

## Leisure Trust - Charity or Secret Society?

Posted by RM64 - 03 Sep 2018 10:07

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The last Trust Board Meetings to be published were for 5 December 2017.

There have been three Board meetings since December 2017:

27 February 2018,

7 April 2018 and

5 June 2018.

The next Board meeting is scheduled for 4th September 2018

Why have these minutes not been published?

The Annual report for 2016/2017 is not available on the Trust's website. Why not?

Board meetings are not open to the Public. Why not?

The Leisure Trust does not hold an AGM.

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## Re: Leisure Trust - Charity or Secret Society?

Posted by RM64 - 17 Dec 2020 09:01

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No response to above FOI.

But minutes have been published on Leisure Trust Website on 16/12/2020.

The Trust Board meetings are held in private behind closed doors and East Renfrewshire Residents/Council Tax Payers are denied access to attend.

The only information regarding Trust Board meetings is via the minutes.

No other information is published with the agenda/minutes.

East Renfrewshire Culture & Leisure Ltd

(A company which is a Scottish Charity (Scottish Charity Number SC0045726) incorporated in Scotland under the Companies Act with company number SC486489)

Minute of a Meeting of the Board of Trustees of East Renfrewshire Culture and Leisure Ltd

Via Microsoft Teams Online,

on Tuesday 17 November 2020 at 3.00pm

Present:

Professor Grant Jarvie (Chair) (GJ) Andrew Allan (AA) Provost of ERC Jim Fletcher (JF) Councillor Barbara Grant (BG) Steven Larkin (SL) Dr Noreen Siddiqui (NS) Rob Crusher (RC) Councillor Colm Merrick (CM)

Attending:

Anthony McReavy, Chief Executive (AMcR) Karen Storie, Director of Finance and Commercial Services (KS) Mark Ratter, Director of Education ERC (MR) Margaret McCrossan, Head of Accountancy ERC

(MMcC)Ian Pye, Head of Sports and Physical Activity(IP)Robert Hammond, Head of Operations (RH)Jude Smith, Marketing Manager (JS)Christine Fairfull, Management Systems and Business Information Officer Angela Burgess(minute taker)

Apologies:Councillor Paul O’Kane1.

Welcome & Introductions

The chair welcomed everyone to the meeting.

GJ welcomed Mark Ratter on behalf of the Board.

GJ asked if item 8 –Report by Chair of the HR, H&S and Appeals Committee could be discussed after item 5 Matters Arising as RC had to leave meeting early.

This was agreed.

2.Preliminaries (including apologies and quorum)

Apologies were received from Cllr Paul O’Kane.

The Chair confirmed there are no Declarations of Interest and the meeting was Quorum.

3.Minutes of previous meeting

Minutes from 15 September 2020 were agreed and approved.

4.Matters arising

Action Points from previous meeting:

5)2019/20 Annual Accounts –KS waiting for final signed accounts from Wylie & Bissett –once received she will arrange for final copy to be delivered to AA.

7)Eastwood Masterplan –AMcR will canvas for dates to arrange a briefing session to Board members

10)Budget Planning 2021/22 –this will be discussed in the meeting.

8.Report by Chair of the HR, H&S and Appeals Committee

RC,Chair of the Committee, gave an overviewofthe meeting held on 11 November 2020.

Due to today's announcement by Scottish Government that East Renfrewshire is now entering Tier 4 Covid restrictions and the fluid situations things have changed since the meeting was held.

RC gave an overview of the Trust's recovery so far including what venues/facilities are now open and the extended furlough scheme and how this has impacted the financial situation which will be discussed later in the meeting.

5.Change/Digital Journey Presentation

JS gave a summary of marketing and online communication we have had with customers during lockdown and the importance of keeping customers up to date with changes and the progression of our recovery.

She also talked about the website development and the online customer journey from making bookings online to making online payments which is crucial for our recovery.

