular problems in accessing Council services and consider how services can best respond.
- 4.8 The Council will monitor and review its policies and practices to ensure that its overall intentions are being met.
- 4.9 Achieving this goal will require the full commitment of elected members, the Management Team and employees at all levels. We will also use the Council's influential position to promote equal opportunities in the wider Stirling community. We will make public our practices, the targets we set ourselves and monitor the results of our policy on equal opportunities to judge our progress and allow others to comment.

Aims and objectives

- 4.10 The aim of the Equalities Framework is:
To ensure that no individual receives less favourable treatment on grounds of their gender, sexual orientation, race, disability, age, religion or belief, past criminal offences, trade union membership, political beliefs, marital status or responsibility for dependants in any conditions or requirements. Underpinning this aim are three objectives
- The Council will ensure fair and equal opportunity in all areas of employment, including recruitment and selection, personal assessment, training, promotion and career development of all its employees;
 - The Council will ensure that customers, service users and the wider community of Stirling have equal access to its services and are not discriminated against in any

aspect of its service delivery; and

- The Council meets its obligations under equality legislation in its dealings with the public, employees and potential employees, members and partner agencies.

5 Achieving Equalities in Recruitment and Employment

Background

- 5.1 Stirling Council is committed to being an equal opportunities employer with a diverse workforce. Matters related to employment are decided on the basis of qualifications, merit and business need.
- 5.2 The Council has a legal requirement to adhere to all anti-discrimination legislation which currently includes gender, race, disability, sexual orientation and religion & belief and trade union activity and will continue to incorporate other discrimination legislation into its policies and practices as and when they become law.
- The Council also recognises that there are other reasons, not directly covered by anti-discrimination legislation, which may lead to individuals being discriminated against, including, domestic circumstances, cultural belief, employment status, or because they have AIDS or are HIV positive. The Council aspires to counter discrimination and will work towards not only ensuring that we are compliant in terms of the relevant legislation but also that we are able to reflect and demonstrate best practice in being an equal opportunities employer with a diverse workforce.

Principles and Intentions

- 5.3 The Council is committed to taking all practicable, reasonable steps to prevent, control or guard against discrimination, with no applicant or employee being placed at a disadvantage by requirements or conditions that have a disproportionately adverse effect on his or her group and which cannot be shown to be materially, objectively or legally justifiable.
- 5.4 The Council considers any forms of discrimination which cannot be objectively, materially or legally justified, as well as harassment and victimisation in the workplace as a serious matter. Such claims or complaints of discrimination, harassment or victimisation, will be investigated and dealt with through the appropriate channels. This may lead to disciplinary action, which could lead result in dismissal, being taken against any employee who is the subject of such complaints.
- 5.5 A qualification or requirement applied to a job that restricts applicants can only be used if it is justifiable where there is a genuine occupational requirement.
- 5.6 Where appropriate and reasonable, employees will be given special training and encouragement to achieve equality of opportunity within the organisation.
- 5.7 Each individual will be assessed according to his/her capability to carry out a given job.
- 5.8 The Council works positively to promote opportunities for disadvantaged groups of employees through the relevant agencies.

- 5.9 An individual who is the victim of any form of harassment, intimidation, bullying or discrimination at work can contact their line manager, Human Resources Adviser, Trade Union representative, Code of Conduct Mediators, or the confidential Employee Counselling Service, all of whom can offer appropriate advice and support.
- 5.10 The Council will ensure that the adopted job evaluation process will measure work of equal value to provide equality of pay and conditions across comparative individuals or groups of employees in the Council.

Positive Action

- 5.11 All individuals working on behalf of the Council can demonstrate Positive Action at work in a number of ways by:-
- Co-operating with any initiatives which the Council introduces to ensure that there is equality of opportunity
 - Challenging discrimination
 - Not being involved in acts of discrimination such as refusing to work with disabled people, refusing to accept employees from particular racial groups or by acting against the spirit of the policy in any way
 - Ensuring that the principles of equal opportunity are applied in all dealings with members of the public.
- 5.12 Positive action is demonstrated through the Council's commitment to working in partnership with external specialist agencies.

Support and Guidance

- 5.13 An individual who is the victim of any form of harassment, intimidation, bullying or discrimination at work can contact their line manager, Human Resources Adviser, Trade Union representative, Code of Conduct Mediators, or the confidential Employee Counselling Service, all of whom can offer appropriate advice and support.

Equality Monitoring

- 5.14 Stirling Council has a duty to ensure equality of opportunity in all Council functions and this will be monitored on an ongoing basis.
- 5.15 At recruitment stage, applicants are given the opportunity to supply details of their racial origins, age, gender and any disability on a confidential basis. Analysis of this information will provide the basis for appropriate actions to promote equal opportunity and eliminate unlawful direct and indirect discrimination.

6 Achieving Equalities in Service Delivery and Access to Services

- 6.1 Stirling Council recognises the important role it plays in the community with regard to the delivery of and access to services. We are committed to carrying out our statutory responsibilities and will seek to eliminate all unlawful direct and indirect discrimination.

- 6.2 The Council will seek to ensure that in the delivery of and access to services, no individual or group receives less favourable treatment on the grounds of gender, sexual orientation, race, disability, age, religion or belief or any other reason.
- 6.3 The commitment to equality extends to all of the Council's services and all agencies, organisations and partners delivering any aspect of services on behalf of the Council.
- 6.4 In order to achieve equality in the delivery of and access to services, the Council will
- Monitor practice using equality impact assessments and existing quality assurance procedures
 - Continue to implement employee training and development programmes
 - Publicise the commitment to equality both to employees and the wider community
 - Consult employees and the community to inform and improve on the delivery of services
 - Promote good practice with its partners in the public, private and voluntary sector.
- 6.5 The Council will not tolerate any breach of this commitment to equality by any employee, elected member, contractor or other agent working or delivering services on its behalf. Disciplinary action will be taken for non-compliance.
- 6.6 The Council will encourage anyone experiencing any form of unlawful or unfair treatment or with a concern regarding inequality in service delivery to report this, for example via *Talkback*.
- 6.7 We will review our functions and services on a planned programme basis to identify whether or not they have an impact on equalities. The equality impact assessment process outlined in Appendix 3 will identify where we need to take action to improve our service delivery. This process will be linked to other work on improving services such as Best Value and Community Planning.

7 Achieving Equalities in Commissioning and Procurement of Services

7. Commissioning and procurement of services from third parties is a key role for local authorities. Such 'arms length' approach to service provision does not however reduce the Council's legal duty to ensure that all services (whether provided in-house or externally) meet both legal requirements on equalities and diversity issues and also the Council own specific aims and objectives.
- 7.2 The Council's revision of its Corporate Procurement Strategy will highlight equality and diversity objectives, taking legal and best practice requirements into consideration. This has been included in the Equalities Framework Action Plan.
- 7.3 A standard equality clause has been placed in all Stirling Council contracts for some time. This has been reviewed and approved by Legal Services and the council's external solicitors, Dundas & Wilson. It will be subject to regular review as new equalities legislation comes into place and is also in the Equalities Framework Action Plan.

- 7.4 The equality clause is in every tender pack where Corporate Procurement either issues or is directly involved in the tender process. During the tender process, potential providers of goods or services to the Council are required to provide evidence of their equal opportunities policy (a full copy must be provided and will be considered as part of the decision making process in awarding a tender). In particular, Corporate Procurement is looking for evidence that companies are compliant with all relevant equality law. Corporate Services will work to ensure that this clause is part of Council contracts not awarded through Corporate Procurement and this has been identified in the Equalities Framework Action Plan.
- 7.5 Corporate Procurement will be taking forward arrangements over the next year to enhance the routine monitoring of contracts through contract management processes. In particular, an annual review of service providers' Equal Opportunities policies and practices will be undertaken as part of the Action Plan.
- 7.6 It should be noted however that the EU Procurement Directives do set clear criteria for contract awards and it would not therefore be possible to seek to enhance the opportunities for particular minority groups within that process. The Directives are not a barrier to equality, but do set clear controls for award of tenders. Within that context, Corporate Procurement will set up a website page on the council internet site, advising people on completion of tender documents, access to information, advertising etc of tenders. The web-page will emphasise that the Council values diversity and will promote equal opportunity. It is anticipated that this may encourage currently under represented groups to tender for Council business. Tender applications can be monitored and the process reviewed in that context at the end of year one.

8 Achieving Equalities in Partnership Working

- 8.1 Stirling Council recognises that working in partnership with other agencies and with the Stirling community can enhance service delivery and improve working relationships. Partnership working also promotes a better understanding of the roles and contributions of respective partners in making Stirling a better place in which to live and work.
- 8.2 Stirling Council works closely with local partners on a range of issues with clear and demonstrable benefits for the Stirling community.
- 8.3 The Council is committed to ensuring that actions carried out in partnership with other agencies which may therefore be out-with the Council's direct managerial and other decision-making processes are nevertheless still subject to the same rigorous equality standards which the Council places on itself.
- 8.4 This commitment is not only in relation to access to information around what partnership working is being carried out on or on behalf of the Council. It also applies also in terms of who is representing the Council at such fora and how information is relayed back to the Council and the wider Stirling Community and forms an integral part of our governance obligations.

