

PARTNERSHIPS PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 21st November 2018 at 10.00 a.m.

Present: Councillors Hugh Hunter (Chair), Siobhian Brown, Ian Cavana, Ian Davis and Arthur Spurling.

Apology: Councillor Chris Cullen.

Attending: D. Hutchison, Depute Chief Executive and Director – People; K. Carr, Executive Manager – Place; W. Carlaw, Service Lead - Democratic Governance; M. Baker, Service Lead – Corporate Planning and Improvement; S. Turner, Head of Roads, Ayrshire Roads Alliance; J. Scott, Area Manager, and G. Lamont, both Scottish Fire and Rescue Service; and E. Wylie, Committee Services Officer.

Also

Attending: Councillor William Grant, Portfolio-holder for Children and Young People.

1. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, the Chair declared an interest in item 3 of this Minute entitled "Petition Relating to Reversing the Budget Decision to Introduce Fees for Musical Instrument Tuition" as he had facilitated awareness of the petition by sharing it on Facebook. The Chair indicated that he would vacate the Chair and leave the room when this item was being considered. Similarly, Councillor Davis declared an interest in this item because he managed a social media / website and a comment in relation to the petition was posted there. He indicated that he would leave the room during consideration of this item.

2. Minutes of previous meeting.

The minutes of 12th September 2018 ([issued](#)) were submitted and approved.

3. Chair.

At this point, Councillor Hunter vacated the Chair and Councillor Spurling took the Chair for the next item of business on the Agenda. Councillors Hunter and Davis left the meeting.

4. Procedural Matter.

Councillor Cavana requested a legal ruling as to the course of action that this Panel could take in respect of the petition since it was regarding the reversal of a decision which had previously been made by the Council. The Service Lead – Democratic Governance advised, in terms of Council Standing Order 22.1, that six months had lapsed since the Council had made its decision on this matter and she referred to the Petitions Protocol that outlined the three options available to this Panel in terms of its decision-making once the petition had been heard.

5. **Petition Relating to Reversing the Budget Decision to Introduce Fees for Musical Instrument Tuition.**

There was submitted a petition containing twenty signatures and 3,300 online signatures, in the following terms, namely:-

'Reversing the Budget Decision to Introduce Fees for Musical Instrument Tuition'.

Under the provisions of Council Standing Order No. 31 for Meetings, the Chair then invited the Petitioning Group consisting of Ralph Riddiough, Euan Terras and Ailie Osborne to come forward to present the case to the meeting. He also invited the Depute Chief Executive and Director - People to join the meeting. It was noted that Councillor William Grant, Portfolio-holder for Children and Young People would join the meeting as soon as possible.

The Chair referred to the petitions protocol and indicated that the petitioners addressing the meeting would be limited to ten minutes in total which included an opportunity to sum-up.

The three petitioners addressed the Panel and also referred to the documentation attached to the petition ([issued](#)). Their main points were as follows:-

- (1) 3,300 had signed the petition online, people felt very strongly and principles matter;
- (2) it was recognised that budgets were tight but children should not be charged fees and teachers should not be cut;
- (3) music was educational and it was considered that these fees would widen the poverty and attainment gap as the poorest families could not afford to pay. Also, school is where children were entitled to equality;
- (4) that £1 of investment amounted to £6 in terms of social value;
- (5) that data from June 2018 relating to the number of children who have dropped out of lessons was 24% and, although not all had given the reason of tuition fees, it was felt that some parents did not want to divulge the reason due to embarrassment;
- (6) some pupils have been in tears about giving up and following on from the June 2018 responses, others have now given up their lessons;
- (7) the Council Leader had previously given assurances that the Council would be prepared to review this decision and it was suggested that on the basis of a 24% drop out that this was a substantial enough reason to undertake a review;
- (8) it was humiliating for a parent if they were unable to afford tuition fees and how these costs could impact on a family were highlighted;
- (9) music provided a discipline, an interest and it was a sociable activity which also provided opportunities;
- (10) evidence suggested that a lack of music resulted in a drop in dexterity and patience; and

- (11) a number of parents had contacted Parent Councils with their concerns over these fees.

The petitioners asked members to protect music tuition by doing what they could to reverse the budget decision. These fees were not a drop in the ocean to some families.

Having entered the room during the above presentation, Councillor Grant joined the meeting.

The Panel were invited to ask questions of the petitioners.

A question was asked by a Member of the Panel in relation to the associated fees per child quoted by one of the petitioners and the Lead Petitioner clarified the costs involved and it was also pointed out that this was not a minimum amount of money for families.

A further question was asked in relation to the South Ayrshire Youth Forum's (SAYF) letter of 6th February 2018 contained within the petitioner's pack and the Lead Petitioner guided members to the third last paragraph which emphasised the importance of music and the negative impact of fees. A follow-up question was asked in relation to the percentage of youths represented by the SAYF and the Lead Petitioner indicated that they might have been speaking for themselves or others.

