

**EAST AYRSHIRE COUNCIL****REORGANISATION COMMITTEE - DISAGGREGATED SERVICES  
SUB-COMMITTEE****Minutes of meeting held on Friday 16 June 1995 at 10.00am  
in Sub-Regional Offices, Wellington Square, Ayr**

**Present:** Councillors T Farrell (Chair), R Beattie, J Boyd, R Brailsford, D Fulton, E Jackson, K Hall, D Macrae, R McDill, G Smith, D Sneller and R Taylor.

**1. Sederunt and apologies**

The sederunt was taken and apologies intimated on behalf of Councillor Carmichael.

**2. Minutes of previous meeting**

The minutes of the previous meeting were submitted and noted.

**3. Matters arising**

It was intimated that Councillors R Brailsford, K Hall and K Nicoll had been presented at the meeting of 30 May 1995 and it was agreed to amend the sederunt accordingly.

**4. School Boards - A Consultation Paper by the Scottish Office Education Department**

Reference was made to a consultation paper by the Scottish Office Education Department (issued) produced following consultation with School Boards, Education Authorities and others as to changes which might be introduced. Accordingly, the consultation paper put forward changes which the Government would be disposed to make to the 1988 Act should a suitable legislative opportunity arise. The consultation paper also includes possible changes to the School Board's (Scotland) Regulations 1989 and sought views on the proposed changes to be submitted by 19 June 1995.

Thereon, there was submitted a report (issued) by the Chief Executive of June 1995 including the proposed amendments and comments by the East Ayrshire Council (See Appendix 1).

Having heard Mr Montgomery in explanation and in answer to members' questions it was agreed to:

- a) note the contents of the report; and
- b) the comments in respect of the general question of whether School Boards would benefit from having wider powers.

## 5. Strathclyde Regional Council Departmental Presentations

### a) Strathclyde Business Development:

There then followed a presentation by Tom Wood and John Spooner which highlighted that Strathclyde Business Development provides direct business development assistance in Strathclyde in four broad areas of activity.

- i) grants/loans/business advice;
- ii) property related initiatives;
- iii) information services; and
- iv) trade development

The presentation also:

A) indicated that in addition to these directly - provided services, the Regional Council through Strathclyde Business Development also provided considerable financial support to the network of over 20 Enterprise Trusts throughout Strathclyde (approximately 400 k per annum); and to SCDC (180 k per annum) which is a Scottish-wide organisation to encourage the setting up and growth of worker co-operative business.

B) highlighted issues for Officer consideration to include:

- I) the assurance of continuity of service during transition;
- II) to finalise the audit of economic development activities;
- III) strategies for delivery of economic development services;
- IV) staff structure/training requirements/assimilation;
- V) European and Urban Programme - funding arrangements;
- VI) budget preparation - revenue and capital; and
- VII) external relationships - Enterprise Trusts etc.

C) included for member consideration:

- I) opportunity to link social and economic objects;
- II) SWEF - euro lobbying  
euro funding - timing/continuity  
possible link to trade development
- III) external relationships;
- IV) possible joint working; and
- V) provide PR information to companies/public/other agencies and bodies.

Following discussion regarding issues of concern (Appendix 2) and in answer to members' questions, it was agreed to note the contents of the presentation.

b) Roads Presentation

There then followed a presentation by John Ferguson, Roads design which outlined the:-

i) seven areas of service provision including:

- A) network management and administration;
- B) maintenance;
- C) traffic management;
- D) transport and policy planning;
- E) design and construction supervision;
- F) construction and maintenance; and
- G) agent for trunk road authority (SOID).

ii) resource availability including:

- A) finance;
- B) staffing;
- C) property;
- D) vehicles and plant;
- E) computing; and
- F) library.

The presentation also made reference to issues for the East Ayrshire Council in terms of:-

- A) council structure;
- B) departmental structure;
- C) trunk road agency agreement;
- D) compulsory competitive tendering (CCT);
- E) strategic planning and TPP;
- F) fault reporting (RALF);
- G) training;
- H) computer systems; and
- I) roads and transport direct.

Following discussion and in answer to members' questions, it was agreed to:

- I) obtain information regarding the maintenance of vehicles; and
- II) otherwise, to note the contents of the report.

c) Consumer and Trading Standards Presentation

The Sub-Committee then heard a presentation by Bob Cowan, Consumer and Trading Standards which made reference to:-

- i) staffing in terms of present provisional allocation;

- ii) appointment of Chief Inspector weights and measures; and
- iii) property
  - A) present accommodation;
  - B) options for future accommodation to include:
    - I) comprehensive service from one location;
    - II) comprehensive service from Kilmarnock and Cumnock; and
    - III) discreet advice/enforce services.
- iii) Disaggregation and Provision of Equipment
  - A) present position comprehensive and specialised equipment;
  - B) disaggregation in terms of who gets what; and
  - C) options for the new Council in respect of the shortfall to buy to share or to hire.