- 8.5 The Local Government in Scotland Act 2003 places an explicit duty on Community Planning Partnerships to encourage, mainstream and monitor partners' progress in terms of equal opportunities. Working within the Community Planning Partnership Lifelong Learning and Citizenship Group's Equalities Sub-Group forms part of the equalities action plan accompanying this paper. Likewise, the Council has an opportunity to scrutinise and comment on partners' equalities action plans and processes in the context of community planning.
- 8.6 Local partners with whom the Council is involved in promoting and improving equal opportunities include the following (this list is not intended to be exhaustive):
- Community Planning Partnership
 - NHS Fair For All Development Group
 - RAHMAS group
 - Central Scotland Race Equality Council
 - Council for Disabilities Stirling
 - Central Scotland Police
 - Falkirk College
 - Forth Valley Health Board
 - Stirling University
 - Clackmannan College
 - CVS Stirling

9 Responsibility for the Policy

- 9.1 Due to the importance of the equality agenda, and the statutory responsibilities highlighted in Appendix 1 of this paper, both the Leader of the Council and the Chief Executive have responsibility for leading on the implementation of the Equalities Policy Framework.
- 9.1 Service Directors and service management teams will be responsible for implementing the policy framework in their area of activity and ensuring all staff act in accordance with the policies it contains and that adequate monitoring arrangements are in place.
- 9.2 The Head of Strategy and Governance in conjunction with the corporate Diversity Working Group will be responsible for overall co-ordination, advice and monitoring and for ensuring consistency across the council in service delivery and employment practice and monitoring the implementation of practices and procedures.
- 9.3 Each elected member and employee has a personal responsibility for ensuring that his or her behaviour complies with the terms of all equal opportunities policies. It is the responsibility of all employees to ensure that the council's policies and procedures relating to equal opportunities in employment are followed and that they themselves do not discriminate in any way against fellow employees or job applicants.
- 9.4 All employees and members should be aware that acts of deliberate discrimination and wilful disregard of equal opportunity policies will be treated as disciplinary offences.

- 9.5 Those carrying out work or delivering services on behalf of the Council are also required to demonstrate their commitment to equal opportunities (see sections 6 and 7 above).
- 9.6 The Council also recognises that it has a responsibility to ensure provision of effective training and awareness of equalities policy and practice for all employees and members (see 12 below).
- 9.7 In terms of implementation, the aims and objectives of the Equalities Policy Framework can only be met if backed by specific actions designed to achieve them (see action plan at appendix 2). The implementation of this policy framework is the responsibility of all those within the Council. It is recognised however, that those working at a management level have a specific duty to set the standard and be an example of good practice. Further details on the implementation of the framework are given at section 12.3 below.

10 Performance Monitoring and Evaluation

- 10.1 The Council recognises that monitoring is essential to form a picture of what is happening in terms of employment and service delivery and to evaluate how successful the Equalities Framework is, in practice, in achieving its aims and objectives.
- 10.2 In order for monitoring to be carried out, we will keep records of ethnic origin, gender and any impairment covering both existing employees and job applicants, for the take up of training opportunities and for the number and nature of reported grievances and disciplinary actions.
- 10.3 The Council will develop policies, guidelines and procedures and we will monitor their effectiveness to ensure that all recruitment and selection undertaken is fair and equal. Records will be made during recruitment and selection to all posts, which will demonstrate that the process has been objective and free from bias. This forms a key part of our Equalities Framework Action Plan (appendix 2).
- 10.4 Further analysis on the availability of relevant data regarding the users of Council services will be considered as part of the equality impact assessment (EQIA) process (see appendix 3). The results of the EQIA will highlight where further data collection may be required.
- 10.5 The Chief Executive as assisted by the corporate Diversity Working Group, will have responsibility for ensuring that the standards and targets are being met and will produce an annual report on progress on implementation of the Equalities Framework Action Plan.
- 10.6 The Council will continue to improve and develop procedures that enable service users, job applicants and employees to raise a complaint or grievance if they believe they have been unfairly treated. Those raising such complaints will be entitled to expect the Council to deal with them promptly and effectively.
- 10.7 The monitoring and EQIA process may in some cases lead to proposals for changes to the policy /function , associated practices or the way in which it is implemented. Such changes will take place within the framework established for consultation.

11 Diversity Working Group

- 11.1 The Council has established an internal Diversity Working Group chaired by the Head of Strategy and Governance to oversee the development and implementation of the Equalities Policy Framework and action plan. It brings together staff from all services and has trade union representation.
- 11.2 The Diversity Working Group works on behalf of the Corporate Management Team, responsible for delivering on the Council's commitment to make the best possible use of existing and potential workforce and resources to ensure that employment opportunities and service provision are bias-free and readily accessible to people with differing needs. The Diversity Working Group meets regularly.
- 11.3 The Diversity Working Group will ensure that the Council continually works towards best equalities practice, and that we learn and share best practice of others.
- 11.4 On a day-to-day basis, co-ordination of equalities issues rests with the Head of Strategy and Governance. All services will be required to ensure that they adhere to the Equalities Policy Framework and participate in the ongoing implementation, monitoring and review procedures as corporate planning, legislative and other changes require.

12 Consultation , Awareness Raising and Implementation

Consultation

- 12.1 Receiving feedback about what we do and how well we are doing is essential to continuously improve services. The Council recognises that when planning and formulating new policies and procedures it will be important for the council to consult in order to assess their likely impact on the community as a whole.
- 12.2 Also, to ensure that both existing and new policies are robust in terms of meeting our equal opportunities obligations and aspirations, they will undergo an 'equality impact assessment' (EQIA - see appendix 3). This will effectively check that policies are 'equality-proofed' and where this is found not to be the case, appropriate action will be taken to achieve this. It is proposed that an initial pilot of the EQIA process is undertaken prior to its future roll-out as a planned programme for EQIAs. The planned programme will be developed as part of the Equalities Framework Action Plan. The EQIA will also become part of the process for establishing new Council policies.
- 12.3 The Council will continue to work alongside representative community groups and partners to explore their experience of using local services including any examples of prejudice, discrimination or harassment.
- 12.4 The Council will consult with trade unions with regards to its policies and practices. Trade unions will be involved in the design, planning and implementation of workplace projects.
- 12.5 There will continue to be full discussion with the trade unions on any new management systems or restructuring of any services. Changes to working practices required to improve services will be subject to negotiation through established procedures.

Awareness Raising

- 12.6 The Council will also develop an equal opportunities awareness-raising learning and development programme to ensure that all employees and members are aware of their own and the Council's roles and responsibilities to adhere to the Council's equal opportunities policies. This will be a priority under the Equalities Framework Action Plan.
- 12.7 The Awareness Raising strategy will ensure that all employees:
- Understand the objectives of the strategy and the values that underpin it
 - Build equality into their day to day work
 - Highlight good practice where they see it
 - Draw their line manager's attention to any instances of apparent discrimination, poor practices or weaknesses in the policy framework that they come across.
- 12.8 Managers and members have specific responsibility for:
- Helping staff to understand how the strategy will affect them
 - Making sure staff get the support they need to fulfil their responsibilities under the strategy
 - Dealing appropriately with problems or other issues their staff flag up to them
 - Setting the best possible example for their teams; and
 - Ensuring the appropriate parts of the action plan are implemented

Implementation

- 12.9 The Diversity Working Group is responsible on behalf of Council and Management Team for leading the development of the equalities policy framework, rolling it out across the organisation, monitoring our progress against the action plan and working with others to review the strategy on a regular basis. Each member of the group is responsible for promoting the framework within their own part of the organisation.
- 12.10 The Council's Corporate Management Team is responsible for agreeing and signing off the framework and recommending its approval for adoption by Council. We all have a responsibility to ensure that the framework and its principles underpin all aspects of our work.
- 12.11 The Chief Executive is responsible for developing an organisational culture in which the framework can be effectively implemented and to ensure that it is implemented by means of the action plan and reviewed, monitored and developed on a regular basis.
- 12.12 The Corporate Management Team is responsible for making the framework operational – collectively and as individuals within their own services.
- 12.13 The Council is responsible for ensuring that we have done what we set out to achieve and will ensure that it is reported upon and reviewed every year.

Legal Framework – Appendix 1

Equal Pay Act 1970 (amended 1984) - unlawful to pay one gender less than the other if the work being carried out by both employees is 'like' work or regarded as equivalent.

The Sex Discrimination Act 1975 (amended 1986) - it is unlawful to discriminate against a person in relation to employment on grounds of gender or marital status.

The Race Relations Act 1976 and Race Relations Amendment Act 2000 - this Act makes it unlawful to discriminate against a person in relation to employment and service delivery on grounds of race, colour, ethnic origin, nationality or national origin.

Rehabilitation of Offenders Act 1974 – this Act laid down the rehabilitation periods for when a sentence is regarded as spent. There are some council posts for which applicants must always declare a conviction, even though it is 'spent'.

Disability Discrimination Act (1995) – this makes it unlawful to discriminate against a person on the grounds of disability (as defined by the Act) in all areas of employment practice.

The Scotland Act (1998) – provides a wide-ranging definition of equality applicable to Scotland.

Human Rights Act 1998 - incorporated the European Convention on Human Rights into domestic law – applicable to all public bodies.

EU Employment Directive, including Employment Equality (Sexual Orientation) Regulations 2003

Employment Equality (Religion or Belief) Regulations 2003 – lays down a general framework for combating discrimination on the grounds of religion or belief, disability, age and sexual orientation.

Plus other appropriate EU legislation e.g. on working time and public procurement, as a framework for action to support equality objectives and general Local Government Legislation (eg Local Government in Scotland Act 2003) which places a duty on local authorities to promote equality in terms of achieving Best Value.

This action plan will support the Council to meet its statutory obligations and forms an integral part of our Equality Policy Framework. The Action Plan takes account of best practice codes from the various equality commissions: the Commission for Racial Equality, the Disability Rights Commission, the Equal Opportunities Commission and the Scottish Executive. This action plan sets out the necessary actions the Council needs to undertake in the period 2005-2007. The action plan will eventually be integrated with our Race Equality Scheme action plan.

Rationale for the Action Plan

To demonstrate that the Council is addressing:

- equality action planning and equality target setting within all service areas;
- the development of systematic equalities consultation processes;
- the development of fair employment and pay policies;
- the implementation of a planned programme of equalities impact assessments;
- monitoring progress on equalities and diversity issues as required by statute;
- audit and scrutiny requirements as required by statute.

Through:

- the creation and review of an equalities impact assessment process;
- consultation with designated community, staff and stakeholder groups;
- engagement in the development of information and monitoring systems;
- engagement in an equality action planning process for employment, pay and service delivery;
- developing a system of self-assessment, scrutiny and audit;
- reporting on action plan progress on a regular basis.

