

Scottish Parliament Region: South of Scotland

Case 200803019: South Ayrshire Council

Summary of Investigation

Category

Local government: Parks, outdoor centres and facilities

Overview

A number of residents (54) from the South Ayrshire Council (the Council) area raised complaints about the Council's decision to close various facilities (Girvan Swimming Pool, Tarbolton and Dailly Activity Centres, Dalmillig Golf Course, The Gaiety Theatre, Pets' Corner, Public Toilets and Maybole and Troon Registration Offices) without consultation with the public.

Specific complaint and conclusion

The complaint which has been investigated is that the Council failed to consult the public, both before and after a decision was taken to close a public facility or centre, in accordance with the Council's practice and statutory procedures (*not upheld*).

Redress and recommendation

The Ombudsman recommends that, in the interests of good practice, the Council ensure that their strategy to communicate and engage with the community incorporates clear directives in relation to consistency in communication and engagement where it is proposed to close a Council facility or centre.

The Council have accepted the recommendation and will act on it accordingly.

Main Investigation Report

Introduction

1. In March 2009, my office received the first of a number of complaints from residents within the South Ayrshire Council (the Council) area regarding the Council's decision to close various facilities. Over the following months, a total of 54 individual complaints was received from the public, expressing dissatisfaction with the Council's decisions; in particular, because it was alleged that these were taken without any prior warning or public consultation with the community who would be affected by the closures.

2. The majority of complainants were aggrieved about the closure of Girvan Swimming Pool (the Pool). A number complained that the Pool was closed without warning on the grounds of health and safety (and that fixtures and fittings were removed immediately, rendering it unusable) but that no explanation had been provided by the Council about what problems existed which required it to be closed without warning. Others pointed out that this was the only Council run leisure facility left in Girvan and that the nearest pool was in Maybole. Many referred to its health benefits.

3. However, other local facilities which were named in the complainants' grievances as facing closure were: Tarbolton and Dailly Activity Centres, Dalmilling Golf Course, The Gaiety Theatre (the Theatre), Pets' Corner, Public Toilets and Maybole and Troon Registration Offices. The general concern was that the closure of these facilities would be a loss to the community.

4. My office identified a complainant (Mr C) to be the representative complaint and the investigation has been conducted under his name. The remaining complainants were informed at the outset of this and have received a copy of this report.

5. The complaint which I have investigated is that the Council failed to consult the public, both before and after a decision was taken to close a public facility or centre, in accordance with the Council's practice and statutory procedures.

Investigation

6. My office made written enquiries to the Council on the complaints. Two of my investigators jointly conducted interviews with individual Council officers,

including the Council's Chief Executive, the Depute Chief Executive and the Executive Director - Children and Community Services (the Executive Director). My investigators also conducted interviews with a number of Councillors who were involved in the budget setting process. Relevant documents were made available by the Council. My investigators interrogated the evidence.

7. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report.

Complaint: The Council failed to consult the public, both before and after a decision was taken to close a public facility or centre, in accordance with the Council's practice and statutory procedures

The Budget Setting Process

8. Apart from the decision to close the Pool, the other closure decisions were made as part of the Council's budget process and involved consideration by the Council's Budget Working Group (the Group), which consisted of Councillors. My investigators interviewed all the members of the Group. During the investigation, the Council provided details about the Group and the Council's process for setting their budget. At interview, the Council officers and Councillors expanded on this with further information.

Setting the Budget - 2007 Council elections and 2008/2009 Budget

9. The Council election in May 2007 resulted in no majority party in overall control of the Council. The Group was formed as the main vehicle for managing and co-ordinating the Council's 2008/2009 budget process and, initially, had full cross party representation (one party left in early 2008 and did not rejoin the Group). The Group had no executive decision-making authority and it was required to present its recommendations to the Full Council to be considered and decided. When the budget for 2008/2009 was under consideration, each Council department was asked by the Group for a presentation, which explained their function and overall spending, and to produce saving suggestions for the Group to consider. Some suggestions involved the closure of Council facilities but few of these were accepted by the Group. However, the decisions to close Pets' Corner, some public toilets and Maybole Registration Office were taken as part of the 2008/2009 budget (see paragraphs 40, 44 and 49).

