EDUCATION, CULTURE AND SPORT COMMITTEE

ABERDEEN, 23 February 2012. Minute of Meeting of the EDUCATION, CULTURE AND SPORT COMMITTEE. <u>Present</u>:- Councillor John West, <u>Convener</u>; Councillor Jennifer Stewart, <u>Vice-Convener</u>; and Councillors Adam (as substitute for Councillor Cooney), Allan, Blackman, Boulton, Cooney, Donnelly (as substitute for Councillor Wisely), Greig, Laing, Leslie, MacGregor, May, McCaig, Reynolds, Robertson (as substitute for Councillor Cormack), Townson, Young (as substitute for Councillor Collie) and Yuill. <u>External Members</u>:- Mrs M Abdullah, Mr P Campbell, Mr M Maclean, Mr A Nicoll and Mrs I Wischik.

The agenda and reports associated with this minute can be found at:http://councilcommittees/ieListDocuments.aspx?Cld=143&Mld=2277&Ver=4

CONVENER'S ANNOUNCEMENT

1. The Committee heard from pupils of Harlaw and Torry Academies on aspects of the charity work which each school had been undertaking in recent months.

The Committee thanked the students for their attendance at the meeting and congratulated them on all the positive work being carried out within the two schools.

DEPUTATION REQUESTS

2. The Committee had under consideration, in terms of Standing Order 10, four requests for deputations on agenda item 7.1 – Community Centres (article 6 of this minute):-

- (1) Paul O'Connor;
- (2) Philip D'Arcy, Brian Allan and Wilma Mackland, Aberdeen Community Learning Centres Forum;
- (3) Andy Cowie and Alex Mess, Powis Gateway Community Centre; and
- (4) Sylvia Davidson of Woodside Community Centre.

The Committee also had before it a further deputation request from David Henderson in relation to agenda 7.4 – Bookings and Lettings Review (article 11 of this minute);

The Committee resolved:-

to hear all the deputations and to adjust the order of the agenda to enable the item on Community Centres to be heard immediately after consideration of previous minutes.

DETERMINATION OF URGENT BUSINESS

3. The Committee considered whether, in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the report on Hazlehead Nine Hole Golf Course would be considered at this meeting as a matter of urgency.

The Committee resolved:-

that the report be referred <u>simpliciter</u> to Council in light of the short timescales available to consider it at this meeting.

MINUTE OF PREVIOUS MEETING

4. The Committee had before it the minute of its previous meeting of 24 November, 2011.

The Committee resolved:-

- (i) that officers recirculate to Councillor Allan information on the current and planned youth work in Torry; and
- (ii) to otherwise approve the minute.

GORDON HIGHLANDERS COMMEMORATIVE STATUE WORKING GROUP - MINUTE OF FINAL MEETING OF 4 OCTOBER 2011

5. The Committee had before it the minute of the final meeting of the Gordon Highlanders Commemorative Statue Working Group of 4 October, 2011.

The Committee resolved:-

(i) to note that the Working Group had wound up having exhausted its remit; and

(ii) to approve the minute.

COMMUNITY CENTRES - ECS/12/010

6. With reference to article 9 of the minute of its previous meeting, the Committee had before it a report by the Director of Education, Culture and Sport presenting a final draft Management Agreement and Lease for all leased Community Centres to implement the budget decision to move all Community Centres to leased centre model status.

Minor errors in the report recommendations were highlighted to the Committee.

The report, taking account of these errors, recommended:-

that the Committee -

(a) agree the proposed Management Agreement and Lease as set out in Appendices B and C to the report, subject to delegating final refinements (including the schedules on janitorial arrangements and community schools) to

the Head of Communities, Culture and Sport and the Head of Legal and Democratic Services, in consultation with the Convener and Vice-Convener of the Committee, with these refinements to be completed by 31 March, 2012; and thereafter that the agreements to be rolled out to existing leased community centres and those which are transitioning to a leased model;

- (b) agree that the initial duration of the Management Agreement and Lease be for three or five years;
- (c) agree that until such time as the Management Agreement is signed, those Management Committees which continue to work towards becoming leased, continue to receive a pro rata transition grant equal to the value of the Development Grant, paid on a monthly basis;
- (d) agree that the Council will not require community centres to offer residents a discount on charges as part of the Residents' Discount Scheme;
- (e) agree that the community wings within 3Rs schools will remain within the responsibility of the Council, and the space within these learning centres will be available to the local Learning Partnership to help ensure that the lifelong learning requirements of that community are met, and that the Council continues to be able to meet its statutory requirements; and
- (f) seek further reports on the progress of signing community centres up to the Management Agreement.