The Action Plan process will demonstrate (eventually) that the Council:

- has completed a full and systematic consultation process with designated community, staff and stakeholder groups;
- has set equality objectives for employment, pay and service delivery based on impact and needs/requirements assessment and consultation which will cross-refer to the Race Equality Scheme;
- has set equality objectives that have been translated into action plans with specific targets;
- is developing information and monitoring systems that allow it to assess progress in achieving targets;
- is taking action on achieving targets.

Strategic Framework

Theme	Outcomes	Action	By When	Responsibility	Progress to date
Equality Impact Assessments (section 6 of EPF)	Development and delivery of an EQIA process	<ul style="list-style-type: none"> Prepare a workable methodology for the assessment of all the Council's policies and functions and agree a timetable Develop an Equality Impact Assessment (EQIA) to pilot Prepare training package and briefing session for pilot EQIA assessors Pilot the methodology initially on Housing Allocation policy and RAHMAS policy Report on pilot EQIAs to CMT Review and revise EQIA and roll out programme 	<ul style="list-style-type: none"> Ongoing as part of policy audit process February 2005 February 2005 April - June 2005 September 2005 Annual report to Council on Equality Action Plan Dec 2005 	<ul style="list-style-type: none"> DWG/Strategy & Governance DWG/services DWG/services Appropriate Services with DWG support Services/DWG Appropriate services with DWG support 	<ul style="list-style-type: none"> Policy Audit begun July 2004 Draft developed
Consultation & Awareness-Raising of Equalities Policy Framework (Section 12 of EPF)	Development and delivery of a consultation & awareness-raising strategy for the Equalities Framework	<ul style="list-style-type: none"> Agree the Council's consultation & awareness raising strategy for equalities policy framework & ensure that it tackles equality issues showing evidence of consultation with appropriate community groups, staff & stakeholders Undertake ongoing consultation & awareness raising strategy 	<ul style="list-style-type: none"> March 2005 To commence April 2005 	<ul style="list-style-type: none"> DWG/corporate tripartite DWG / Learning & Development 	<ul style="list-style-type: none"> Ongoing Ongoing
Procurement & Commissioning of Services (Section 7 of EPF)	Development and delivery of a corporate procurement strategy with clear equalities objectives	<ul style="list-style-type: none"> Ensure that the Council's corporate procurement strategy contain equality objectives Review standard equality clause for all authority contracts and roll out to all contracts Establish monitoring of contracts to secure equal employment & equal service delivery targets Provide website information on equalities objectives in Council contract award process as part of tender application package 	<ul style="list-style-type: none"> March 2005 completion of new Corporate Procurement Strategy Ongoing November 2005 To be determined 	<ul style="list-style-type: none"> Corporate Procurement All Services Corporate Procurement Corporate Procurement 	
Best Value (Section 6 of EPF)	Development and implementation of an equalities action plan	<ul style="list-style-type: none"> Develop Equality Action Plan Progress report on all equality performance indicators in review of Equality Action Plan 	<ul style="list-style-type: none"> February 2005 February 2006 & annually thereafter 	<ul style="list-style-type: none"> DWG DWG 	<ul style="list-style-type: none"> Council Feb 2005

Theme	Outcomes	Action	By When	Responsibility	Progress to date
Partnership Working (Section 8 of EPF)	To foster equalities in partnership working	<ul style="list-style-type: none"> Ensure Council's partnership working continues to promote equal opportunities To facilitate provision of equalities training opportunities for partners where this is deemed necessary 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> All services DWG 	<ul style="list-style-type: none"> Ongoing Ongoing
Community Plan (Section 8 of EPF)	To foster equalities in Community Planning partnership working	<ul style="list-style-type: none"> Ensure that the Stirling Community Planning Partnership continues to make equalities a central theme in the development of the community plan 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> Strategy & Governance (S&G) 	<ul style="list-style-type: none"> Ongoing

Service Planning and Delivery

Theme	Outcomes	Action	By When	Responsibility	Progress to date
Employment & Recruitment	A recruitment & selection process with clear equalities principles	<ul style="list-style-type: none"> Adopt recruitment procedures that use non-discriminatory practices including how vacancies, application forms and job descriptions are written and publicised Report on numbers of staff, by race, gender and disability leaving the Council and establish reasons why through re-established exit interview process Implement a programme for the adoption of a fair employment and equal pay policy (Single Status) Commission a biennial staff survey Review all HR policies and procedures to ensure consistency with current legislation and employment codes of practice 	<ul style="list-style-type: none"> Ongoing March 2005 April 2005 Biennial Ongoing 	<ul style="list-style-type: none"> Human Resources (HR) HR HR HR HR 	<ul style="list-style-type: none"> Ongoing Ongoing
Service Planning (Section 10 of EPF)	Achieving equalities in service planning	<ul style="list-style-type: none"> Each service to identify equality indicators as part of service planning process Each service to review equality process and procedures Assess impact of EU Age Discrimination Directive (proposed for 2006) and ensure Council's policies and processes comply 	<ul style="list-style-type: none"> January 2006 Ongoing as part of policy audit & equalities impact assessment process September 2005 	<ul style="list-style-type: none"> Service Directors Appropriate services aided by DWG DWG on behalf of Service 	<ul style="list-style-type: none"> Ongoing Policy Audit begun Jul 04 / draft EQIA

Theme	Outcomes	Action	By When	Responsibility	Progress to date
		<ul style="list-style-type: none"> Each division to prepare an equality action plan which will include equality targets, objectives and PIs as part of 2006/07 service planning process and annually thereafter 	<ul style="list-style-type: none"> January 2006& annually thereafter 	<ul style="list-style-type: none"> Directors Services Directors 	
Monitoring Impact (Section 6 of EPF)	Enhanced provision of Equalities data/information	<ul style="list-style-type: none"> Research and assess demographic data on community groups and defined stakeholders 	<ul style="list-style-type: none"> Ongoing as part of EQIA process 	<ul style="list-style-type: none"> Appropriate Services 	
Corporate Policy Development (Section 4.2)	Development, implementation and delivery of corporate Equalities policies	<ul style="list-style-type: none"> Monitor and Review Race Equality Scheme Review Absence Management procedure Produce Dignity at Work Policy Produce Employment Policy Review Recruitment and Selection Policy Produce Whistleblowing Policy Produce Substance (Drug and Alcohol) Policy Produce Equal Opportunities Policy Produce Code of Protocol and Conduct Produce Cultural Diversity and Religious Observance Policy Guidance 	<ul style="list-style-type: none"> Ongoing June 2005 March 2005 March 2005 June 2005 March 2005 March 2005 February 2005 February 2005 June 2005 	<ul style="list-style-type: none"> S&G HR HR HR HR HR HR HR HR S&G 	<ul style="list-style-type: none"> Review mechanism set up Internal Audit review complete Working groups set up to produce/review all corporate policies
Training Policy (Section 5)	To develop an Equalities learning & development plan for employees and members	<ul style="list-style-type: none"> Ensure the corporate training plan includes a programme of equality training from employees and members Deliver equalities training for members on their duties and responsibilities Deliver equality training for all Council staff – also as part of induction training for new staff Intranet Diversity Training Package roll out to all staff 	<ul style="list-style-type: none"> To be determined To be determined February 2005 To be determined 	<ul style="list-style-type: none"> OD&I OD&I OD&I OD&I 	<ul style="list-style-type: none"> Ongoing

Appendix 3: Equalities Impact Assessment (EQIA) process

- 1.1 A framework for guiding policy formulation within Stirling Council is required to ensure that the potential equality impacts of proposals are systematically identified, assessed and taken into account,. This will ensure compliance with the Race Relations (Amendment) Act which requires the Council to have “arrangements for assessing the likely impact of any proposed policy or policy change before its adopted”.
- 1.2 Although the legal context of the RRA (Amendment) Act covers race equality, in keeping with Stirling Council’s generic approach to equal opportunities and diversity, the equalities impact assessment tool has been designed to cover more than race but also gender, disability, age, faith, health and sexuality.
- 1.3 Falkirk Council has produced an Equality Impact Assessment (EQIA) tool which has been offered to Stirling Council to adapt for our own purposes. This proposes a 2-stage approach: initial and full assessment.
- 1.4 The EQIA has been designed to ensure that we are taking into consideration and – where reasonable - meeting the needs of individuals from all parts of society within the context of the current legislative framework (see Appendix 1).
- 1.5 The purpose of the EQIA is to improve the way in which the Council develops its policies and functions by making sure that there is no discrimination in the way that they are developed, designed or delivered and that, wherever possible, equality is promoted. The EQIA focuses on assessing and recording the likely equalities impact of any policy or function. As well as assessing the impact on any groups, known as equality target groups, listed below:
 - Women and Men
 - Black and Minority Ethnic People
 - Children and Young People
 - Older People
 - Disabled People
 - Lesbians
 - Gay Men
 - TransGender people
 - Bisexuals
 - People from specific faith and religious backgrounds
- 1.6 In line with the legislative framework and current good practice the Council has defined equality strands as:
 - Gender
 - Race/ethnicity
 - Disability
 - Age
 - Religion/Faith
 - Sexual Orientation
 - Health

- 1.7 An EQIA will eventually be carried out on:
- All new/reviewed policies and strategies
 - All existing policies and strategies
 - All service plans
 - All best value reviews/service design processes
 - All area of relevance to the duty to promote equal opportunities
 - And are primary high level functions
- 1.8 EQIAs are designed to be a positive but challenging process. It is not an exact science and a common sense approach is required. All plans should include the time for changes to a project, strategy or policy as identified by the EQIA. The aim should be to take the perspective of someone outside of the organisation/project, such as a member of the public, when carrying out an EQIA. The EQIA should be undertaken in partnership with stakeholders and is likely to take some time to achieve.
- 1.9 Completing the EQIA is similar to undertaking a risk assessment. It involves predicting and assessing what the implications of a policy or function or strategy will be on a wider range of people with different and varied life circumstances. This can be a difficult thing to do and it is best done with the involvement, support and advice of staff in the project, divisions, etc., and partner organisations. Completing the EQIA form with a colleague, who can provide a different perspective, will help.
- 1.10 It is particularly important that service managers understand that they have a **legal duty** to assess the impact of the strategy, policy or service on black and minority ethnic communities and to consider the promotion of race equality and the elimination of race discrimination.
- 1.11 If the likely impact on different equality target groups is not known, then action needs to be taken to acquire that information.
- 1.12 The best way to find out if a policy or service is likely to impact negatively or positively on equality target groups is to find out if research or data already exists or to directly consult representatives of those groups or relevant specialist organisations.
- 1.13 As there is likely to be a shortage of relevant data and research in the short-term it is essential that those undertaking the EQIA consider both empirical and action research based on engagement with communities and individuals.
- 1.14 This broad-based approach to research and data collection will enable managers to assess likely impact and identify whether further research is required. It is hoped that this approach will also foster the principles of community planning.
- 1.15 For a large or significant piece of work you should allow for the cost of assessing the project in the budget. For example it may be appropriate to pay for a consultant or representative of a voluntary sector organisation to carry out the EQIA with you or support the process.
- 1.16 For a partnership policy, strategy or function, the need to undertake the EQIA remains. The need to undertake an impact assessment must be discussed as part of the development of the partnership agreement.