2009/2010 Budget

10. A similar budget setting process was followed for the 2009/2010 budget. The Depute Chief Executive explained to my investigators at interview that each department was asked to provide the Group with details of the impact of a 10 percent reduction in budget and the implications of this. No restriction was placed on suggestions for reaching this savings target and, like the 2008/2009 budget, some of the suggestions were for the closure of facilities. My investigators were provided with sight of the documentation provided by the departments to the Group, in the form of savings suggestions forms which outlined the estimated saving which could be achieved by the particular suggestion and the department's assessment of the impact of each suggestion using a traffic light system (red/high to green/low impact).

11. At interview, members of the Group explained that they had considered each savings suggestion and that they had had an opportunity to discuss these with the relevant Council officers and ask for further information and/or more detailed costings from them. The Group also had access to specialist software which allowed them to obtain further detail on individual budget lines within a department; although some members commented that they found this cumbersome to use. Members of the Group explained that they consulted within their own political group regarding the proposed savings suggestions.

12. At interview, there was a general consensus among Council officers and Councillors that, although the budget setting process was the same as the previous year, the 2009/2010 budget was focussed on allocating funds to areas of Council priority. There was also a majority view that, in many departments, the flat percentage reduction in budget was no longer possible without impacting on front line, priority and statutory services and that difficult decisions needed to be taken which may have been put off in the past. Also, the Council had a budget deficit which needed to be reduced.

13. Once the savings suggestion had been assessed and accepted or rejected, the decisions made by the Group were consolidated into one budget proposal and this was presented to the Full Council on 11 February 2009. It is the democratic right of Councillors to take budgetary decisions. The proposed budget was accepted by the Full Council by a majority. The implementation date for closure for most of the facilities was from 1 April 2009.

The closure of facilities

14. The Council explained, both in writing and at interview, the background to each decision which was the subject of this complaint and details of any consultation which took place with the affected community regarding the decision. The Council have also provided an up-to-date position (at February 2010) on each of the decisions. As stated at paragraph 8, the decision to close the Pool was not taken as part of the budget setting process.

Girvan Swimming Pool

15. My investigators were informed by the Council's officers that the Pool was constructed in the early 1970s and that there had been very little financial investment in its upkeep by previous administrations, with the result that much of the machinery was original and there were problems with the electrics, heating system and roof. The Pool plant was also in a poor condition because of its age.

16. A feasibility study undertaken in 2005 by the Council's Strategy & Design Department, with information provided by various Council departments and external companies, referred to the condition of the building as being:

'... typical for its age and presents a generally tired appearance, particularly in respect of the internal fabric, with most elements nearing or approaching the end of their working life or having already exceeded the life expectancy of the element or component and requiring refurbishment or renewal.'

17. The study indicated that, if the Pool were to be refurbished to an acceptable standard for the future, substantial capital investment would be required and concluded that consideration should be given to demolishing the existing building and replacing or relocating it. An officer in the Council's Property and Design Department (Officer 1) explained at interview that, following the study and in light of the concerns that it raised, the Council constantly monitored the condition of the Pool. Officer 1 also explained that, in line with the Scottish Government's guidance, the condition of all Council properties is classified on a sliding scale from 'A' (least risk) to 'D' (most risk). Following the feasibility study, the Council reclassified the Pool as 'C'.

18. When the Council were setting the 2008/2009 and 2009/2010 budgets, the Property and Design Department reported to the Group that funds were needed to bring the Pool up to an acceptable standard. In the 2008/2009 budget,

funding was made available to keep the Pool open but no proposals were made for capital investment for its repair. In explanation of the lack of funds proposed for refurbishment, one of the Councillors on the Group recalled that the Group wished a full structural and operations survey to be carried out before deciding whether to allocate funds for its refurbishment.