Prior to hearing the deputations on this item (article 2 of this minute refers), the Convener intimated his intention to move the following:-

that the Committee –

- (a) note the progress made in discussion with the representatives of community centre Management Committees but recognise that agreement has yet to be reached with them;
- (b) instruct officers, in consultation with the Conveners and Vice-Conveners of the Education Culture and Sport, Finance and Resources and Corporate Policy and Performance Committees, to continue negotiations with community centre representatives and to invite a mutually agreed individual or organisation to act as independent chair/mediator in those negotiations with the objective of reaching agreement no later than 20 March, and in any case to report back on the outcome of these negotiations to a special meeting of this Committee to be held no later than 30 March;
- (c) agree that it is this Committee's policy that any final agreement must include:-
 - (i) that Council staff and Learning Partnerships have no role in agreeing or approving programmes of activities in leased community centres;
 - (ii) no prohibition on community centre committee members or office bearers being employees of that community centre, provided appropriate safeguards are in place;

- (iii) provision to allow community centres who wish a lease in excess of five years to have such a lease subject to Committee agreement;
- (d) note the position in relations to 3Rs buildings and Torry Youth Centre and instruct officers to discuss with Management Committees and others the best way to deliver community benefit using these buildings and to report back to a future meeting of this Committee on this; and
- (e) otherwise note the report.

The Committee then heard from the deputations:-

(A) <u>Mr. Paul O'Connor</u>

Mr. O'Connor referred to the Management Agreement before the Committee today, and advised that Inchgarth Community Centre would be unable to enter into agreement with the Council on the terms set out therein. He expressed his views on the approach taken by officers in preparing the Management Agreement, an approach with which he disagreed for various reasons, and stated that, in his opinion, the document ought to be much shorter. Mr. O'Connor highlighted the aspects which he wished to see revised, including responsibilities for repairs and maintenance, and clarity on liability for Management Agreement and Lease were both necessary and that certain protocols should be in place and regulated, highlighted the significant committee to continue negotiations with centres.

Members of the Committee then asked questions of the deputation. After ten minutes had lapsed:-

Councillor Donnelly, seconded by Councillor Reynolds, moved as a procedural motion:that Standing Order 10 be suspended to allow questions to the deputation to exceed ten minutes.

On a division, there voted:- <u>for the procedural motion</u> (4) – Vice-Convener; and Councillors Donnelly, Leslie and Reynolds; <u>against the procedural motion</u> (19) – the Convener; and Councillors Allan, Blackman, Boulton, Cooney, Greig, Laing, McCaig, MacGregor, May, Robertson, Townson, Young and Yuill; and Mrs. M Abdullah, Mr. P Campbell, Mr. M Maclean, Mr. A Nicoll and Mrs. I Wischik.

Councillor Donnelly intimated his dissent to the foregoing decision within the terms of Standing Order 15(6).

The procedural motion having been defeated, the Committee proceeded to hear the next deputation.

(B) Aberdeen Community Learning Centres Forum

Mr. Philip D'Arcy expressed the view that volunteers were being asked to take on additional responsibilities and should not be putting themselves or their families at financial risk; referring to the draft Management Agreement, stated that there were points with which the Forum would be in agreement, but that the sharing of liabilities was it's clearly stated aim; offered to provide to the Council copies of all correspondence from the centres to enable their activities to be monitored and support and guidance to be offered, particularly in more complex situations; highlighted specific concerns in relation to janitorial cover; agreed that further negotiations were needed; and specified the Forum's wish for a partnership agreement instead of a Management Agreement.

Members of the Committee then asked questions of the deputation.