1.17 Following the completion of the EQIA, the manager responsible should outline any changes required to the policy/strategy/project and other actions required. The need for a change in the methods used to collect or obtain data on certain issues could be one such action (such as commissioning research or carrying out monitoring).

1.18 Those who are responsible for developing or revising policy proposals will carry out the impact assessment. The Guide will enable them to do this in a more thorough, consistent and systematic way that conforms to a corporate standard.

2 The EQIA

2.1 The EQIA provides a practical tool for ensuring that prior to implementation any policy or function proposal or revision takes into account and addresses potential impacts on disadvantaged groups. This will enable the Council to ensure:

- Disadvantaged groups are not further disadvantaged by any new policy or policy change;
- The concerns of those likely to be affected by a proposal are obtained and the Council submits it for adoption;
- Disadvantaged groups receive feedback on how their concerns have been addressed.
- Adherence to the Council's Race Equality Scheme and compliance with the Race Relations (Amendment) Act 2000.

2.2 Stage 1 - is an assessment of existing and new policies and/or service functions. The purpose of this stage is to allow you to define the aims of the policy by addressing specific questions. Stage 1 is extremely important, as the answers from the specific questions will form the basis for undertaking full Equality Impact Assessment (EQIA). Therefore, it is important to spend adequate time on this stage.

- What is the policy/function?
- What is the aim, or purpose of the policy/function?
- Are there associated objectives of the policy/function? If so, what are they?
- What are the current priorities associated with this policy/function?
- Who defines or defined the policy/function?
- Who implements the policy/function?
- What outcomes do we want to achieve with this policy/function and for whom?
- Who are the main stakeholders in relation to this policy/function?
- What outcomes would other stakeholders want from this policy/function?
- Could this policy/function or aspect of this policy/function contribute to inequality. eg. language, access, location?
- How do other questions meet or hinder other policies or functions?
- How does the Council engage with stakeholders in relation to implementing this policy/function?
- Are there groups who should benefit from this policy/function, but don't?

- 2.3 In order to ensure compliance with legislation it is recommended that the following 8 steps are considered for a full equality assessment:
- Identifying the aims of the policy and how it will work
 - Examining the relevant data
 - Assessing the likely impact on race equality
 - Considering other ways of achieving the same policy goals
 - Consulting
 - Decision making
 - Monitoring and review
 - Publishing the results of your assessment
- 2.4 Possible additional questions include:
- Is there any evidence that different groups have different needs, experience, issues and priorities in relation to this policy/function?
 - Does the policy/function provide an opportunity to promote equality more effectively either within the organisation or in the wider community?
 - What links are there with other authorities policies/functions in this area (especially with Community Planning Partner organisations)?
- 2.5 Identify as far as possible how the policy is likely to affect people, especially the disadvantaged groups who are the subject of equalities measures, for example, women, ethnic minorities and people with disability.
- 2.6 The purpose of this stage is to evaluate the policy alongside the need to promote equal access to services. Mainstreaming equality aims to change organisational cultures so that an equalities perspective becomes an integral part of all aspects and processes of policy making, service design, service delivery, evaluation and reporting.
- 2.7 In particular, establish if the policy proposal is likely to:
- Increase inequality by increasing barriers to access and thereby impacting adversely on those already disadvantaged;
 - Reduce inequality by reducing barriers to access and thereby benefit the already disadvantaged;
 - Leave the balance of opportunity unchanged, in which case, potentially, the proposal may produce no benefit to the already disadvantaged.
- 2.8 As at the evaluation stage, the conclusions reached should be supported by evidence. These could derive from:
- Studies and experiences from authorities where a similar policy has been in operation;
 - Results of relevant consultations, surveys etc, about the policy proposal i.e. how people think it will affect them.

3 Consultation

- 3.1 Consultation with those who are likely to be affected by the policy proposal is necessary, alongside ensuring that the views of minority groups are maintained. This is a key part of the impact assessment, and is an opportunity to obtain feedback on the proposed policy. The findings should have at least some influence on the decision making process: record the concerns from the consultations and amend the proposal accordingly.

- 3.2 Feedback the results of the consultations to those you consulted with and the proposal you have made as a result of the consultations.
- 3.3 Note that consultation is not considered complete until three elements above have been completed, ie. **consult, take account of the result, give feedback.**
- 4 Management of the proposal following its implementation
- 4.1 It is also important to monitor the actual impact of the policy proposal, after it has become policy, on the groups covered by the framework. Include a provision about how this will be achieved, where the information will be reported and how resultant information will be used to take any action needed to remedy any adverse effects on any groups.
- 4.2 There should be supporting evidence provided to support findings and these could come from a number of sources including:
- Data from equalities monitoring of existing policy
 - Results of relevant recent consultations, surveys, etc., about the impact of existing policy. It is critical that the views of disadvantaged minority groups are obtained and form part of the evaluation;
 - Outcomes and experiences from elsewhere, preferably authorities with similar characteristics to Stirling Council, and where similar policy has been operated.

5 Positive Action

- 5.1 Where a proposal is likely to increase barriers to some groups, there is an duty under the Race Relations (Amendment) Act to make immediate changes in order to deal with this prospect, for example, through specific action aimed at removing or significantly reducing the potentially adverse effects on those groups.
- 5.2 In certain circumstances the RRA allows for positive action to overcome racial inequality. The Act allows you to:
- Provide facilities or services to meet the particular needs of people from different racial groups;
 - Target job training at those racial groups that are under-represented in a particular area of work;
 - Encourage applications from racial groups that are under-represented in particular areas of work.

6 Assessment Checklist

- 6.1 A checklist has been produced to help policy authors check that they have complied with this Guide. This process involves simply applying the checklist to each policy or policy proposal. After the Checklist has been completed, the senior officer who is authorising the report should check and be satisfied that the proposal has been proofed against this Checklist before signing the report. The information supplied in the Checklist should be used to write an equality summary of the report, (which in effect will be an Impact Assessment report).
- 6.2 A copy of the report should be kept as evidence that the proposal has been equalities proofed. This information should be retained for audit purposes.

6.3 The checklist process can be summarised as follows:

- Report author completes and signs the Checklist
- Report author provides an equalities summary in the report
- The person authorising the report checks that the Checklist has been applied
- Report signed off by authorising person

Initial Screening Pro forma for Equality Impact Assessment

Names of Officers involved in Review		Date of Initial Screening		Contact Officer:	
Policy or Function to be assessed				Is this a new or existing function or policy?	
1. Describe the aim, objective or purpose of the policy or service function					
2. Are there any associated objectives of the policy? If so what are they?					
3. What are the current priorities associated with this policy/function?					
4. Who defines or defined this policy/function? E.g is it a statutory duty?					
5. Who is responsible for implementation of this policy/function? Specify service/team as appropriate.					

6. What outcomes are wanted from this policy/function?							
7. Who are the main stakeholders in relation to this policy/function? (e.g clients/customers/partners)							
8. What outcomes do stakeholders want from this policy/function?							
9. Are there any concerns that the policy/function could have a differential impact in terms of equality for specific groups? If yes please indicated what your concerns are for each group.	Race / Ethnicity	Disability	Gender	Sexual Orientation	Faith / Religion	Age	Health
10. Indicate what baseline data/information is available. Specify data source. Is this available for all equality groups?							
.11.Are there any groups which might be expected to benefit from the intended outcomes but which do not? Please specify.							

<p>12. Do your answers reveal there is potential adverse impact of this policy/function? Please specify.</p>							
<p>13. Can this adverse impact be justified on the grounds of promoting equality for one group, or any other reason? Please specify.</p>							
<p>14. What number of people may be affected or impacted upon by the implementation of the policy? Identify source of data where available.</p>							
<p>15. Are key elements of peoples lives affected by this policy/function? i.e. finance, accommodation, welfare, learning</p>							
<p>16. Should this policy/function proceed to a full Impact Assessment?</p>	<p>YES</p>	<p>NO</p>					

Glossary of Terms

Adverse impact

Significant differences in patterns of representation or outcomes between racial groups; the difference amounts to a detriment for one or more racial groups

Consultation

Asking for views on policies or services from staff, colleagues, services-users, or the general public. Different circumstances call for different types of consultation. For example, consultation includes public meetings, focus groups, surveys and questionnaires, meeting with experts and so on.

Differential impact

Significant differences in representation or outcomes between different racial groups; but not necessarily differences that amount to a detriment for any racial group.

Direct discrimination

Direct discrimination occurs where an individual or a group is treated less favourably than another on racial grounds. This form of discrimination does not necessarily have to be conscious for it to be unlawful.