19. It was confirmed to my investigators that, in late 2008 when the Group were considering savings proposals for the Council's 2009/2010 budget, the closure of the Pool was among the savings suggestions raised. The Group confirmed that, during their discussions with officers, the previous concerns about the condition of the Pool were raised again. Officer 1 explained to my investigators at interview that pool staff had raised concerns at that time and an independent pool specialist was consulted, who recommended that the Pool plant and filters should be replaced. On the basis of this further information, the Council assessed that there was a high risk to the public and others because of the condition of the Pool and risk of bacterial infection. The Council took the decision to reclassify the condition of the Pool to 'D' (most risk).

20. A report recommending the closure of the Pool was presented by the Depute Chief Executive to the Full Council on 14 January 2009 and the decision to close was passed by a majority. Therefore, although the closure of the Pool had been discussed previously by the Group, the decision about its future was not made by the Group as part of their consideration of efficiency savings, but by the Full Council on the basis of the risk to public health and safety. Officer 1 informed my investigators that the Pool had not operated in an unsafe condition and the decision to close was taken before it became unsafe; however, there was an imminent risk that the Pool plant could fail.

21. Following the Full Council decision in January 2009, the Council issued a press release which explained that the Pool had reached the end of its working life and would close immediately. It closed within one week of the decision.

22. At interview, the Chief Executive commented that the Council had recognised, with hindsight, that assets such as the Pool should have been maintained properly over the years by the Council. The Council have commented that they now have an Interim Property Asset Management Plan (the Plan) relating to operational buildings, which contains details of the properties owned by the Council. This is being used to prioritise capital spend and disposal decisions. Work is in progress to complete the Plan and the

leisure element is due to be incorporated into the Plan in the coming months. The Council will, therefore, be monitoring the condition of their buildings and the Plan will put in place prioritisation of funding based on working life.

Consultation

23. Council officers and Councillors have confirmed that they did not consult about the decision to close the Pool because the decision was made on the grounds that its continued operation could present an unacceptable level of risk to patrons and staff. At interview, the Chief Executive described the situation as one where the Council had no room for manoeuvre, as they were unable to take the required action (substantial financial investment) which would have been needed to keep the Pool open.

24. An officer in the Council's Community Development Department (Officer 2) commented that, after the decision to close the Pool, the Council recognised that they needed to engage with the community. Shortly after the decision, a Council officer attended a meeting in the community which was organised by one of the local elected members. Subsequently, the Council also set up a series of workshops (including a youth workshop), which the public were invited to attend. The purpose of the workshops was to help the Council develop an action plan for Girvan and the Pool was discussed. Consequently, a local strategy group was set up, which involved a number of people who had attended the workshops and had indicated an interest in becoming involved in future strategy for the area; and the Council and strategy group prepared a bid for funding (which included provision for a new pool) to the Scottish Government's Town Centre Regeneration Fund. Unfortunately, the bid was unsuccessful. The Council decided to delay any action to demolish the Pool until after 31 December 2009 to allow the community to express any interest. An assessment of a bid from a community group was considered at the Full Council on 26 January 2010. At that meeting, the Council accepted the recommendation of officers that there were fundamental difficulties with the bid and that the focus for Girvan and the surrounding areas should be on a multi-faceted complex which would regenerate the area as well as providing leisure facilities. The Council have informed my investigators that demolition of the Pool will now proceed.

Tarbolton and Dailly Activity Centres

25. The closure of both Tarbolton and Dailly Activity Centres was approved as part of the Council's 2009/2010 budget process in February 2009 (see

paragraph 13). The complainants' concern about the closure was that there would be repercussions for the community groups and clubs who used the facilities. Also, an amateur football team might have to be disbanded because no alternative suitable facilities would be available to the team for washing/changing. The complainants considered that the Council had not taken note of the numbers of residents who made use of these facilities.

26. The Council explained that the savings suggestion forms provided to the Group reported that Tarbolton and Dailly Activity Centres were under-utilised and that services provided by these facilities could be provided locally in the school or other community facility.

Consultation

27. The Council commented that there was no consultation with the community about the decision to close the Activity Centres because it was not, nor ever had been, the Council's practice to consult on its efficiency measures prior to a budget decision by the Full Council.