(C) <u>Powis Community Centre</u>

Mr. Alex Mess supported the position taken by Management Committee volunteers, this being that the Management Agreement in its current form would not be signed; highlighted the achievements of Powis Community Centre, and appealed to the Committee for amicable agreement to be reached. Reverend Andy Cowie highlighted the contributions of the 28 volunteers at Powis Community Centre, stating that community centres were not businesses and should not be treated as such; expressed a wish on behalf of Powis Community Centre to finalise and agree upon a Management Agreement but not one which placed all control in the hands of the Council and liabilities with Management Committee volunteers; highlighted specific areas within the draft Management Agreement which Powis Community Centre was opposed to; expressed the view that the Agreement as drafted was tying the hands of Management Committees instead of allowing them to continue to do the job they had been doing all these years; highlighted particular concerns as to the proposed liabilities falling on Management Committee volunteers; and urged the Committee to revert back to a much shorter version of the Management Agreement of October, 2011.

Members of the Committee then asked questions of the deputation.

(D) <u>Woodside Community Centre</u>

Mrs. Sylvia Davidson stated that Woodside Community Centre would not sign the Management Agreement in its current form; expressed a willingness to sign a Management Agreement with the Council nonetheless; and explained the

valuable role of the Community Centre and the commitment made by volunteers in supporting the community.

Members then asked questions of the deputation.

The Committee then heard the Head of Legal and Democratic Services and the Legal Manager (Commercial and Advice) explain, partly in response to questions from members (1) that Aberdeen City Council could not provide personal liability insurance for Management Committee volunteers; (2) that it would be wholly inappropriate for officers to provide legal advice to the Management Committees of centres, as they were essentially third parties with which the Council was engaged in negotiations; and (3) that if the Council were to enter into a partnership agreement with Management Committees as opposed to a Management Agreement, this would result in a position of joint and several liability on the part of both the Council and individual Management Committee volunteers, although it was for Management Committees to obtain their own legal advice on this position. The Head of Legal and Democratic Services stated that the Management Agreement and Lease were less robust than she would have wished, with some concessions having already been made in the course of negotiations.

The Committee also heard from the Head of Communities, Culture and Sport and the Service Manager (Communities) in response to guestions from members. Specific reference was made to (1) the earlier version of the Management Agreement referred to by the deputations, which had been developed in negotiation with Management Committees at meetings chaired by the Convener, with several clauses since amended by officers during the negotiation in the interests of moving forward and in recognition of the requirements of Following the Public Pound, the Protecting Vulnerable Groups Scheme and the Council's Standing Orders; (2) guidelines from the Office of the Scottish Charity Register on becoming registered as a charity; (3) the impact of failing to reach agreement with Management Committees by the end of March, namely significant and potentially unsustainable pressure on existing and reduced staffing structures, the implications of which had not been assessed as officers had been of the view that progress had been made in the negotiations with Management Committees, although it was clear that there was no budget, no resource, and no staff to redeploy into these centres in order to run them; (4) the guestionnaire returns from Management Committees, circulated to the Committee, which in a number of instances were in agreement with the proposed terms; (5) the possible role which could be played by 3Rs schools in community learning and development; and (6) the process which would be followed if new volunteers were required to run Management Committees.

The Committee resolved:-

 to note the progress that has been made in discussion with the representatives of community centre management committees but to recognise that agreement had yet to be reached with them;

- (ii) to instruct officers, in consultation with the Conveners and Vice-Conveners of the Education Culture and Sport, Finance and Resources and Corporate Policy and Performance Committees, to continue negotiations with the community centre representatives starting with points of established agreement, including (1) an annual development grant; (2) heat and electric; (3) building asset maintenance; and (4) Council covering fire, safety and health requirements, and to invite a mutually agreed individual or organisation to act as independent chair / mediator in those negotiations with the objective of reaching agreement no later than 20th March and in any case to report back on the outcome of those negotiations to a special meeting of this committee to be held no later than 30th March;
- (iii) to agree that it is this Committee's policy that any final agreement must include:
 - (a) That council staff and learning partnerships have no role in agreeing or approving programmes of activities in leased community centres;
 - No prohibition on community centre committee members or office bearers being employees of that community centre, provided appropriate safeguards are in place;
 - (c) Provision to allow community centres who wish a lease in excess of five years to have such a lease subject to committee agreement;
- (iv) to note the position in relations to 3Rs buildings and Torry Youth Centre and instructs officers to discuss with management committees and others the best way to deliver community benefit using these buildings and to report back to a future meeting of this committee on this;
- (v) to acknowledge the unique circumstances surrounding the Beacon Centre, and instructs officers to enter into negotiations with Sport Aberdeen to ensure the continuation of community activities within the Beacon Centre; and
- (vi) to instruct officers to report to the appropriate Committee requesting additional finance, if required, for mediation or legal advice for community centres in order for the negotiations referred to at (ii) to take place.