Due regard / proportionality

This means that the weight authorities give to race equality should be proportionate to its relevance to race equality. In practice this approach means giving greater consideration and resources to functions and policies that have most effect on the public, or on the authority's employees.

Ethnic monitoring

A process for collecting, storing and analysing data about individuals' ethnic (or racial) background and linking this data and analysis with planning and implementing policies.

Focus group

Focus group research involves organised discussion with a selected group of individuals to gain information about their views and experiences of a topic. Focus group interviewing is particularly suited for obtaining several perspectives about same topic.

Indirect discrimination

The application of a provision, criteria or practice that disadvantages members of a particular group and cannot be justified on non-racial grounds.

Quantitative data

Statistical information in a form of numbers normally derived from with a population in general or samples of that population. This data is often analysed by using descriptive statistics, which consider general profiles, distributions and trends in the data, or inferential statistics, which are used to determine significant differences within relationships in the data.

Qualitative data

Information collated about the experience of individuals from their own perspectives, usually with less emphasis given to statistical data.

Reliable/valid data

Reliable data is consistent information which records the same results on repeated occasions.

Relevance

This refers to the fact that race equality will be relevant to some public functions than others. Relevance is about how far a function or policy affects people, as members of the public, and as employees of the authority.

For example quantitative data may not always capture the impact of a policy on different racial groups. Likewise qualitative data obtained from consultation meetings may not always be representative of all racial groups.

Those who are responsible for the originating or revision of policy, proposals, will carry out the impact assessment. The Guide will enable them to do this in a more thorough, consistent and systematic way that conforms to a corporate standard.

STIRLING COUNCIL

EQUAL OPPORTUNITIES in EMPLOYMENT POLICY

1. POLICY STATEMENT

- 1.1 Stirling Council is committed to being an equal opportunities employer with a diverse workforce. Matters related to employment are decided on the basis of qualifications, merit and business need.
- 1.2 The Council has a legal requirement to adhere to all anti-discrimination legislation, which currently includes gender, race, disability, sexual orientation and religion and belief and trade union activity, and will continue to incorporate other discrimination legislation into its policies and practices as and when they become law.
- 1.3 The Council also recognises that there are other reasons, not directly covered by anti-discrimination legislation, which may lead to individuals being unfairly treated including, domestic circumstances, cultural belief, employment status, or because they have Aids or are HIV positive. The Council's aspires to counter unfair treatment and will work towards not only ensuring that we are compliant in terms of the relevant legislation but also that we are able to reflect and demonstrate best practice in being an equal opportunities employer with a diverse workforce.

If you wish to review any of the associated policies that are referred to in this policy and do not have intranet access, please contact your line manager or Service HR team.

2. PRINCIPLES

- 2.1 The Council is committed to taking all practicable, reasonable steps to prevent, control or guard against discrimination with no applicant or employee being placed at a disadvantage by requirements or conditions that have a disproportionately adverse effect on his or her group and which cannot be shown to be materially, objectively or legally justifiable.
- 2.2 This policy has been developed within the framework of Stirling Council's overarching Equalities Policy Framework and aims to ensure that no group or individual is unfairly excluded or disadvantaged in terms of employment practice, including recruitment, selection or development.
- 2.3 The Council is committed to ensuring that employees or potential employees who are disabled, or who become disabled whilst employed by us, are properly supported and given opportunities to maintain employment and seek development equally in so far as it is reasonably possible to do so.

3. SCOPE AND IMPLEMENTATION

- 3.1 This policy covers all employees employed under a contract of service with Stirling Council, Elected Members, trade union representatives, and any other persons acting in the name of Stirling Council.

- 3.2 During the procurement of contractors and consultants, Corporate Procurement asks applicants to submit evidence of their Equal Opportunities Policy. Furthermore, contained within the conditions of their contracts with the Council, is a specific section on Equal Opportunities which states that suppliers shall at all times while supplying the Product or providing the Service comply with the requirements of the stated discrimination legislation.
- 3.3 The Council will undertake action to ensure the Equal Opportunities in Employment Policy and related information is brought to the attention of all employees through awareness raising sessions, management training and induction briefings.
- 3.4 Stirling Council recognises that achievement of the aims of the policy requires full commitment and support from all.

4. STATEMENT OF INTENT

- 4.1 The Council adheres to all relevant anti-discrimination employment legislation and through its Equality Policy Framework Action Plan will work towards providing equality of opportunity for employees, whilst adhering to any statutory employment obligations that are placed upon the Council (such as the Protection of Children (Scotland) Act 2003 and Part 5 of the Police Act 1997, which refers to disclosure checks for employees working regularly with children or vulnerable adults as well as those who administer the law and other sensitive areas.
- 4.2 The Council considers any forms of discrimination which cannot be objectively, materially or legally justified, as well as harassment and victimisation in the workplace as a serious matter. Such claims or complaints of discrimination, harassment or victimisation, will be investigated and dealt with through the appropriate channels. This may lead to disciplinary action which could result in dismissal, being taken against any employee who is the subject of such complaints.
- 4.3 A qualification or requirement applied to a job that restricts applicants can only be used if it is justifiable where there is a genuine occupational requirement.
- 4.4 Where appropriate and reasonable, employees will be given special training and encouragement to achieve equality of opportunity within the organisation.
- 4.5 Each individual will be assessed according to his /her capability to carry out a given job.
- 4.6 The Council works positively to promote opportunities for disadvantaged groups of employees through the relevant agencies.
- 4.7 The Guaranteed Interview scheme for people with disabilities has been implemented to provide increased employment opportunities.
- 4.8 The Council will ensure that the adopted job evaluation process will measure work of equal value to provide equality of pay and conditions across comparative individuals or groups of employees in the Council.

5. RESPONSIBILITIES

- 5.1 The policy confers both rights and responsibilities on employees at all levels, elected members and trades unions representatives. The understanding, support and commitment of all individuals covered within the scope of this policy is necessary to make it a success in terms of eliminating discrimination and promoting equality of opportunity.
- 5.2 Overall responsibility for ensuring the promotion of equality of opportunity at Stirling Council rests with the Chief Executive. All Service Directors have a specific responsibility for ensuring equality of opportunity in employment matters and service delivery. Service area responsibility for the implementation and monitoring of the policy rests with Heads of Service.
- 5.3 All managers have a specific responsibility for ensuring service procedures comply with this policy and that employees apply them fully. In particular they are responsible for:-
- ensuring that this policy is communicated to all employees and that appropriate action is taken against any employee who is found to breach it.
 - reviewing procedures and criteria, making appropriate changes where they are found to be or could potentially be discriminatory.
 - identifying the training needs of employees in consultation with Organisational Culture team, particularly those employees involved in recruitment and selection.

6. POSITIVE ACTION

- 6.1 All individuals working on behalf of the Council can demonstrate Positive Action at work in a number of ways by:-
- co-operating with any initiatives which the Council introduces to ensure that there is equality of opportunity
 - challenging discrimination
 - not being involved in acts of discrimination such as refusing to work with disabled people, refusing to accept employees from particular racial groups or acting against the spirit of the policy in any way
 - ensuring that the principles of equal opportunity are applied in all dealings with members of the public.
- 6.2 Positive action is also demonstrated through the Council's commitment to working in partnership with external specialist agencies.

7. SUPPORT AND GUIDANCE

- 7.1 An individual who is the victim of any form of harassment, intimidation, bullying or discrimination at work can contact their line manager, Human Resources Adviser, Trade Union representative, Code of Conduct Mediators, or the confidential Employee Counselling Service, all of whom can offer appropriate advice and support.
- 7.2 Individuals should be aware that in the event of any complaint regarding discrimination, harassment or victimisation at work, that strict confidentiality will be maintained as far as possible to protect the complainant and the person whom the complaint is being made against. Nevertheless, complaints will have to be investigated thoroughly and impartially and all parties involved will be required to co-operate in this investigation.

8. EQUALITY MONITORING

- 8.1 Stirling Council has a duty to ensure equality of opportunity in all Council functions and this will be monitored on an ongoing basis.
- 8.2 At recruitment stage, applicants are given the opportunity to supply details of their racial origins, age, gender and any disability on a confidential basis. Analysis of this information will provide the basis for appropriate actions to promote equal opportunity and eliminate unlawful direct and indirect discrimination.

9. REVIEW

- 9.1 The policy will be reviewed on an ongoing basis in order to ensure that it remains relevant and up to date. The Corporate HR Manager and Diversity Group will have joint responsibility for undertaking a review of this policy 12 months from the date of implementation and, after that, no less than every 18 months, in consultation with management and trades unions.
- 9.2 All individuals covered by this policy are encouraged to contribute their ideas about any changes necessary to achieve full equality of opportunity in employment by contacting their trade union representative or Corporate Human Resources.

NEGOTIATION AND CONSULTATIVE FRAMEWORK

FORUM	FREQUENCY	MEMBERSHIP	ROLE & FUNCTION	LEVEL OF AUTHORITY
Corporate Tri-partite	Twice per year	<ul style="list-style-type: none"> • JTUC Membership • Councillor Tom Coll, Leader of the Council and Committee Conveners • Chief Executive • Directors • Head of Organisational Development & Improvement • Corporate HR Manager 	Consult, discuss, inform on major Corporate issues eg <ul style="list-style-type: none"> - budget strategy of Council - major policy proposals 	No authority to make decisions as such. Will refer issues to other appropriate negotiating or consultative groups.
Corporate Tri-partite Working Group	Four times per year	<ul style="list-style-type: none"> • 4 Members of Management Team • 4 Elected Members • 4 JTUC members 	Smaller manageable group Consult, discuss, inform on major Corporate issues e.g. Budget strategy of Council; Major policy proposals	No authority to make decisions as such. Will refer issues to other appropriate negotiating or consultative groups.
Corporate Bi-partite	At least monthly, however during more intensive negotiations may meet more regularly	<ul style="list-style-type: none"> • Representatives of appropriate Trade Unions (max 2 per trade union plus full time officials). • 3 Members of Management Team • Head of Organisational Development & Improvement • Head of Customer Services • Corporate HR Manager 	Consult and negotiate major changes to Conditions of Service affecting range of employees across the Council and Council-wide policy matters	Authority to negotiate and agree.