28. Officer 2 confirmed at interview with my investigators that there was engagement with the community at Tarbolton and Dailly after the decisions were announced. Following departmental discussion, and with the agreement of the community, a key holding arrangement had been put in place for both Activity Centres. This had allowed the Activity Centres to remain open and to continue to be used without affecting the budget savings. A steering group had also been established to work with the Council on plans for the Activity Centres so that they could continue to remain open.

Dalmillig Golf Course

29. The argument made by the complainants against closure of the golf course was that it was well used and provided an area of green space which was used by the community. There was also a concern raised that the future of the golf club was tied into plans for a change of use of the land.

30. The Full Council agreed on 11 February 2009 to review the future use of the Dalmillig Golf Course in advance of its closure on 1 January 2010. In the Council's press release on 11 February 2009 following the budget decision, it stated that the Council would ensure that this review 'is done with full public consultation'.

Consultation

31. The Council commented that there was no consultation with the community about the decision to close Dalmlilling Golf Course because it was not, nor ever had been, the Council's practice to consult on its efficiency measures prior to a budget decision by the Full Council. At interview, Officer 2 confirmed that, despite the press release (see paragraph 30), there was no difference or specific direction that this decision should be consulted on compared to any other.

32. Officer 2 explained that, following the Full Council meeting on 11 February 2009, he and the Executive Director engaged with the community and, in particular, a local community group who had raised an opposition to the Council's decision. Subsequently, Officer 2 presented a paper to the Council's Senior Management Team in June 2009, which called for careful reflection on the decision and indicated that a further paper would be presented in due course. A Council paper examining golf facilities in the Council's area was presented to the Full Council on 7 October 2009, which included details of the impact of the Council's decision to close Dalmlilling Golf Course and recommended that the course should remain open.

The Gaiety Theatre (the Theatre)

33. The basis for the complaints raised with my office about the closure of the Theatre was that the Council had allowed it to fall into a state of disrepair, as a result of continued inadequate investment.

34. The Theatre is an iconic building in Ayr. A feasibility study was undertaken in relation to the Theatre in 2005 by external architects. In 2006, the Council employed a Consultancy Team to assess and report on the condition of the Theatre. These reports put forward a strategy for the development and enhancement of the Theatre but also highlighted various concerns about the existing building and internal arrangements. The Consultancy Team also indicated that the Theatre would have to shut down completely while any improvement work was undertaken.

35. My investigators have had sight of various Council reports from 2007 and 2008, which showed the continuing development of proposals for the refurbishment and essential health and safety works required for the Theatre. These proposals included a temporary period of closure. In October 2008, a report was submitted to the Council's Senior Management Team, which advised

that the Council could be at risk if it continued to operate the Theatre beyond January/February 2009.

36. In late 2008, when the Group were considering savings suggestions for the 2009/2010 budget, the full closure of the Theatre was put forward and accepted. At the Full Council meeting on 11 February 2009, the Council made no financial allocation for the Theatre and approved its closure.

37. At interview, Officer 2 explained that the decision to close the Theatre was based on the capital costs required to bring the Theatre up to a suitable standard and the recurring Council revenue costs, which included large subsidy costs (the Theatre's income was less than the cost of running it). The Council also recognised that they were not best placed to run the Theatre. The Councillors and officers who specifically commented on this issue said that it was not the Council's intention that the Theatre would be closed indefinitely and that they were aware that there were people interested in investing in the Theatre. Following the February 2009 budget decision, a press release was issued regarding the budget which quoted the Council Leader as stating: 'We are positively continuing to examine the options for the future of [the Theatre].'

Consultation

38. There was no consultation with the community about the decision to close the Theatre because it was not, nor ever had been, the Council's practice to consult on its efficiency measures prior to a budget decision by the Full Council. However, prior to the decision, a public meeting had been held regarding the future of the Theatre. This was not Council convened although Councillors were invited to it.

39. In March 2009, the Council approved the establishment of a Steering Group to progress towards the appointment of a preferred bidder, to work in partnership with the Council to secure a sustainable future for the Theatre. A preferred bidder has now been appointed.