2011/12 BUDGET MONITORING - ECS/12/011

7. The Committee had before it a report by the Director of Education, Culture and Sport and the Head of Finance which presented the current year revenue budget performance to date and advised on the areas of risk and management action.

The report recommended:-

that the Committee -

- (a) note the report on the forecast out-turn on the revenue budget and the information on areas of risk and management action contained therein; and
- (b) instruct officers to continue to review budget performance and to report on service strategies.

The Committee resolved:-

to approve the recommendations.

CAPITAL MONITORING - EDUCATION, CULTURE AND SPORT PROJECTS - EPI/12/061

8. The Committee had before it a report by the Director of Education, Culture and Sport which detailed the capital spend to date for the Education, Culture and Sport projects included within the Non-Housing Capital Programme.

The report recommended:-

that the Committee note the position as set out within the report.

The Committee resolved:-

to approve the recommendation.

LEADERSHIP DEVELOPMENT POLICY FOR EDUCATION, CULTURE AND SPORT - ECS/12/002

9. The Committee had before it a report by the Director of Education, Culture and Sport seeking approval to implement the new Leadership Development Policy for all staff within the Education, Culture and Sport Service.

The report recommended:-

that the Committee approve the Learning Development Policy and instruct officers to carry out the necessary work to ensure its successful implementation.

The Committee resolved:-

to approve the recommendation.

STANDARDS AND QUALITY REPORT 2010/11 - EDUCATION, CULTURE AND SPORT - ECS/12/005

10. The Committee had before it a report by the Director of Education, Culture and Sport presenting the Education, Culture and Sport Standards and Quality Report 2010/11.

The report recommended:-

that the Committee –

(a) note the Education, Culture and Sport Standards and Quality Report 2010/11; and

(b) commend our children, young people and staff for their considerable achievements.

The Committee resolved:-

to approve the recommendations.

SPORTS GRANTS - ECS/12/003

11. With reference to article 10 of the minute of its previous meeting of 24 November 2011, the Committee had before it a report by the Director of Education, Culture and Sport which presented applications for financial assistance from a number of sports organisations and recommendations in respect of each.

The report recommended:-

that the Committee -

(a) consider the applications and approve the following recommendations:-

Aberdeen Amateur Swimming Club – Establishment of Water Polo Section	£600
Aberdeen Football Club Ladies – Club Development	£5,570
Aberdeen Grammar School Shinty Programme with Harlaw Academy	£500
Aberdeen Schools Rowing Association	£5,000
Aberdeen Squash and Racketball Club – Racketball in the Community	£937.50
Cults Otters Amateur Swimming Club – Junior Swim Fit	£1,000
Glentanar Boys Club 2012 Coach Training	£625
North Region Girls Football League – Primary School Girls Football Development	£2,570
Scottish Athletics – Hosting the Celtic Games in Aberdeen	£10,000
RGU Sport – Volunteer for Sport Programme	£5,550
Silver City Blues Amateur Swimming Club	£3,500
St. Machar Academy – School of Football	£925

- (b) defer consideration of applications from Aberdeen Rugby League Club, Auchmill Golf Club and North East of Scotland Athletics Partnership;
- (c) agree that no grant be awarded to Bridge of Don Amateur Swimming Club, Dee Boys Club and Seaton Backies Project; and
- (d) agree to allocate the underspend within the Sports Grants Budget, £4,567.50, to support 2012/2014 games legacy activities in schools and the local community.

The Committee resolved:-

- (i) to approve the recommendations in the report;
- (ii) to instruct officers to prioritise discussions with Dee Boys Club in relation to their funding application;
- (iii) to instruct officers to discuss the reason for declining the application from Bridge of Don Amateur Swimming Club with Councillor Reynolds outside of the meeting; and
- (iv) that future reports include an additional column explaining the reasons for refusing and granting applications, and that the Committee be provided with information on the application process, including the criteria to be met in submitting an application.