FORUM	FREQUENCY	MEMBERSHIP	ROLE & FUNCTION	LEVEL OF AUTHORITY
Service Tri-partite	As agreed within Service	<ul style="list-style-type: none"> • All appropriate Trade Union representatives • Convener and Operational Chairs of relevant committees • Service Management Team • HR Adviser 	Consider, consult, discuss and inform on major Service issues Eg - Service budget strategy - Best Value review	No authority to make decisions as such. Will refer issues to other appropriate negotiating or consultative groups.
Service Bi-partite	As agreed within Service	<ul style="list-style-type: none"> • All Trade Union Representatives within Service • Service Management Team • HR Adviser 	<ul style="list-style-type: none"> - Local Service Issues - Agreement on local working practices - Consider issues delegated by Service Tri-partite or Service Negotiating and Consultative Group. 	Authority to negotiate and agree on Service issues
Ad hoc Service Negotiating and Consultative Groups	To be determined by Service depending on specific issues	<ul style="list-style-type: none"> • Service Management Team (as appropriate) • Relevant Trade Unions • HR Adviser 	<ul style="list-style-type: none"> - Consult and negotiate on specific Service-related issues to be resolved. 	Authority to negotiate and agree on Service issues

Stirling Council



POLICY

ON

TIME OFF

FOR

**TRADE UNION DUTIES,
ACTIVITIES & TRAINING**

CONTENTS

COUNCIL POLICY

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Trade Union Related Work
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- 8 Specific Secondment Arrangements
- 9 Monitor and Review

STIRLING COUNCIL

POLICY ON TIME OFF WORK FOR TRADE UNION DUTIES, ACTIVITIES AND TRAINING

1. INTRODUCTION

- 1.1 An employer has a statutory responsibility to allow *reasonable* time off to Trade Union Officials and members to enable them to take part in certain duties, training and activities. These obligations are bound by the terms of the Employment (Protection and Consolidation) Act 1978 and The Trade Union and Labour Relations (Consolidation) Act 1992. Section 43 of the Employment Act 2002 added a new right for Union Learning Representatives to take paid time off during working hours to undertake their duties and to undertake relevant training.
- 1.2 Stirling Council is committed to the maintenance and development of good employee and industrial relations and as part of this commitment, supports employees' individual rights to belong to and to be active in the trades unions. The role of the trades unions is seen to play a crucial part in the development of the Council and provides a necessary link between employees and the Council on a wide range of matters.
- 1.3 The Council is committed to the principles of collective bargaining and recognises the following trades unions for collective bargaining purposes:

UNISON, TGWU, AEEU, GMB, UCATT, EIS, SSTA

Trade unions are required to intimate to the Corporate HR Manager and their service, the names, membership group and service of their trade union officials and keep this list up to date at all times.

- 1.4 The Policy reflects not only the statutory requirements of the Council, but also the principles of the ACAS Code of Practice no. 3 and the agreed Negotiation and Consultative Framework.

In seeking to represent the Council's commitment to partnership working with the trades unions, this Policy provides an objective framework which trade union representatives, full-time officials, line management, and the Council as a whole can work to, regularly review and develop as required.

2. PRINCIPLES OF THE POLICY

- 2.1 The principles of the Policy are:

- partnership working with the trades unions, recognising that reasonable time off is of benefit to functions, Services and the Council
- consistency of approach to trade union duties, activities and training across the Council

- the provision of a mechanism for line management and trade union representatives to review time spent on related duties and activities
- the establishment of an objective framework which the Council and the trade union officials and representatives can work to
- acknowledgement that line management need to be aware in advance of time off required for duties, training and activities and that such requests must be reasonable so as to minimise the impact of time off
- time off to be analysed to ascertain costs and benefits
- clarity of the different types of union involvement in line with the Negotiation and Consultative Framework
- trade union officials should be aware of employer circumstances and operational arrangements when they request time off on a particular occasion including production and shift working arrangements and health and safety considerations.

3. DEFINITIONS

The Council recognises the following definitions:

3.1 “Trade Union Official” -

an employee of the Council appointed or elected in accordance with union rules to be a representative of some or all of the union members in the workplace on any aspect of their employment.

3.2 “Trade Union Duties” -

The ACAS Code of Practice provides examples which would be considered appropriate within the scope of trade union duties and for which time off with pay would be appropriate. These include instances where time off is required in order to deal with:

- terms and conditions of employment and physical conditions of workers
- engagement or non-engagement, termination, suspension, duties of employment
- allocation of work or duties of employment between workers or groups of workers
- matters of discipline/grievance
- trade union membership or non-membership
- facilities for officials of trade unions
- machinery for negotiation or consultation and other procedures.

3.3 “Trade Union Activities” -

No statutory definition of union activity exists except that strike action is excluded in terms of the right to time off for trade union activities. The ACAS Code states that recognised trade union officials must be given reasonable time off without pay during working hours to take part in the activities of their union. Suggested examples within the Code are:

- attending workplace meetings to discuss and vote on the outcome of negotiations with the employer
- voting on ballots on industrial action and union elections.

3.4 Stirling Council, in addition to granting reasonable paid time off to recognised trade union officials for all trade union duties will also grant reasonable paid time off to such officials for trade union activities – other than those directly or indirectly related to industrial action. Authorisation of all time off is subject to the exigencies of the Service.

3.5 Trade Union Learning Representatives

Union Learning representatives are a new type of lay Union Representative whose main function is to advise Union Members about their training, educational and development needs. They must be elected and appointed in accordance with the Union's rules and the Trade Union must give written notice to the employer that the employee is a Union Learning Representative.

3.6 Examples where time off would be appropriate

(a) Corporate Trade Union Duties

- attendance at JTUC
- attendance at Corporate Tripartite
- attendance at Corporate Bipartite
- certain meetings on budget setting and associated issues
- attendance at Council Committees as co-optee
- meetings with elected members, Chief Executive or Corporate HR Manager either collectively or individually
- attendance at Corporate Health & Safety Panel

(b) Service Trade Union Duties

- attendance at Service Tripartite
- attendance at operational Service Bi-partites
- attendance at Service Negotiating and Consultative Group, eg. specific service related issues to be resolved
- Disciplinary matters – all stages
- Grievance matters – all stages
- Grading appeals – all stages
- attendance at Service Health & Safety forum
- attendance at operational Health & Safety meetings
- Guidance and Support meetings and reviews from the Absence Management Policy
- attendance at Home visits as requested by employees
- meetings with Service Management Team, individual Director or Head of Service meetings, service management or HR Adviser
- workplace meetings DIRECTLY linked to duties, eg briefing on structural changes

- meetings with employees and trade union officials on matters DIRECTLY related to a Service trade union duty
- attendance at Employment Tribunal or other associated body in connection with a work related issue
- employee Induction.

(c) Union Learning Representative Duties

- training relevant to their functions as a Union Learning Representative
- analysing learning and training needs
- providing information and advice about learning and training matters
- arranging learning and training
- consulting the employer about carrying out any of the above duties
- preparation to carry out any of the above activities.

(d) Training

- in industrial relations and attendance at recognised health and safety training for union nominated safety reps

(e) Trade Union Activities

- voting in elections and ballots
- attendance at Branch and trade union meetings
- training related to trade union work NOT considered to be related to industrial relations
- Conference attendance – including representation at National Conferences; the Council will grant PAID leave to a maximum of 2 delegates (3 for UNISON) to attend the National Conference.

(f) Health & Safety

Under the Safety Representatives Regulations (SI 1997 No. 500) (Reg. 4.2) Safety Representatives are entitled to take such paid time off during working hours as is necessary to perform their statutory functions, and reasonable time off to undergo training.

It is conditional that Trades Unions formally notify Management of the names of Safety Representatives and advise changes as they occur. It should be noted that, where reasonably practicable, Safety Representatives should have not less than two years employment with the Council (or two years previous experience in a similar employment [this in accordance with Regulation B of the Safety Representation Regulations]).

4. REASONABLENESS OF REQUESTS FROM TRADE UNION REPRESENTATIVES FOR TIME OFF

- 4.1 Requests for time off have to be considered in the context of the Council's statutory responsibilities and also in terms of the reasonableness of the request.

4.2 The consideration as to what is a reasonable request must take account of:

- the principles of this Policy
- service delivery considerations
- the amount of time previously taken off by the representative
- the prior notice given
- the numbers of representatives from the same trade union requesting such authorisation
- the reasons for the request
- the need to seek approval from the Service Management Team where the recommended time allocations have been exceeded.

5. AUTHORISATION OF TIME OFF

5.1 Time off for Trade Union duties and activities must be authorised in advance. This will not be unreasonably refused provided such requests are in line with this agreement.

5.2 Authorisation for approval of time off will normally be delegated to Service Managers.

5.3 A trade union representative must submit the appropriate completed form for such time off to the Service Manager no later than 5 working days before the date of the trade union related activity or duty. If advance warning of 5 days cannot be given, then the time off should be requested as soon as intimation of the duty or training is advised to the employee.

5.4 Wherever possible, Services will also be advised in advance by HR, as part of the Policy implementation, of those employees whose attendance is required at Corporate related trade union duties; employees will, however, be required to complete the appropriate time off request form for authorisation for such attendance, in the normal manner.

5.5 In the event of the Service not being able to authorise any request the Service HR Adviser/Manager must be contacted and the matter discussed with the Service Manager before refusal is confirmed.

5.6 Any refusal for time off for a duty or activity must be substantiated in writing to the employee concerned and a copy passed to the HR Adviser/Manager within the Service.

6. RECORDING OF TIME OFF FOR DUTIES AND ACTIVITIES

6.1 The application of the Policy should be applied fairly and consistently within Services and across the Council and in so doing, provide a fair and objective mechanism for Service Managers to grant authorisation for trade union related work and to review this on a regular basis.