Pets' Corner

40. The closure of Pets' Corner was part of the 2008/09 suggested savings and was, therefore, first considered by the Group at that time. The proposal to close Pets' Corner was made on the basis of the poor condition of the facility, concerns about animal welfare and the capital costs of dealing with these issues. By closing Pets' Corner, the Council had calculated that it would save

on revenue costs and also on the significant capital investment which would be required to bring the facility up to an adequate standard.

Consultation

41. There was no consultation with the community about the decision to close Pets' Corner because it was not, nor ever had been, the Council's practice to consult on its efficiency measures prior to a budget decision by the Full Council.

42. An officer in the Council's Development & Environment Directorate (Officer 3) explained to my investigators at interview that, following the decision to close the facility in 2008/2009, there was a high level of public support for the continuation of the facility and, as a result, the Council delayed the closure for six months to allow the development of a joint proposal in a community-led initiative which sought to provide the necessary improvements. However, ultimately, the Council decided that continuing to keep Pets' Corner open was not viable on the basis of the Business Plan submitted by the community-led organisation. Between December 2008 and March 2009, arrangements were made to re-home the 200 animals at Pets' Corner.

Public Toilets

43. In 2007, a full review was carried out by the Council which approved a strategy for the provision of Public Toilets which was that, 'serving the main town centres and visitor areas in South Ayrshire should be the primary focus for the service'. The Council commented that there were more Public Toilets at the time than was considered necessary. There is no statutory requirement placed on the Council to provide Public Toilets.

44. Officer 3 explained to my investigators that he was involved in the review of these facilities. At the time, there were over 50 Public Toilets in the area and some were in a very poor condition. The review indicated that financial investment was required to refurbish many of the Public Toilets to bring them up to an acceptable standard and that an annual maintenance budget was needed to ensure that they were kept at that standard. Officer 3's review was discussed at the Sustainability and Environment Standing Scrutiny Panel (the Scrutiny Panel) at its meeting on 18 September 2007 and at its meeting on 23 October 2007, the Scrutiny Panel identified a range of options and invited the Leadership Panel to give consideration to those options. The Leadership Panel then did so at its meeting on 13 November 2007, and agreed a closure programme. The savings were incorporated into the 2008/2009 budget

process. This, therefore, became part of the budget savings for that year but was not a decision taken by the Group.

45. However, when the Group were considering the savings suggestions for the 2009/10 budget, one of the proposals put forward was for the closure of further Public Toilets, as outlined in the 2007 review. The Group accepted this proposal in line with the agreed strategy (see paragraph 44).

Consultation

46. There was no consultation by the Council with the public prior to the original closure decisions in 2008/2009. However, Officer 3 commented to my investigators that the review document and papers from the Scrutiny Panel and the Leadership Panel were available on the Council's website and many people did access the papers there and he had had contact from members of the public as a result. There was no further consultation with the community about the decision to close more Public Toilets as part of the 2009/2010 budget because it was not, nor ever had been the Council's practice to consult on its efficiency measures prior to a budget decision by the Full Council.

47. Officer 3 commented also that, although he was no longer involved with Neighbourhood Services, he was aware that alternative provision (for example, Comfort Schemes, which were based on commercial premises making their facilities available) and negotiation with a Community Council to take over one of the Public Toilets had been explored.

Maybole and Troon Registration Offices

48. The complaints raised regarding the lack of consultation about the closure of the Maybole and Troon Registration Offices related mainly to the inconvenience to the public of having to go to another town for these services. It was suggested by some complainants that, while a full-time service may not be necessary, there was a need for part-time or peripatetic service in the community.

49. Council officers informed my investigators at interview that there were originally five Registration Offices in the Council's area: Maybole, Troon, Prestwick, Ayr and Girvan. As part of the 2008/2009 budget, the Prestwick office was closed on the basis of cost and efficiency savings and the Maybole office had been scheduled to close. However, having considered the representations made by the local community to carry on the service, a decision

was taken not to close the Maybole Registration Office that year and to provide a part-time service.

50. As part of the 2009/10 budget process, a savings suggestion was put to the Group which suggested that registration services could be centralised to Ayr, with the closure of Registration Offices in Troon and Girvan and the complete closure of the Maybole Registration Office. The Group accepted the closure of the Troon Registration Office and the complete closure of the Maybole Registration Office. However, the Group did not accept the closure of the Girvan Registration Office. The Full Council approved the proposed budget on 11 February 2009, which included the recommended closures.