BUCKSBURN AND NEWHILLS SCHOOL

12. With reference to article 15 of the minute of its meeting of 15 September, 2011, the Committee received a verbal report from David Wright, Service Manager (Assets and Finance) on progress being made with the replacement of Bucksburn and Newhills Schools. Mr. Wright advised that Scottish Futures Trust (SFT) had given officers an indication in principle that a grant of around £4m would be allocated for these works. Officers had met with SFT this week and would now proceed to submit a formal application over the following six to nine months. This would be based on a programme of work which set out the contribution required from SFT and the rationale behind this. It was hoped that a grant of this nature would be forthcoming in the early stages of the project.

The Committee resolved:-

to note the position and to instruct officers to continue to progress the matter in discussion with Scottish Futures Trust and report back on progress and timelines to a future meeting.

CLOSING THE GAP - RAISING ACHIEVEMENT - ECS/12/004

13. The Committee had before it a report by the Director of Education, Culture and Sport providing an overview of the strategic approaches taken in Aberdeen City on Closing the Gap and Raising Achievement, in order to maximise achievement in all of our young people.

The report recommended:-

that the Committee –

- (a) note the content of the report; and
- (b) monitor the outcome of this strategy through future performance reports to the Committee.

The Committee resolved:-

to approve the recommendations.

BOOKINGS AND LETTINGS REVIEW PROGRESS REPORT - ECS/12/008

14. The Committee had before it a report by the Director of Education, Culture and Sport on progress with implementing the bookings and lettings review and presenting proposals for revised letting charges for implementation from August, 2012.

The report recommended:-

that the Committee -

- (a) note the progress being made in implementing the bookings and lettings review;
- (b) approve the revisions to the lettings process and the requirements for users of Council buildings in relation to Protecting Vulnerable Groups legislation and protocols; and
- (c) approve the proposed increases in charges for lets for educational establishments to reflect increasing costs.

In accordance with the decision taken to hear a deputation on this item (article 2 of this minute refers), the Committee heard from Mr. David Henderson who highlighted the social benefits of the letting of educational establishments; expressed the view that an increase in charges as proposed did not reflect national salary uplifts and as such was unaffordable; set out the reasons why an increase in charges should not be agreed by the Committee; and requested the Committee to consider implementing a smaller increase in charges than that proposed.

Members of the Committee then asked questions of the deputation.

The Convener, seconded by the Vice-Convener moved that the recommendations in the report be approved.

Councillor Laing, seconded by Councillor Allan, moved as an amendment – that in respect of recommendation (c) in the report, the current pricing structure be retained for 2012/13.

On a division, there voted:- <u>for the motion</u> (12) – Convener; Vice-Convener; and Councillors Blackman, Boulton, Greig, McCaig, MacGregor, May, Robertson, Townson and Yuill; and Mrs. I. Wischik; <u>for the amendment</u> (9) – Councillors Adam, Allan, Donnelly, Laing, Leslie, Reynolds and Young; and Mr. M. Maclean and Mr. A. Nicoll; <u>absent from the division</u> (2) – Mrs M. Abdullah and Mr P. Campbell.

The Committee resolved:-

to adopt the motion.

CITY CAMPUS - ECS/12/009

15. The Committee had before it a report by the Director of Education, Culture and Sport providing an interim review of the City Campus project, including the initial phase of implementing travel afternoons in school session 2011/12.

The report recommended:-

that the Committee -

- (a) note the content of the report;
- (b) instruct officers to bring a progress report on the City Campus project on an annual basis; and
- (c) instruct officers to complete the final evaluation of the travel afternoon provision at the end of the initial phase, and to include this in the next City Campus report.

The Committee resolved:-

to approve the recommendations.

ROLL CAPPING IN ABERDEEN CITY SCHOOLS 2012/13 - ECS/12/001

16. With reference to article 9 of the minute of its meeting of 24 March, 2011, the Committee had before it a report by the Director of Education, Culture and Sport setting out proposals for roll capping in Aberdeen city schools during the school session 2012/13.

