

**EAST AYRSHIRE COUNCIL**

**TRUSTEES OF KILMARNOCK LEISURE CENTRE**

**MINUTES OF MEETING HELD ON THURSDAY 26 NOVEMBER 2015 AT 1000 HOURS IN THE GALLEON CENTRE, TITCHFIELD STREET, KILMARNOCK**

**PRESENT:** Councillors Hugh Ross and Gordon Cree, Provost Jim Todd and Councillor Jim Roberts; and Mr John Armstrong, Trustees.

**ATTENDING:** David Carey, Galleon Centre General Manager; Gordon Anderson, Assistant Team Leader – Conveyancing and Contracts; and Jennifer Morrison, Democratic Services Officer, both East Ayrshire Council.

**APOLOGIES:** Councillor Lillian Jones and Mr Graeme Niven.

**CHAIR:** Councillor Hugh Ross, Chair.

**APPOINTMENT OF VICE-CHAIR**

1. Following the resignation of Councillor Alan Brown, Trustee and Vice-Chair of the Trust, the Democratic Services Officer invited nominations for Vice-Chair and it was agreed unanimously to appoint Councillor Jim Roberts as Vice-Chair of the Trustees of Kilmarnock Leisure Centre.

**MINUTES OF PREVIOUS MEETING**

2. There was submitted and approved as a correct record, the Minutes of the meeting held on 24 March 2015 (circulated).

**ENERGY CREDIT RECLAIM**

3. There was submitted a report dated 23 October 2015 (circulated) by the General Manager that informed Trustees of the reclaim by N Power electricity company of £58,625 from the Galleon Centre.

It was agreed:-

- (i) to repay the full amount of £58,625 to N Power (£50,000 outstanding);
- (ii) to note that the General Manager and the Galleon Centre's accountant had concluded last year's accounts which included a suitable clause which informed the Office of the Scottish Charity Regulator (OSCR) of the reason for the loss which was as a result of the repayment; and
- (iii) otherwise, to note the contents of the report.

**PERIOD 12 – MANAGEMENT ACCOUNTS**

4. There was submitted a report dated 12 May 2015 (circulated) by the General Manager that informed Trustees of the financial position of the Galleon Centre to Period 12 year end 2014/15.

It was agreed:-

- (i) to note that the Galleon Centre in financial year 2014/15 had resulted in a loss of £50,639 which when deducted, had resulted in reserves of £160,174;

- (ii) that the above loss would be featured in the annual report to OSCR; and
- (iii) otherwise, to note the contents of the report.

### **THE OFFICE OF THE SCOTTISH CHARITY REGULATOR (OSCR)**

5. There was submitted a report dated 10 November 2015 (circulated) by the General Manager on the requirement to present the Report of the Trustees and Financial Statements for the year ended 31 March 2015 of the Kilmarnock Leisure Centre Trust, to OSCR.

It was agreed:

- (i) to agree and sign as required, the Trustees Annual Report (Appendix 1) and the Supplementary Monitoring Return (Appendix 2) for year 2014/15 for submission to OSCR;
- (ii) to agree and sign that they had fulfilled their responsibilities as Trustees under the Charities and Trustee Investment (Scotland) Act 2005 for preparing financial statements in accordance with applicable law and United Kingdom Accountancy Standards for the year ended 31 March 2015;
- (iii) to request that the Centre's accountants Rogerson & Goldie sign the reports to OSCR as required; and
- (iv) otherwise, to note the contents of the report.

### **MARKETING PLAN 2015-2018**

6. There was submitted a report dated 23 October 2015 (circulated) by the General Manager which updated Trustees on the Marketing Plan in line with the recent Business Plan to take the business forward to 2018.

It was agreed:-

- (i) to approve the Marketing Plan for the next three years as the way forward in line with the Business plan approved at the Trust Meeting on Thursday 5 February 2015; and
- (ii) otherwise, to note the contents of the report.

### **FREEDOM OF INFORMATION REPORT**

7. There was submitted a report dated 23 October 2015 (circulated) by the General Manager which updated Trustees on the number of Freedom of Information requests received by the Kilmarnock Leisure Centre Trust for the year 2014/15.

