

## **EAST AYRSHIRE COUNCIL**

**CABINET – 27 MARCH 2013**

### **PROPOSAL OF KILMARNOCK COLLEGE AND AYR COLLEGE TO BECOME A SINGLE INSTITUTION**

#### **Report by Executive Director of Educational and Social Services**

#### **1. PURPOSE**

- 1.1** To seek approval for a response to the Cabinet Secretary for Education and Lifelong Learning concerning the proposal of Kilmarnock College and Ayr College to become a single institution.

#### **2. BACKGROUND**

- 2.1** On 7 March 2013 the Cabinet Secretary for Education and Lifelong Learning, Michael Russell MSP, wrote to the Council in its role as an Education Authority. The purpose of his letter, attached at Appendix 1, was to seek views on the closure of Kilmarnock College with a transfer of the property and rights of the Board of Management to Ayr College which will be vested as a charity. This consultation is being undertaken in accordance with Section 5 of the Exercise of the Power in Section 3 (1) (c) to close colleges of further education.
- 2.2** This development is in the context of the merger of Ayr College and Kilmarnock College into a single institution. It is not envisaged that there will be a physical closure of the establishment known presently as "Kilmarnock College".

#### **3. DISCUSSION**

- 3.1** At its meeting of 21 November 2012, Cabinet gave approval to a response on behalf of the Council to a consultative document issued in the name of Ayr College, Kilmarnock College and James Watt College (North Ayrshire Campus). That consultation was focussed on the idea of merging the three Colleges into one single regional organisation. The recommendations approved by Cabinet at that point were:
- (i) that officers respond to the consultation welcoming the formation of a new Ayrshire College as described in the consultative document;
  - (ii) seek reassurance that the new College will work in the existing spirit of partnership with the three local authorities; and
  - (iii) otherwise note the contents of this report.

In accordance with the approval given by Cabinet, a response in these terms was sent by letter on 23 November 2012 to the Chairs of the Boards of the three Ayrshire Colleges.

- 3.2** It would appear from the correspondence recently received from the Cabinet Secretary, produced at Appendix 1, that the Scottish Government are now moving ahead to implement the change envisaged in the initial consultation document. In doing so, they are required to follow the legal procedures that are associated with a change of provision. The mechanism for doing this is to consolidate in a single charitable body the various property and rights presently vested in Kilmarnock College and Ayr College (it is understood from the correspondence that the north campus of James Watt College will be considered separately).
- 3.3** Members are asked to note however the final sentence of the Cabinet Secretary's letter which states "I understand that no campus closures are planned".
- 3.4** A response is required by 4 April 2013.

#### **4. PROPOSAL**

- 4.1** It is proposed to write to the Cabinet Secretary for Education and Lifelong Learning in response to his request, giving the agreement of East Ayrshire Council as an Education Authority to the proposals as outlined in his correspondence of 7 March 2013. By doing so, this will be helpful in progressing the merger of the Ayrshire FE Colleges into one single organisation that has already been endorsed by Cabinet on 21 November 2012.
- 4.2** However, Cabinet may wish to recognise the considerable contribution made by Kilmarnock College in the north of the Authority and Ayr College in the south of the Authority. The presence of these establishments not only gives excellent opportunities for young people, and others, to progress from formal education into the employment market but also contributes significantly to the local economy. It is therefore proposed that the East Ayrshire response should give emphasis to the last sentence in the Ministerial letter and that authority support for this proposal is conditional on the undertaking that no campus closures are planned including James Watt College.