A Member of the Panel referred to correspondence contained within the pack from the Children and Young People's Commissioner Scotland of 27th April 2018 when the Commissioner stated that meaningful consultation should take place with children and young people and that a Children's Rights Impact Assessment should be undertaken in order to assess the impact of budgetary decisions.

The Chair invited the Depute Chief Executive and Director – People to speak to his report ([issued](#)) of 14th November 2018. The Depute Chief Executive and Director – People referred to his report and

- commented on budget setting processes and that further reductions to services would probably require to be made depending on the financial settlement with the impact of such decisions being detrimental to someone;
- advised that the service, therefore, aims for the least worst option and he agreed that some people may not be able to afford the fees therefore a range of concessions were in place to assist families. If the decision was reversed then the costs would need to be met from elsewhere within the service;
- indicated that instrumental music was considered as a discretionary element of education as it was in addition to the core provision. Therefore, it can be subject to charges and concessions with this Council's concessions more generous than others. Also, if a pupil is entitled to free school meals then they do not need to pay for music tuition. If a pupil is taking music in Year 4 then there are no charges for Year 3;
- advised that letters were sent out to parents informing of the charging and concessions and added that 2 full time instructors had been removed under the previous administration which reduced capacity;
- in relation to the data which was available, commented that there was a slight reduction and disagreed that it was as high as 24% as it was more in the region of 12.8%. It cannot be said that this reduction was entirely due to costs as there were various reasons for pupils giving up instrumental music tuition;

- referred to other reductions made within the service which all had impacts so should all of these decisions be reversed, not just this one? He referred to the Duke of Edinburgh's Award Scheme and the charges for a residential stay as an example of another provision which attracted charges; and
- stressed that a charge was introduced (£5 or £7.50 for two siblings per week over 40 weeks for those not entitled to reductions) to instrumental music tuition to maintain the status quo for future years.

The Portfolio-holder was invited to speak. Councillor Grant advised that he supported music tuition, however, decisions had to be made around a reduction in services to make savings. He informed that COSLA was currently discussing music tuition and that this was a discretionary service rather than core. Out of the thirty-two local authorities, eight currently do not charge but are considering this. He reiterated that letters were sent out to parents advising of the charges and that there were various reasons why out of 696 families wishing to continue with music tuition, 216 did not. One such reason appeared to be pupils' choice for no longer continuing with tuition. In his role as Portfolio-holder he is aware of many innovative ideas for music, for example cello and percussion instructions within primary schools, which is giving all children the opportunity to learn. He concluded that the situation would continue to be monitored and he felt that it was acceptable to charge as a result of Government funding.

At this point, the Panel were invited to ask questions.

A Member of the Panel sought clarification in relation to the number of families who had discontinued with music tuition and the Depute Chief Executive and Director – People advised that the numbers quoted take account of pupils as of today after the new school term commenced in August 2018. Further clarification was sought in relation to whether music tuition was outwith statutory provision and the Depute Chief Executive and Director – People responded that it was. He commented that it was not part of the core curriculum and it was in addition to the curriculum with pupils taken out of a class. It sat outwith the timetable and was above what was offered therefore it was a discretionary service. In relation to pupils obtaining free school meals, the Depute Chief Executive and Director – People explained that music tuition was free for pupils entitled to free school meals, not just those registered for free school meals. Each school was aware of those entitled to free school meals therefore no payment was required for tuition fees.

At this point, the petitioners were asked to sum up their case before the meeting moved to its decision. The Lead Petitioner summed up and commented on the statutory and discretionary elements of education and felt that instrumental music tuition should not be discretionary as it was a huge part of studying music.

The Chair thanked the petitioners for bringing this matter to the attention of the Panel and asked them to return to the public seating area. He also asked the Portfolio-holder and the Depute Chief Executive and Director – People to return to the public seating area.

The Panel, following discussion and having given due consideration to all the information put before it

Decided: that no further action was appropriate in relation to the matters raised in the petition.

Councillors Hunter and Davis re-joined the meeting at this point.

Resumption of Chair.

Councillor Hunter resumed the Chair.

4. Action Plan and Work Programme.

There was submitted an Action Log and Work Programme ([issued](#)) for this Panel.

The Panel, having indicated that it wished to take up the offer previously made by Police Scotland to visit the sex offenders' team

Decided: to note the action log and work programme.

5. Local Performance Report: Scottish Fire and Rescue.

There was submitted a report ([issued](#)) of 13th November 2018 by the Depute Chief Executive and Director – People providing information about the mid-year performance of the Scottish Fire and Rescue Service in South Ayrshire.