- 6.2 Recording of such time off must not be recorded as Sickness Absence but should be recorded as a separate factor when logging.
- 6.3 Services are expected to put proper systems in place to log the time off.
- 6.4 Details recorded should include the trade union representative, date, and time spent on the activity or duty. If systems are unable to separate in detail the type of duty or activity, this should be retained manually to monitor and review.
- 6.5 The authorisation form must also be completed on return from the trade union work to reflect *actual* time spent on the duty or activity and recorded as such.

7. RECOMMENDED TIME ALLOCATIONS FOR TIME OFF

7.1 Duties:

Corporate	
• attendance at JTUC	as and when required
• attendance at Corporate Tripartite	twice yearly
• attendance at Corporate Tripartite Working Group	Four times per year
• attendance at Corporate Bipartite	Monthly or more frequently if required
• Budget meetings	as and when required over the budget setting period
• Co-optee on Council Committees	as per Committee Cycle
• meetings with Chief Executive, Corporate HR Manager or Elected Members	ad hoc basis where consultation with line management has taken place
Service	
• attendance at Service Tripartite	As agreed within service (by mutual consent)
• attendance at Service Bipartite	As agreed within service (by mutual consent)
• attendance at Service Health & Safety forum	up to 4 times per annum or as defined
• discipline and grievance representation	attendance at hearing(s) and appeals, reasonable liaison with full time official, 1/2 pre-meetings with employee in work time would be the norm
• attendance at operational Health and Safety meetings	up to 8 times per annum
• absence management related meetings	as defined by the Policy. 1 workplace pre-meet would be the norm. Rotation of stewards expected.
• workplace meetings	1 meeting in work time per issue where appropriate
• meetings with Full-time Official/employee	as required but review authorisation context. Rotation of stewards expected.
• attendance at Tribunal/Outside Bodies	as required
• Induction	on a rotational basis and as defined by the Service
• management/personnel meetings etc	ad hoc – line management to authorise
• Training	as required in accordance with the exigencies of the service

7.2 Activities

Management discretion for time off granted for trade union activities will be determined in line with budgetary considerations within Services, reasonableness of the request and the time off taken for trade union duties.

7.3 Extent of Time Off Granted to Trade Union Officials:

The extent to which time off will be granted will require an agreement in principle within services. That agreement should reflect the following:

- a banding to be established reflecting the number of officials linked to representation numbers
- the development of trade union grouping representation
- geographical and locational considerations
- the role of the Branch versus full-time official involvement
- the impact on the function where the official works.

7.4 This agreement will be in line with service needs, flexibility requirements and the spirit of the Policy.

7.5 Time off for trade union related work must be reviewed on a regular basis and at least every quarter, between the Service Manager and the trade union representative. This review should consider time off to date in any year, any anticipated time off within the next quarter, any large corporate or Service issues either current or perceived within the next quarter and the impact on the Service of the time off, and whether the time off to date is considered reasonable. HR will collate details of time off on an annual basis.

7.6 Where time off is exceeding previously authorised levels, the Service Manager must take appropriate steps at Service level to consider any action which may be required. This however does not preclude the Manager after discussion with the Service HR Adviser from refusing time off for a duty or activity where it is not reasonable to release the representative.

7.7 It is appreciated that at certain times of the year and in different services at different times, there will be activities which require significant trade union discussion/negotiation or consultation and Service Management Teams will consider the re-adjustment of authorisation levels of time off to reflect this. Similarly, at certain times it may be more difficult for Services to release staff.

8. **SPECIFIC SECONDMENT ARRANGEMENTS**

8.1 The Council will consider requests from recognised Trades Unions for specified secondments on a full or part time basis. Allocation of such time will include consideration of Chair duties, Branch Duties and JTUC involvement.

- 8.2 Services will discuss with the individuals and the trade union concerned the agreed parameters and time spent on the secondment. The agreed parameters must firstly be approved and agreed by the Council Management Team. Specific detailed arrangements regarding secondments, payments, line management etc. will be determined by Corporate HR Manager, Director of Corporate Services, and Service Director of the secondee. These arrangements will be reviewed at regular intervals by the Council Management Team.
- 8.3 The Council will preserve continued employment for a trade union representative returning from full-time secondment.

9. MONITOR AND REVIEW

- 9.1 The Policy will be reviewed annually by the trades unions and the Corporate HR Manager including application of the policy and time spent on trade union related work. Any proposed major alterations to the policy will be referred to the Council.
- 9.2 Any issues concerning Policy application should be highlighted to the Corporate HR Manager and the Service Director.

GENERAL SERVICES CAPITAL PROGRAMME RESOURCES 2005/06 – 2009/10

	2005/06 £000	2006/07 £000	2007/08 £000	2008/09 £000	2009/10 £000
BORROWING					
BORROWING SUPPORTED BY REVENUE SUPPORT GRANT	5,329	5,475	5,612	5,612	5,612
PRUDENTIAL BORROWING	1,049	185	733	0	0
TOTAL BORROWING	6,378	5,660	6,345	5,612	5,612
CAPITAL GRANTS					
CYCLING, WALKING AND SAFER STREETS	147	0	0	0	0
SCHOOLS FUND	1,754	1,138	923	475	475
PUBLIC TRANSPORT FUND - EAST WEST PUBLIC TRANSPORT CORRIDOR	493	936	0	0	0
PRIVATE SECTOR HOUSING GRANT	980	980	980	980	980
LAND DECONTAMINATION	92	0	0	0	0
CITIES GROWTH FUND	844	868	890	0	0
20MPH ZONES, SAFER ROUTES TO SCHOOL & DEVELOPMENT OF HOME ZONES	188	198	204	0	0
TOTAL CAPITAL GRANTS	4,498	4,120	2,997	1,455	1,455
CAPITAL RECEIPTS					
GENERAL RECEIPTS TO BE IDENTIFIED	300	300	300	300	300
TOTAL CAPITAL RECEIPTS	300	300	300	300	300
TOTAL PROGRAMME RESOURCES	11,176	10,080	9,642	7,367	7,367

APPENDIX 8

GENERAL SERVICES CAPITAL PROGRAMME 2004/05 TO 2009/10

	£	£	£	£	£
	Proposed Budget 2005/06	Proposed Budget 2006/07	Proposed Budget 2007/08	Proposed Budget 2008/09	Proposed Budget 2009/10
1. CORE PROGRAMME					
Community Committee					
Care Service Properties	75,000	75,000	75,000	75,000	75,000
Mobile Emergency Care Service (MECS)	30,000	30,000	30,000	30,000	30,000
Private Sector Housing Grant	900,000	900,000	900,000	900,000	900,000
Care and Repair - Private Sector Housing Grant	80,000	80,000	80,000	80,000	80,000
SPUR - General & Community Facilities	75,000	75,000	125,000	125,000	125,000
Community Service Properties	110,000	110,000	110,000	110,000	110,000
Community Owned Halls Maint/Refurbishments	40,000	40,000	40,000	40,000	40,000
Parks & Open Spaces	45,000	45,000	50,000	50,000	50,000
CommunityBased Projects	250,000	250,000	250,000	250,000	250,000
Covenants	150,000	150,000	150,000	150,000	150,000
	<u>1,755,000</u>	<u>1,755,000</u>	<u>1,810,000</u>	<u>1,810,000</u>	<u>1,810,000</u>
Economy Committee					
Rural Developments	36,000	36,000	40,000	40,000	40,000
Planned Maintenance – Education	450,000	450,000	450,000	450,000	450,000
Primary School Refurbishment	500,000	725,000	750,000	750,000	750,000
Higher Still / Curriculum Development	44,000	44,000	50,000	50,000	50,000
Growth Expansion/Secondary School Refurbishment	89,000	89,000	200,000	200,000	200,000
Information & Communications Technology – Education	133,000	133,000	150,000	150,000	150,000
Special Education Needs	62,000	62,000	70,000	70,000	70,000
Nursery Expansion	89,000	89,000	100,000	100,000	100,000
Play Areas / Out of School Care	23,000	23,000	25,000	25,000	25,000
Energy Conservation – Education	45,000	45,000	50,000	50,000	50,000
	<u>1,471,000</u>	<u>1,696,000</u>	<u>1,885,000</u>	<u>1,885,000</u>	<u>1,885,000</u>

Environment Committee					
Countryside Management & Access	45,000	45,000	50,000	50,000	50,000
Cemeteries – General	100,000	100,000	100,000	100,000	100,000
CCTV	75,000	0	0	0	0
Environment Flood Prevention	10,000	10,000	10,000	10,000	10,000
Road Lighting Renewal	200,000	200,000	200,000	200,000	200,000
Bridges and Structures	305,000	305,000	350,000	350,000	350,000
Roads Infrastructure Improvements	1,000,000	1,000,000	1,060,000	1,060,000	1,060,000
Depot Improvements	0	0	30,000	30,000	30,000
Public Transport and Safer Streets	180,000	180,000	200,000	200,000	200,000
	<u>1,915,000</u>	<u>1,840,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
Corporate Projects					
Contingencies/Acquisitions/Opportunities	117,000	117,000	130,000	130,000	130,000
Percent For Art	20,000	20,000	20,000	20,000	20,000
Corporate Property Initiative	27,000	27,000	30,000	30,000	30,000
Resources Properties	149,000	149,000	165,000	165,000	165,000
ICT Network Management	45,000	45,000	50,000	50,000	50,000
Control & Removal of Asbestos	50,000	50,000	50,000	50,000	50,000
	<u>408,000</u>	<u>408,000</u>	<u>445,000</u>	<u>445,000</u>	<u>445,000</u>
TOTAL CORE PROGRAMME	<u>5,549,000</u>	<u>5,699,000</u>	<u>6,140,000</u>	<u>6,140,000</u>	<u>6,140,000</u>
2. DEVELOPMENT / RINGFENCED FUNDING PROGRAMME					
<u>Development Budgets</u>					
PPP Project	300,000	50,000	0	0	0
Waste Management - Site Restoration Costs	2,284,000	1,396,000	0	0	0
Bannockburn High	0	270,000	1,960,000	855,000	85,000
	<u>2,584,000</u>	<u>1,716,000</u>	<u>1,960,000</u>	<u>855,000</u>	<u>85,000</u>