#### **5. COMMUNITY PLANNING / LEGAL / FINANCIAL / HUMAN RESOURCES IMPLICATIONS**

- 5.1** Nil

#### **6. RECOMMENDATIONS**

- 6.1** It is recommended that Members agree to the Executive Director of Educational and Social Services responding to the Cabinet Secretary for Education and Lifelong Learning in the following terms:
- (i) that the proposal to close Kilmarnock College within the terms of the Ministerial letter of 7 March 2013 are agreed;

- (ii) that there is agreement that the property and rights of the Board of Management of Kilmarnock College should transfer to and be vested in a charity in Ayr College;
- (iii) that this agreement is conditional on the Cabinet Secretary's reassurance that this change will result in no campus closures operated by Kilmarnock College, Ayr College and James Watt College; and
- (iv) otherwise note the contents of this report.

GRAHAM R SHORT  
Executive Director of Educational and Social Services

GS/JP  
8 March 2013

### **LIST OF BACKGROUND PAPERS**

Nil

Any person wishing further information on this report should contact Graham Short, Executive Director of Educational and Social Services; Tel 01563 576017.

**Implementation Officer: Graham Short, Executive Director of Educational and Social Services**

Rùnaire a' Chaibineit airson Foghlaim agus Ionnsachadh Fad-bheatha  
Cabinet Secretary for Education and Lifelong Learning  
Michael Russell MSP/BPA

F/T: 0845 774 1741  
E: scottish.ministers@scotland.gsi.gov.uk



To: Chief Executive of East Ayrshire Council  
cc Chair, Community Planning Partnership  
cc Director of Education



LEGACY 2014  
XX COMMONWEALTH GAMES  
GLASGOW

07 March 2013

Dear Colleague

**PROPOSAL OF KILMARNOCK COLLEGE AND AYR COLLEGE TO BECOME A SINGLE INSTITUTION**

You may be aware that Kilmarnock College and Ayr College have announced an intention to become a single institution (along with part of James Watt College). I attach a letter seeking your views in relation to the closure of colleges.

The colleges have recently completed a consultation exercise which sought the views of their stakeholders on this prospect. An analysis of that exercise will inform my decision when deciding whether to approve the action which the colleges wish to take. The colleges have sought approval from Scottish Ministers to proceed with their intention to become a single institution which will be achieved by means of the formal closure of Kilmarnock College and the transfer of the property and rights of this college to what is currently Ayr College. I am separately consulting on the closure of James Watt College. The intention is that Ayr College will later be renamed, though that will be subject to formal Ministerial approval at a later stage. I understand that no campus closures are planned.

Yours sincerely

**MICHAEL RUSSELL**

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Rùnaire a' Chaibineit airson Foghlaim agus Ionnsachadh Fad-bheatha  
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Michael Russell MSP/BPA

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To: Chief Executive of East Ayrshire Council  
cc Chair, Community Planning Partnership  
cc Director of Education



07 March 2013

Dear Colleague

## **THE FURTHER AND HIGHER EDUCATION (SCOTLAND) ACT 1992**

### **CONSULTATION IN ACCORDANCE WITH SECTION 5 ON THE EXERCISE OF THE POWER IN SECTION 3(1)(c) TO CLOSE COLLEGES OF FURTHER EDUCATION**

The Scottish Ministers propose to exercise their power under section 3(1)(c) of the Further and Higher Education (Scotland) Act 1992 ("the Act") by making an order to close:

- **Kilmarnock College.**

The Scottish Ministers are required, by section 5(1) of the Act, to consult the education authority for the area in which the college is situated as well as any other person appearing to the Scottish Ministers to be affected by this proposal. This letter is being sent to you on the basis that you are the education authority.

In making an order under section 3(1)(c) of the Act to close colleges of further education, the Scottish Ministers are required (under section 25 of the Act) to make provision for the property and rights of the board of management to transfer to and vest in a charity. In terms of the current proposal, the intention is that the property and rights of Kilmarnock College will transfer to and vest in Ayr College.

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I should be grateful if you would let me have any views that you wish to make on this proposal by **17:00** on **4 April 2013** by emailing **FE.enquiries@scotland.gsi.gov.uk**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Russell', written over a horizontal line.

**MICHAEL RUSSELL**