CF gave a presentation and demonstrationon our new online app which is proving very successful with

customers allowing them to book online, join waiting lists, paying online.

She also spoke about our upgraded systems making it easier for us to keep in touch with customers.

Emails were sent to approx. 1900 customers with instructions on how to book online with 250 individuals booking spaces in first few days.

The development of Join At Home is ongoing which will allow customers to buy memberships online including setting up Direct Debits.

Connect development will expand the product and services range and we are hoping to move to a hosted solution to give us 24/7 support.

After questions, CF left the meeting after agenda item 5.

SL left meeting.

6.Chief Executive's Q2 Scorecard and Business Performance Update.

AMcR presented the Q2 performance results.

Ongoing recovery plan includes:

- Swimming lessons restarted running about 50% pre covid
- Rebuilding of booking system Gladstone
- October Holiday programme –first paid programme since lockdown

□ First Direct Debit for Gym Members taken on 15th November but this will need refunded since Tier 4 in place as closure will now be in place from Friday 20 November.

□ Library Summer Reading Challenge which saw us 4th highest in Scotland for number of participants and 5th highest in Scotland for people completing the challenge.

□ Some commercial groups returned to facilities e.g. Dance Schools, Out of School care

Capital Projects include:

□ Completion of refurbishment of Eastwood Park changing facilities

□ Completion of refurbishment of Clarkston Library – decision still to be made when it reopens.

A discussion took place regarding the performance in the period until 30 September 2020.

#### 7. Report by Chair (AA) of the Finance, Audit and Risk Committee (FAR)

The FAR Chair provided a summary of the activities which took place at the FAR meeting held on 10 November.

##### a) 2020/21 Q2 financials and high level forecast

An overview of the Q2 financials was provided by KS, including the forecast for 2020/21.

This is a high level forecast for the rest of year.

£1.1m improvement due to the extension of furlough scheme.

With the announcement from Scottish Government and East Renfrewshire entering Tier 4 from Friday these figures will change.

With the extension of the furlough scheme it is expected that this will continue to have a favourable impact.

AMcR said to help us improve the financial situations decisions to hold off opening all facilities at once would help.

#### b)2021/22 Draft Budget

KS gave an overview of the 2021/22 draft budget and the key assumptions.

This will be refined as we progress through recovery of Covid 19 restrictions.

Discussions took place.

#### c)Cash

KS actively keeps up to date on cash payments, together with updates from the Council Treasurer informing of large movements.

We will likely require assistance from East Renfrewshire Council by the end of the financial year to meet financial obligations.

MMcC agreed the Council will provide support.

#### d)Risk Register

The Risk Register was discussed with 2 risks increased and 5 decreased.

8.Discussed earlier in meeting

9.Press & PR Issued separately

10.AOCB

Steven Larkin, Unison is now at the end of his term as elected member therefore unless re-elected this will be his last meeting.A new Business Plan will be presented at next meeting.

Action Points

None

Next meeting Tuesday 16thFebruary 2021

You can find all agendas/minutes on Trust Website here -

[www.ercultureandleisure.org/about](http://www.ercultureandleisure.org/about)

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## Re: Leisure Trust - Charity or Secret Society?

Posted by RM64 - 06 Jan 2021 14:15

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Current Information available on Scottish Charity Regulator(OSCR) Website -

Charity Details

East Renfrewshire Culture & Leisure Limited, SC045726

Registered charity from 19 June 2015

Annual Information Submission History

Year End/ Income/ Expenditure/ Annual Return Received



31 Mar 2016/ £6,599,976/ £8,695,500/ 13 Sep 2016

31 Mar 2017/ £8,160,564/ £8,660,882/ 22 Nov 2017

31 Mar 2018/ £8,293,000/ £9,095,000/ 05 Dec 2018

31 Mar 2019/ £8,931,000/ £9,931,000/ 10 Dec 2019

31 Mar 2020/ Annual Information due by 31 Dec 2020

The Latest Published accounts can be found on the Companies House website

Due to the COVID-19 pandemic in 2020, OSCR has allowed an additional 9 months grace period for charities that are overdue/late when their annual information due by date falls during the pandemic period (from 01 March 2020 onwards).