Consultation

51. There was no consultation with the community about the decision to close Troon and Maybole Registration Offices because it was not, nor ever had been, the Council's practice to consult on its efficiency measures prior to a budget decision by the Full Council.

52. Following representations from the local community (see paragraph 49) the Council's 2008/2009 budget decision to close the Maybole Registration Office was delayed. After the 2009/2010 budget decision, registration services from Maybole and Troon have now been relocated to Girvan and Ayr and services can also be accessed online, where appropriate.

Consultation

53. The Council, in response to a written enquiry from my investigators, stated that they had a duty and moral responsibility to deliver a balanced budget which best met the demands placed upon it in challenging financial circumstances. In order to secure a sustainable budget for 2009/2010, the Council had to make some difficult and unpopular decisions. However, they stated that they had acted consistently in their practice not to consult on efficiency proposals until they were considered by members at Full Council.

54. At interview, Officer 3 explained that it would be difficult to consult prior to a decision being taken because departments put a range of saving suggestions to the Group to consider and the departments did not know which of these would be accepted.

55. My investigators were told that, due to restructuring within the Council in early 2009, it was often the case that the officers involved in the engagement with the community following each decision were not the officers who had made the original savings suggestions.

56. In response to my investigators' written enquiries, the Council explained that, once the closure decision had been made, they had taken significant steps to engage with the section of the community affected in order to mitigate, where possible, the impact of the decisions. The Council considered that they had, therefore, met their obligations in terms of due financial diligence, the delivery of best affordable service provision across their area, and a commitment to the objectives, as set out in the Single Outcome Agreement (see paragraph 57).

57. At interview with the Council officers involved with the community following the decisions, the consensus was that their engagement with the community had been reactive, and that no specific direction had been given to departments to consult with the public. However, some of the Group (the Councillors) indicated that they had given directions to officers to engage with the community, although there is no record of this in minutes of the Group's meetings. Where the decision to close was a budgetary decision, press briefings and press releases had been given on the day of the Council budget meeting. The Council confirmed that they did not have any systematic process for community engagement. The Council's Single Outcome Agreements are not operational documents and they do not impose a specific requirement to consult or engage with the public in relation to closure decisions.

58. The Depute Chief Executive commented that, following the public reaction to the budget set in 2009/2010, the Council had recognised that communication and engagement with the public needed to be done at an earlier stage and given a higher priority. Further, in April 2009, Audit Scotland published their Audit of Best Value and Community Planning Report (the Audit Report) on the Council. The Audit Report stated that:

'... [the Council] does not have a community engagement strategy and, along with its partners, can better coordinate the range of consultation to improve efficiency and to ensure that it is most effectively targeted. The Council needs to better evaluate consultation outcomes and to use consultation more effectively to inform policy development.'

59. The Depute Chief Executive commented that, in July 2009, the Council agreed a comprehensive Improvement Agenda which focused on laying strong foundations to support sustained improvements, one strand of which was on communication and engagement. The Improvement Agenda committed the Council to 'put in place a communication and engagement strategy in relation to customers, partners and staff'.

60. The Chief Executive explained that one of the steps which had been taken to engage with the community was the decision to put more information about the Council budget on their website. The Chief Executive was of the view that the Council had acted correctly but recognised that things could have been done better; and the community could have been given a better understanding of the financial pressures which were facing the Council. The Council subsequently provided advice that, in November and December 2009, the Leader of the Council and the Chief Executive had taken the lead arranging a number of 'community conversations', with the express aim of increasing awareness and understanding by the community about the Council and the budgetary issues it faced, including maximising savings which could be achieved by improving the way the Council operated rather than through service cuts.

61. Since the setting of the 2009/2010 budget, the Group has been disbanded and, since July 2009, the budget setting process within the Council has changed. The emphasis is on budget decisions being taken in the course of the year, with decisions being subject to scrutiny and with regular updates for the elected members.