The Service Lead introduced the report and advised of an error and that the mid-year report should refer to the period 2018/19.

Thereon, the Area Manager, Scottish Fire and Rescue Service presented the performance report pertaining to South Ayrshire as contained within Appendix 1 of the report. He also referenced the Fire and Rescue Incident Statistics (Scotland) 2017-18 attached as an appendix to the report.

Various questions were asked by Members of the Panel and the Area Manager responded accordingly as follows:-

- (1) in terms of administering first aid at the scene, the Area Manager advised that Fire and Rescue crews were extensively trained in first aid and would assist if first at the scene but stressed that they did not replace the role of the paramedic;
- (2) in relation to the figures for non-fire casualties for Girvan and South Carrick ward and Maybole, North Carrick and Coylton ward, it was noted that the Area Manager would obtain a further breakdown to circulate to members;
- (3) with regards to assisting vulnerable people such as those living with dementia, it was noted that steps were in place depending on whether the Fire and Rescue Services knew or did not know of a person's particular vulnerability. A safeguarding policy was in place and the Area Manager explained the various referral pathways involving other partners;
- (4) the Area Manager provided an explanation regarding the number of malicious attacks against properties and said that attempts were made to try and identify the responsible person;
- (5) in relation to the effectiveness of the two stage alarm system, it was noted that this approach had not failed and that there was a short time between both signals;

- (6) in terms of sensitive sensors or the siting of detectors in the wrong place, the Area Manager explained the different types of fire detectors and how their location within premises could determine their sensitivity. This could also result from the change of use of a premise and also partly due to the human element, whether maliciously or accidental; and
- (7) in terms of fire safety within a large new build, the Area Manager commented on design specifications which would be taken into account alongside fire engineering, crews and design solutions.

The Area Manager wished to record his gratitude to Police Scotland, the Council and other partnership bodies for their support and assistance around Bonfire night.

Comments were made in relation to this positive report and ways in which this could be publicised. The Service Lead - Corporate Planning and Improvement commented that key messages from the report would be issued as soon as possible with news features incorporated into a future edition of the South Ayrshire Live, the online newspapers for South Ayrshire residents.

The Area Manager commented that a new Fire and Rescue vehicle would be ready mid-December and members were invited to view it prior to or at the forthcoming open night. Feedback on this new appliance would be reported to a future meeting of this Panel.

The Chair, on behalf of the Panel, thanked the Area Manager for his presentation and the Service for its continued work and support.

The Panel, having scrutinised the 2018/19 mid-year performance report of the Scottish Fire and Rescue Service in South Ayrshire

Decided: to note the report.

6. **Ayrshire Roads Alliance – Well Managed Highway Infrastructure – A Code of Practice.**

There was submitted a report ([issued](#)) of 13th November 2018 by the Director – Place providing the opportunity to consider the Well Managed Highway Infrastructure – A Code of Practice for Ayrshire Roads Alliance as presented to the Ayrshire Shared Services Joint Committee at its meeting of 7th September 2018.

The Head of Roads, Ayrshire Roads Alliance referred to the Code of Practice and explained the risk based approach and the departure from the guidance in terms of response time to reported defects and defect categories.

In response to a question from a Member of the Panel as to whether a two hour response time in adverse weather conditions was achievable for a category one defect, the Head of Roads explained that if it was snowing badly then operators would encounter difficulties but generally over 90% of category one defects were repaired within this 2 hour timeslot.

A question was asked concerning category 5 defects - 'no response, monitor at next inspection' – and if this caused any subsequent liability claims due to defects not being repaired timeously as part of the cyclic maintenance / inspection regime. The Head of Roads explained the inspection process which would be taken into account if a claim was made. In any case, it was noted that very few claims were submitted.

A further question was asked in relation to vehicle damage caused by potholes and timescales for pothole prevention. It was noted that adverse weather caused potholes with adequate resources required to repair these. It was noted that there was a programme in place to repair potholes and the proposed risk based approach would support this process.

In terms of a pilot project for repairing roads using recycling material, it was noted that this was currently being trialled locally on two roads. Further comments were made in relation to how effective the use of new types of material might be for road repairs and whether it impacted on the remainder of the road.

The Panel, having considered the proposals to adopt the Well Managed Highway Infrastructure – A Code of Practice and the Road Inspection Policy

Decided: following scrutiny

- (1) to support the suggested departure from the guidance detailed in Section 4 of the report in terms of response time to reported defects;
- (2) to support the proposed adoption of the Road Inspection Policy as contained within Appendix 1 of the report to fulfil the requirements of the Code of Practice in implementing a risk based approach to highway infrastructure; and
- (3) to feedback this support to the Ayrshire Shared Services Joint Committee for its consideration of this report at its meeting on 7th December 2018.

The meeting ended at 12.00 noon