The Latest Published accounts can be found on the Companies House website

OSCR Webpage -

[www.oscr.org.uk/about-charities/search-t...details?number=45726](http://www.oscr.org.uk/about-charities/search-t...details?number=45726)

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## **Re: Leisure Trust - Charity or Secret Society?**

Posted by RM64 - 06 Jan 2021 14:56

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NOTE: The Agenda/Minutes for the 17 November 2020 Board Meeting were not available when the FOI request was submitted on 8 December 2020

FOI Response -

Contact: Anthony McReavy

Email:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Date: 5 January 2021

East Renfrewshire Culture & Leisure Limited

St John's Campus

Ground Floor

18 Commercial Road

Barrhead

G78 1AJ

Freedom of information Request: 101002381584

I am writing with regards to your Freedom of Information Request of 8th December 2020, regarding the ERCL Board Meeting of 17th November, the Agenda and Minutes of which are available on the ERCL Website.

- Ref 1, 2, 4, 8 were verbal updates and this information is therefore not held.
- Ref 5 Presentation to the Board (attached)

- Ref 6 Scorecard (attached)

- Ref 7 are commercially sensitive, and are withheld under Section 33 (2) (b) of the Freedom of Information (Scotland) Act.

I now regard this matter closed. However, if you should wish to apply for a review of how we have dealt with your enquiry, please apply in writing within 40 working days to:

Chief Officer (Legal and Procurement)

Council Headquarters

Rouken Glen Road

Giffnock

G46 6UG

marking your letter “Freedom of Information, request for review”, and stating the exact nature of the matter you wish to be reviewed.

The review will be carried out within 20 working days of receipt of your appeal.

If you are dissatisfied with the outcome of the review, you then have the right to appeal to the Scottish Information Commissioner who has extensive powers to investigate such matters. His address is:

Scottish Information Commissioner

Kinburn Castle

St. Andrews

Fife KY16 9DS

Yours sincerely

Anthony McReavy

Chief Executive

St John's Annex,

Ground Floor,

18 Commercial Road,

Barrhead,

East Renfrewshire,

G78 1AJ

Scottish Charity, number SC486489

FOI Request Made On Line

07/12/2020

To: East Renfrewshire Culture and Leisure Trust(ERCLT)

Freedom of Information(FOI) request

This FOI concerns the ERCLT Board meeting of 17 November 2020.

In the published minutes of the Leisure Trust Board for meeting held Tuesday 15th September 2020 it intimated that the next Board meeting was to be held 17 November 2020.

The Trust Board meetings are held in private behind closed doors and East Renfrewshire Residents/Council Tax Payers are denied access to attend.

The only information regarding Trust Board meetings is via the minutes.

No other information is published with the agenda/minutes.

Please provide

- Agenda/Minutes.

- Also please provide any material on the subjects discussed/recorded in the minutes which was itself before the Board or referenced by or to the Board in that meeting for each of the items recorded in the minutes.

Electronic copies are acceptable.

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## Re: Leisure Trust - Charity or Secret Society?

Posted by RM64 - 06 Jan 2021 15:08

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----- Original Message -----

From: "Mahon, Gerry";

Cc: "Geddes, Craig"; "Maxwell, Graeme";

Sent: Friday, 27 Nov, 2020 At 13:26

Subject:

RE: Request for FOI Review - FOI 101002303398 - Trust Board 4 March 2020 Minutes

May I first of all apologise for the lack of response to date.

This request had been confused with an earlier review request relating to the same minutes and had mistakenly been marked as dealt with.

I hope the delay has not caused you too much inconvenience.