62. The Chief Executive commented that the Council did not have a process for consulting with the community prior to the budget decisions being made or engaging with the community afterwards, therefore, in the circumstances, it was not the case that the Council had breached any set-down process.

Conclusion

63. The Council has its own set of priorities for the improvement of its area and to provide public services efficiently. It is not my role to question the Council's actions in delivering their objectives, unless there is evidence that, in doing so, the Council have failed to adhere or have regard to their own policies and procedures and duty. It is the democratic right of Councillors to take budgetary decisions which are arrived at properly.

64. I have established that the decision to close the Pool was not taken as part of the Council's budget process (see paragraph 20) but on the grounds of the risk to public health and safety: once the Council had assessed that the Pool posed a higher risk to the public and others because of its condition, its continued operation posed an unacceptable risk and it had to be shut down. The Council had to make a decision on whether to invest the money required to bring the Pool up to an adequate standard and I have been informed that they were unable to provide the level of investment required and, therefore, decided to close the facility. In these circumstances, while I can appreciate the disappointment felt by the users of the Pool at the loss of this facility, I cannot conclude that the Council, having assessed that there was a risk to the public and others if the Pool continued to operate, were at fault in failing to consult with the public on the decision to close the Pool.

65. In relation to the decisions taken as part of the Council's budget process, the Council were not required to consult with the public about their budgetary decisions and, in these circumstances, I am unable to criticise the Council for any lack of consultation with the community. I have seen no reference in the Audit Report, the Single Outcome Agreement or the Council's Improvement Agenda to there being a duty or specific requirement placed on the Council to consult with the public in relation to a decision to close a facility or centre.

66. In the current economic climate, councils and other public bodies will face difficult budgetary decisions to ensure that budget cuts do not adversely affect the quality and provision of priority and statutory services. However, they will wish to ensure that they take the community with them in their decision-making.

67. Following the decision to close the Pool and the other facilities, the Council did take various steps to engage with the community. However, it is clear to me that the Council should have foreseen that the decisions to close a number of facilities would be likely to cause concern to the community as a whole and planned for the aftermath of their decisions. In the event, the actions which they took to mitigate the effects of their decisions to close facilities and centres, were reactions rather than a planned response and, while this has allowed the continuation of some services, in some instances, this has generally been with a change to how these were previously run.

68. This has been a fire-fighting exercise against a wave of public criticism. Therefore, while recognising that I have not found evidence of administrative fault or failure to consult the public about the intention to close facilities and centres, I nevertheless consider that it could have been expected that the closures would be met with some public reaction and not to have had a plan or strategy in place to deal with this was remiss. I recognise that there was engagement, with a lot of time and energy being given by Council officers in some instances, after the decisions to close took place and their actions are commendable. However, with no Council directive on how this should be undertaken, this was a piecemeal affair.

69. The Council have shown that they have since made progress in putting in place a community engagement strategy. While I do not uphold the complaint, to ensure consistency across the Council and in the interests of good practice, the Council should ensure that their strategy to communicate and engage with the community incorporates clear directives in relation to consistency in communication and engagement where it is proposed to close a Council facility or centre.

Recommendation

70. I recommend that, in the interests of good practice, the Council ensure that their strategy to communicate and engage with the community incorporates clear directives in relation to consistency in communication and engagement where it is proposed to close a Council facility or centre.

71. The Council have accepted the recommendation and will act on it accordingly. The Ombudsman asks that the Council notify him when the recommendation has been implemented.

Explanation of abbreviations used

The Council	South Ayrshire Council
The Pool	Girvan Swimming Pool
The Theatre	The Gaiety Theatre
Mr C	The complainant
The Executive Director	The Executive Director – Children and Community Services
The Group	The Council's Budget Working Group
Officer 1	An officer in the Council's Property and Design Department
The Plan	The Council's Interim Property Asset Management Plan
Officer 2	An officer in the Council's Community Development Department
Officer 3	An officer in the Council's Development & Environment Directorate
The Scrutiny Panel	The Council's Sustainability and Environment Standing Scrutiny Panel
The Audit Report	Audit Scotland's Audit of Best Value and Community Planning Report