The second part of the presentation was given by Joe Donnelly and regarded central support services with particular reference to the:

- A) calibration and test centre; and
- B) competitive recording system.

Having heard Mr Cowan and Mr Donnelly in explanation and in answers to members' questions, it was agreed to:

- I) consider an invitation to visit Consumer and Trading Standards office at River Terrace, Ayr; and
- II) otherwise, to note the contents of the presentation.

d) Regional Chemist Presentation

The presentation given by Dr Smith, Regional Chemist included reference to the following:

- i) scientific services in East Ayrshire after 1995 when the Sub-Committee heard that the present laboratory in Cumnock would not form part of East Ayrshire Council but was ring fenced to go to the West of Scotland Water Authority and therefore outside local authority control;
- ii) current services provided in the East Ayrshire area;
- iii) the work of the public analyst;
- iv) requirements of official testing laboratories;

- v) major facilities required;
- vi) options to provide services in 1996;
- vii) decisions needed on scientific services;
  - A) how will East Ayrshire Council appoint a public and agricultural analyst;
  - B) will the Council provide scientific services;
  - C) which joint operation mechanism is preferred;
  - D) how will East Ayrshire Council reach agreement with partners for joint operations; and
  - E) how will Council and partners fulfil the requirements of Section 20 of the Act for joint operation.

Having heard Dr Smith in explanation and in answer to members' questions it was agreed to:

- A) in terms of the disaggregated services of Education and Social Work, remit these to the appropriate services committees; and
- B) otherwise, to note the terms of the presentation.

**SCHOOL BOARDS****PROPOSED AMENDMENTS AND COMMENT**

- (a) It is proposed that the legislation should be amended to provide that the terms of office expire on a common date so that biennial elections are held nationally at the same period.

This proposal is welcomed and will remove the confusion and inconvenience raised by elections being held at various times during the year. Publicity could then be much more effectively organised by SOED.

- (b) at present the legislation requires that where a biennial election has failed to attract sufficient parent members a by-election to fill the remaining vacancies should be held as soon as possible. The proposal is that the legislation be amended to provide a time limit of 3 months for the completion of such by-elections.

This proposal is acceptable and reflects the current practice in Strathclyde.

- (c) the current requirement where a vacancy arises casually is that a by-election should be held as soon as possible and in any event within 3 months of the vacancy arising. The proposal is that the legislation be amended to provide that by-elections be held once a year at the same time as biennial elections are held.

This proposal is welcomed and will be helpful in reducing the demands on staff time required to arrange elections.

- (d) there is at present some question as to what should happen when it is not possible to fill a casual vacancy at a by-election. It is proposed that the legislation should be amended to make explicit the position if a by-election for a parent member is unsuccessful. The amendment might provide that, if such a by-election is unsuccessful, a board would be disestablished if a parental majority does not exist unless the board were able to co-opt a parent within three months from the closing date for the by-election to fill the vacancy for the remainder of the term of office.

The present position in Strathclyde is that where such vacancies cannot be filled at a by-election the board would continue with the reduced number of parent members even if there might not then be a parental majority. This procedure does not appear to have caused any difficulties over the five years of the board's existence and it is urged that this arrangement continue. If, notwithstanding the council's view, the legislation is to be amended as suggested it will be essential that there is clear advice given that the co-opted parent must be one who would be eligible for election to the board in any event.

- (e) the proposal is to amend the current legislation to provide for authorities to hold by-elections to fill casual vacancies for staff members as and when they consider it appropriate to do so.

This proposal is welcomed and reflects existing practice in Strathclyde.

- (f) It is proposed that the legislation should be amended to make clear that there is a requirement to fill a vacancy for a co-opted member whenever and however the vacancy arises both during and at the natural expiry of a term of office and that a retiring co-opted member can be co-opted again provided he/she is otherwise eligible.

This proposal is accepted and reflects advice which has been given to boards in Strathclyde.

- (g) the legislation provides that members who cease to be eligible to service in the capacity in which they are elected may complete their term of office only if that term has less than two years to run.

It is proposed that the legislation be amended to provide that members who cease to be eligible and have more than two years to serve should be able to continue in office until the biennial elections midway through their term of office are held.