It was agreed:-

- (i) to note that the Galleon Centre received three requests in its first year of Freedom of Information regulations;
- (ii) to note that one request was refused for those reasons outlined in 2.2 of the report;
- (iii) to continue with this annual report by the General Manager; and
- (iv) otherwise, to note the contents of the report.

### **DEPARTMENTAL BREAKDOWN (ESTIMATED PROFIT/LOSS) 2014/15**

8. There was submitted a report dated 18 August 2015 (circulated) by the General Manager which informed Trustees of the departmental income, and estimated expenditure for each department in the Galleon Centre.

It was agreed:-

- (i) that a similar report be provided each year for Trustees' information and that the General Manager improve the report where appropriate in order to provide additional information for Trustees;
- (ii) to recognise that some departments might never attain break even or become profit making; and
- (iii) otherwise, to note the contents of the report.

### **PERIOD 6 MANAGEMENT ACCOUNTS**

9. There was submitted a report dated 26 November 2015 (circulated) by the General Manager which informed Trustees of the financial position of the Galleon Centre to period 6 end, 30 September 2015.

It was agreed:-

- (i) to note the present position of the Galleon Centre's income and expenditure at period six end;
- (ii) to instruct the General Manager to continue to monitor income and expenditure to financial year end; and
- (iii) otherwise, to note the contents of the report.

### **NATIONAL LIVING WAGE INCREASE**

10. There was submitted a report dated 18 August 2015 (circulated) by the General Manager which informed Trustees of the UK Government's decision to increase the National Living Wage (NLW) over the next five years to £9 per hour by 2020.

It was agreed:-

- (i) that Trustees would wish to pay the National Living Wage to all employees and not only to those employees 25 and over;
- (ii) in order to meet this new measure, to request an additional Operational Subsidy from East Ayrshire Council for the next five years and beyond. The Trustees would wish to highlight to East Ayrshire Council that the Trust when negotiating the 2015/16 subsidy from the Council, had been unaware of this forthcoming change in Government Policy to the NLW, and the implications for the Centre in having to meet this unforeseen commitment; and
- (iii) otherwise, to note the contents of the report.

Provost Jim Todd, Trustee left the meeting at this point.

### ANNUAL WAGE CLAIM

11. There was submitted a report dated 11 November 2015 (circulated) by the General Manager which informed Trustees of the annual wage claim from the GMB Union on behalf of their Members.

It was agreed:-

- (i) not to agree the request from the EMB Union of 3% on all earnings, and to offer the maximum of 2% as agreed in revenue estimates;
- (ii) to authorise the General Manager to send a letter to the GMB to initiate further discussion with regard to consultation arrangements with the Union on annual pay award discussions; and
- (iii) otherwise, to note the contents of the report.

### RESOLUTION

12. The Chair raised the issue of the recent Trust meetings which had had to be cancelled due to want of a quorum. To this end he reported that he would wish to fill vacant Sports Council places on the Trust. The Chair also raised the possibility of recruiting further Trustees, and in this respect Gordon Anderson, Assistant Team Leader, East Ayrshire Council advised that this could be achieved by way of Resolution as permitted under a previous variation to the Trust Deed.

Gordon Anderson, Assistant Team Leader, East Ayrshire Council then advised that it would be good practice to introduce a Code of Conduct for Trustees in line with OSCR recommendations. Furthermore, a report to extend the Centre's lease would be submitted to a forthcoming meeting of the Council.

Having heard from the Chair, and from Gordon Anderson, the Trustees agreed:-

- (i) to authorise the General Manager to make the necessary arrangements to recruit 1/2 additional Trustees from the Sports Council; and
- (ii) to receive a report at a future meeting, following a decision on the Centre's lease, on options to recruit additional Trustees, and on a Code of Conduct for Trustees.

### DATES OF 2016 MEETINGS

13. It was noted that meetings of the Trust for 2016 would take place as follows, viz:-
- Wednesday 3 February 2016 – 1000 hours – Galleon Centre;
  - Thursday 17 March 2016 – 1000 hours – Galleon Centre;
  - Thursday 8 September 2016 – 1000 hours – Galleon Centre; and
  - Thursday 24 November 2016 – 1000 hours – Galleon Centre.

The meeting terminated at 1125 hours