<u>Ringfenced Funding Budgets</u>					
East West Public Transport Corridor - Public Transport Fund	493,000	936,000	0	0	0
Cycling, Walking and Safer Streets	147,000	0	0	0	0
Schools Fund - Additional Grant Supported	1,279,000	663,000	448,000	0	0
Land Decontamination	92,000	0	0	0	0
20mph Zones, Safer Routes to Schools & Development of Home Zones	188,000	198,000	204,000	0	0
Cities Growth Fund	844,000	868,000	890,000	0	0
	<u>3,043,000</u>	<u>2,665,000</u>	<u>1,542,000</u>	<u>0</u>	<u>0</u>
TOTAL DEVELOPMENT / RINGFENCED FUNDING PROGRAMME	<u>5,627,000</u>	<u>4,381,000</u>	<u>3,502,000</u>	<u>855,000</u>	<u>85,000</u>
CONTINGENCY TO MEET CORPORATE PLAN POLICY OBJECTIVES	<u>0</u>	<u>0</u>	<u>0</u>	<u>372,000</u>	<u>1,142,000</u>
TOTAL PROPOSED EXPENDITURE PROGRAMME	<u>11,176,000</u>	<u>10,080,000</u>	<u>9,642,000</u>	<u>7,367,000</u>	<u>7,367,000</u>
TOTAL RESOURCES (APPENDIX 2)	<u>11,176,000</u>	<u>10,080,000</u>	<u>9,642,000</u>	<u>7,367,000</u>	<u>7,367,000</u>
NET PLANNING CAPACITY (SURPLUS) / SHORTFALL	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Stirling Council

Budget Strategy 2005/06 & 2006/07

Level of Council Tax

	2005/06 £000	Indicative 2006/07 £'000
Revenue Spending Requirement	165,480	170,379
Savings With Policy Implications (Appendix 2)	(230)	(958)
Corporate Plan Priorities (Appendix 3)	68	1,150
Quality of Life - to fund Corporate Plan Priorities		(600)
Total Budgeted Expenditure to be Funded	165,318	169,971
Less: Revenue Support Grant	(125,045)	(127,421)
Net Expenditure to be met from Council Tax	40,273	42,550
Equivalent Band D Council Tax	£1,149	£1,205
Existing Council Tax	£1,105	£1,149
Increase	4.0%	4.9%

GENERAL FUND BUDGET 2005/06 & 2006/07**SAVINGS WITH POLICY IMPLICATIONS**

	2005/06 £'000	2006/07 £'000
<u>Income Generation Opportunities</u>		
Existing Charges Increased:		
School Meals 10% price increase		(70)
Increase in extended day charges at early years	(11)	(8)
Establishments - inflation linked increases		
Music tuition fees - inflation linked increases	(8)	(5)
School Lets	(5)	(5)
Lease Assignment Fees	(4)	
Wayleave Fees	(5)	
Civic Licence-increase income target by 10%	(5)	
Wedding Event Licence	(4)	
Archives search fees incl. Postage fees	(5)	
Fishing permits	(3)	
Planning application fees	(20)	
	<u>(70)</u>	<u>(88)</u>
New Charges Introduced:		
Introduce a weekly charge to MECS service users	(80)	
Family history room	(5)	
Public toilets cost recovery	(30)	
Fee charged for pre-application site visits	(2)	
Review of parking charges		(30)
	<u>(117)</u>	<u>(30)</u>
<u>Rationing of Demand-Led Services</u>		
Review support for community halls/centres		(100)
	<u>0</u>	<u>(100)</u>
<u>Cessation of Discretionary Services</u>		
Remove contribution to Raploch Project budget	(43)	
	<u>(43)</u>	<u>0</u>
Subtotal - Identified Savings With Policy Implications	(230)	(218)
Further Policy Savings Target		(740)
Total Savings With Policy Implications	<u>(230)</u>	<u>(958)</u>

GENERAL FUND BUDGET 2005/06 – 2007/08
CORPORATE PLAN PRIORITIES

	BUDGET	INDICATIVE BUDGET	
	2005/06	2006/07	2007/08
	£'000	£'000 *	£'000 *
Schools PPP		700	2,020
Schools Fund Applied to PPP Funding Gap		(700)	(300)
<u>Roads Maintenance and Improvements:</u>			
Additional Roads Maintenance Provision	500		
Prudential Borrowing costs (note 1)	100	100	100
<u>City Transport Strategy:</u>			
Prudential Borrowing costs (note 2)		200	200
Sports Village		150	450
Housing Community Ownership			1,000
Community Governance Strategy Implementation	70		
Additional Community Care Provision		700	500
Application of Service / Policy Development Fund	(602)		
Total Corporate Plan Priorities	68	1,150	3,970

Note 1 - Roads Capital Expenditure

Loans charges associated with prudential borrowing to fund additional capital of £1M per annum.

Note 2 - City Transport Strategy Capital Expenditure

Loans charges associated with prudential borrowing to fund additional capital of £2.5M per annum.

* The Corporate Plan priorities for 2006/07 and 2007/08 will be subject to further review as work on individual projects progresses and as the availability of funding becomes clearer.

APPENDIX 12

PRUDENTIAL INDICATORS 2005/06 TO 2007/08

	2005/06	2006/07	2007/08
A. <u>Indicators for Affordability</u>			
1. Ratio of Financing Costs to Net Revenue Stream - General Fund	9.1%	9.0%	8.8%
2. Ratio of Financing Costs to Net Revenue Stream - Housing Revenue Account	26.9%	24.3%	██████████
3. Incremental Impact of Capital Investment Decisions on Council Tax in each year	£6.89	£9.77	£13.38
4. Incremental Impact of Capital Investment Decisions on Housing Rents in each year	£0.00	£0.00	██████████
	2005/06	2006/07	2007/08
	£M	£M	£M
B. <u>Indicators for Prudence</u>			
5. Does Net External Borrowing exceed the Capital Financing Requirement for the current year and the following two years?	No	No	No

	2005/06	2006/07	2007/08
C. <u>Indicators for Capital Expenditure, External Debt & Treasury Management</u>			
<u>Capital Expenditure</u>			
6. Estimates of Capital Expenditure - General Fund	£12.176 M	£13.580 M	£13.142 M
7. Estimates of Capital Expenditure - Housing Revenue Account	£10.843 M	£8.743 M	██████████ M
8. Estimates of Capital Financing Requirement – General Fund	£114.160 M	£117.199 M	£120.381 M
9. Estimates of Capital Financing Requirement – HRA	£26.275 M	£26.873 M	██████████ M
<u>External Debt</u>			
10 Authorised Limit for External Debt	£176.016 M	£185.744 M	£194.302 M
.			
11 Operational Boundary for External Debt	£166.947 M	£177.053 M	£186.734 M
.			
<u>Treasury Management</u>			
12 Adoption of CIPFA <i>Code of Practice for Treasury Management in the Public Services</i> - Full Compliance			
.			
13 Upper Limit on Fixed Interest Rate Exposures	110%	110%	110%
.			
14 Upper Limit on Variable Interest Rate Exposures	20%	20%	20%
.			

15 Maturity Structure of Borrowing	2005/06 to 2007/08	
	Lower Limit	Upper Limit
Under 1 Year	0%	3%
1 Year - 2 Years	0%	3%
2 Years - 5 Years	0%	10%
5 Years - 10 Years	0%	10%
10 Years and above	87%	97%

Note : Prudential Indicators will be reviewed and presented to the Council annually. Also, should any proposals for significant additional investment funded through Prudential Borrowing emerge, these would also be reported to the Council. Such opportunities may arise out of Corporate Plan issues, for example, Sports Village, Review of Office Accommodation.

HRA Budget Summary 2005/06

	<u>Budget</u> <u>2004/05</u>	<u>Inflation</u> <u>And</u> <u>Adjustments</u>	<u>Rent</u> <u>Rise</u>	<u>Budget</u> <u>2005/06</u>
	<u>£000</u>	<u>£000</u>	<u>£</u>	<u>£000</u>
<u>Expenditure</u>				
Employee Costs	2,108	114	0.35	2,222
Repairs and Maintenance	4,584	39	0.12	4,623
Capital from Current Revenue	1,518	(185)	(0.57)	1,333
Other Property Costs	914	(24)	(0.08)	890
Supplies and Services	1,184	22	0.07	1,206
Transport and Plant	85	2	0.01	87
Support Service Partnership Charges	1,407	38	0.12	1,445
Payment to Agencies and Other Bodies	223	3	0.01	226
Loan Charges	4,851	(568)	(1.76)	4,283
Irrecoverable Rents	138	0	0.00	138
Void Rents – Houses	276	(73)	(0.22)	203
Void Rents – Homeless	84	(2)	(0.01)	82
Void Rents – Garages	45	2	0.01	47
Total Expenditure	17,417	(632)	(1.95)	16,785
<u>Income</u>				
Government Grants	1,596	(119)	(0.37)	1,477
House Rents	14,538	(988)	(3.04)	13,550
Garage Rents	156	6	0.02	162
Other Rents	701	8	0.03	709
Interest on Revenue Balances	187	0	0.00	187
Other Income	144	4	0.01	148
Total Income	17,322	(1,089)	(3.35)	16,233
Net Expenditure	95	457	1.40	552
Funded from balances in previous years	0	95	0.30	0
	95	552	1.70	552
Reserves to carry forward	(637)			(637)
Weather Emergency Fund	(250)			(250)
Average Stock	6,585			6,146
Average Rent (52 Weeks)	42.40			
Yield				
£1 Raises	312			325
1% Raises	132			138