This proposal is acceptable.

- (h) it is proposed that the legislation be amended to make clear that the peripatetic teachers come within the definition of "staff" and may, therefore, stand and vote in elections for staff members.

This proposal reflects the current local interpretation of the legislation. The proposal does not clarify whether a peripatetic teacher is eligible to stand and vote in elections for staff members.

This proposal reflects the current local interpretation of the legislation. The proposal does not clarify whether a peripatetic teacher is eligible to stand and vote in any of the schools in which he/she is serving at the time of an election or if he/she is restricted to voting or standing in the school identified as his/her base school. The possibility would exist therefore, of peripatetic staff being able, uniquely to hold a place on several school boards simultaneously.

- (i) the proposal is to extend the existing rights of the head teacher, education authority representative and elected member for the electoral ward in which the school is based to attend and speak at school board meetings, to include these same rights in respect of meetings of committees of the board.

This proposal is welcomed.

- (j) it is proposed that the legislation be amended to remove the requirement that committees of school boards must have at least half of their membership drawn from the board.

This proposal is welcomed but it is suggested that there should be a requirement for at least two members of such committees to be members of the board, with one taking the chair of the committee.

- (k) the proposal is that the legislation be amended to make clear that the quorum of a board shall be not less than one third of its prescribed members.

This proposal is welcomed as clarifying the position and reflects advice given to boards locally.

- (l) at present there is no explicit requirement on board members to declare any material interests which they may have in relation to particular matters coming before the board. It is proposed that the legislation should be amended to require members to declare such interests other than an interest which arises only from membership of the board.

This proposal is welcomed but clarification from the SOED on the nature of material interests would be helpful.

- (m) it is proposed that the legislation should be amended to make clear that all members of staff of a school, teaching and non-teaching, should be debarred from membership of an appointment committee (with the exception as at present of the head teacher).

This proposal is welcomed and reflects current local practice.

- (n) the current legislation provides that appointment committees for depute head teacher and assistant head teacher posts must be chaired by head teacher of the school where the vacancy exists. This can present difficulties, where the head teacher is unavailable for example through long term sick leave. The proposal is that the legislation should be amended to ensure that permanent appointments of depute and assistant head teachers are not delayed by the requirement that the head teacher shall be a member, and chair of, appointment committees for such posts.

The principle of this proposal is accepted and should prove helpful but should only be operated in the most exceptional circumstances. There is a need, however, for clarification as to the actual working of the suggested amendment. It is also suggested that consideration should be given to incorporating in the legislation clarification of the position of a head teacher serving on an appointment committee where a relative or close personal friend is a candidate for the post.

- (o) a number of points arose in relation to the leeting arrangements for the appointment of head teachers:-
- (i) there is no explicit requirement for the school board to be shown the full potential long leet (ie details of all those who have applied).
  - (ii) at present a school board may not alter a short leet if it consists of fewer than four names. The intention was to ensure that a board could not reduce the leet to a level which would leave the appointment committee with no room to manoeuvre. But it would seem appropriate to allow a board to add to a short leet of fewer than four names.
  - (iii) where there are fewer than four candidates the authority is precluded from omitting from the short leet any candidate they consider unsuitable for the post. This is inappropriate and should be rectified.

It is proposed that the legislation should be amended to guarantee access to the long leet to the school board; to allow the school board to add to a short leet of fewer than four names; and to allow the education authority, where there are fewer than three candidates, to omit from the short leet any candidate who they think is unsuitable for the post.

These proposals are acceptable but it is suggested that the legislation should stress the need for confidentiality on the part of board members at all times in considering applications from candidates.

- (p) it is proposed that the present requirement whereby boards of schools with up to 500 pupils should have a complement of four parent and two co-opted members should be amended to provide that in schools with up to 75 pupils the required complement of parent and co-opted members should be three and one respectively.

This proposal is acceptable.

**STRATHCLYDE BUSINESS DEVELOPMENT****AREAS OF CONCERN**

Following discussion members raised the following issues:

1. European funds;
2. what proportion of the work carried out by SBD was new business;
3. what would be the loss of efficiency and effectiveness in the process and procedures of SBD due to reorganisation;
4. how many staff would be disaggregated to the East Ayrshire Council;
5. the benefit of keeping the trade development team together;
6. the benefits of working with organisations such as the Ayrshire Economic Forum in developing a business plan;
7. the benefit of working with Enterprise Trusts;
8. if the three Councils of North, South and East were to join, would it be possible to maintain an office in Brussels.