The report recommended:-

that the Committee -

(a) agree the following limits for school session 2012/13 upon the S1 intakes of the following secondary schools, and agree the reservation of spaces for children likely to become resident in the zone of those schools during the school year, as specified:-

Aberdeen Grammar School – 180 (with 6 reserved spaces) Bucksburn Academy – 120 (with 4 reserved spaces) Cults Academy – 180 (with 10 reserved spaces) Harlaw Academy – 180 (with 4 reserved spaces);

(b) agree that it may be necessary to cap a number of primary schools to accommodate any class size reductions in Primary 1 – 3 to conform with class size regulations and local policy, noting that the schools in question can only be identified once class configurations have been established;

- (c) agree the reservation of spaces in identified primary schools as appropriate, for children likely to become resident in the zone of those schools during the school year; and
- (d) require the School's Services Managers to monitor closely the number of pupils transferring to the identified capped schools in August, 2012 relative to the role limits being recommended.

The Committee resolved:-

to approve the recommendations, subject to amending recommendation (b) to reflect that capping in primary schools would be at Primary 1 stage only.

REVIEW OF INCLUSION - PUPIL SUPPORT ASSISTANT IMPACT SURVEY - ECS/12/012

17. With reference to article 17 of the minute of its meeting of 15 September, 2011, the Committee had before it a report by the Director of Education, Culture and Sport on the outcomes of an impact survey undertaken on the reduction of Pupil Support Assistant (PSA) hours in primary and secondary schools for the session of 2011/12.

The report recommended:-

that the Committee –

- (a) note the outcome of the impact survey; and
- (b) note that further information on the longitudinal impact of staffing allocations would be produced as part of the on-going review of inclusion.

The Convener, seconded by Councillor Greig, moved that the recommendations in the report be approved.

Councillor Laing, seconded by Councillor Boulton, moved as an amendment:-

that the Committee note the outcome of the impact survey with concern, and instruct officers to conduct a further educational impact assessment in consultation with schools, parents, trade unions and Pupil Support Assistants, reporting back to the Committee on the outcome by Autumn, 2012.

On a division, there voted:- <u>for the motion</u> (9) – Convener; and Councillors Blackman, Donnelly, Greig, McCaig, MacGregor, Robertson, Townson and Yuill; <u>for the</u> <u>amendment</u> (10) – Councillors Adam, Allan, Boulton, Laing, Leslie, Reynolds and Young; and Mr. M. Maclean, Mr. A. Nicoll and Mrs. I. Wischik; <u>absent from the division</u> (4) – Vice-Convener, Councillor May, Mrs M. Abdullah and Mr P. Campbell.

The Committee resolved:-

to adopt the amendment.

COMMITTEE BUSINESS STATEMENT

18. The Committee had before it a statement of committee business prepared by the Head of Legal and Democratic Services.

The Committee resolved:-

- (i) to delete items 4 (Bookings and Lettings Review), 9 (Closing the Gap Raising Attainment) and 10 (City Campus); and
- (ii) to otherwise note the statement.

MOTIONS LIST

19. The Committee had before it a motions list prepared by the Head of Legal and Democratic Services.

The Committee resolved:-

to delete motion 2 (Parents Charter – Motion by Councillor Boulton).

EDUCATION, CULTURE AND SPORT PERFORMANCE REPORT - ECS/12/006

20. The Committee had before it a report by the Director of Education, Culture and Sport which provided a summary of performance data up to 30 December, 2011 for the Education, Culture and Sport Directorate. Appended to the report were briefing notes on:-

- (1) Violent incidents against Aberdeen city schools 2010/11;
- (2) Absence and attendance in Aberdeen city schools 2010/11;
- (3) Exclusions from Aberdeen city schools 2010/11;
- (4) Community Centres Transition to leased centre status February, 2012;
- (5) Harlaw Learning Community follow-through report November, 2011;
- (6) Aberdeen City Public Library Quality Improvement Matrix report November, 2011; and
- (7) Education, Culture and Sport Policy Review Update 2011.

The report recommended:-

that the Committee -

- (a) approve the Education, Culture and Sport Service Performance report for the period up to 30 December, 2011 and to note the progress being made towards the Service Plan actions; and
- (b) approve the briefing notes appended to the report.

The Committee resolved:-

to approve the recommendations. - JOHN WEST, <u>Convener</u>.