Turning to the substance of your request, I would consider that your complaint regarding the failure of the Trust to identify and properly balance the competing interests pertinent to the application of section 33(1)(b) is well made and I would agree that they did not fulfil this obligation in their response.

To that end I have revisited the information withheld on the basis of that exemption and now provide you with copies of the same for which the balance lies, in my opinion, in disclosure.

As regards the application of section 33(1)(b) in respect of the remaining information, the Trust requires to establish whose interests are affected, the nature of those interests and how those interests would (or would be likely to) be prejudiced by disclosure.

The prejudice must be substantial, in other words of real and demonstrable significance.

After investigation into the Trust's position, I have had it confirmed that it is the Trust's own commercial interests which are considered to be affected by potential disclosure.

The nature of those interests are the Trust's ongoing viability and competitiveness in a marketplace which has been significantly affected by the current pandemic and the restrictions on business that has imposed.

Disclosure of the financial information contained in the reports is considered to be highly prejudicial to the Trust's operations, in part by revealing to Trust competitors a level of detail regarding their financial standing and proposals which in turn would allow those competitors to more easily target their activities to increase their market share at the Trust's expense.

This would, in turn, likely impact on Trust income streams which will affect its ability to balance its budgets at year-end.

Disclosure of this information would, it is argued, hamper the ongoing viability of the Trust.

The Commissioner has previously accepted and acknowledged on appeal that the commercial interests of the Trust could be prejudiced substantially if disclosure of certain types of information occurred, in particular information containing sensitive financial, budgetary and service activity trends and findings, which was not information already in the public domain.

He accepted that this type of information, if disclosed, could prejudice substantially the commercial interests of the Trust by undermining their plans and costings and allowing competitors an insight into their present and future planning, costing and projections.

I am of the view that the information currently under consideration also falls into this category.

The information retained includes commentary on trends arising over the preceding financial year and proposed budget for the current fiscal year.

In that sense I am not of the view that the passage of time since these reports were produced is such as would shift the balance between the Trust and the public interest.

The public interest test must also be considered.

I am of the view that there is a public interest in disclosure insofar as the Trust benefit from the public purse and so there is merit in the public having knowledge of what public money is being and will be spent on.

There is also a public interest in transparency in the business of the Trust, given its public funding.

It is also the case however that the Trust's fundamental objective is to provide the best possible quality and range of culture and leisure services to the people of East Renfrewshire, on behalf of the Council.

It is therefore in the public interest that the Trust can develop and implement operational proposals to improve services, make them more attractive to users, generate greater customer numbers and, in turn, allow for further development of the services offered at reasonable price, all to the ultimate advantage of the local public who will benefit from wider choice and more competitive costs.

This is particularly so at the present time given the stresses on that particular market which have arisen as a result of the pandemic.

Disclosure of the information currently withheld has the potential to negatively impact on the Trust's future and so minimise the benefits to the public which it can ultimately bring.

This would run counter to the longer term public interest in having access to quality facilities at a reasonable cost.

While accepting that the public have an interest in the Trust services and their impact on the public purse, I do not consider this to be prejudiced by withholding the documents in question at the present time.

The financial business of the Trust is and will continue to be subject to other reporting regimes accessible to the public, such as the agendas, reports and minutes of Council meetings and the Trust accounts which are published in accordance with company legislation.

The Trust's annual accounts for 19/20 are otherwise available via Companies House and this public access to the financial affairs of the Trust is considered to provide sufficiently extensive detail to allow proper scrutiny of its financial performance without the need for commentary on this issue to be divulged.

It is considered that these avenues provide sufficient and proportionate routes to scrutiny without prejudicing the Trust's interests in a commercial sense.

Given the above, I am satisfied that the information which remains undisclosed meets the tests set out in section 33, namely that its disclosure would substantially prejudice the commercial interests of the Trust and that on balance, the public interest in disclosure is outweighed by that in withholding it at the present time.

If you are dissatisfied with the outcome of this review, you have the right to appeal to the Scottish Information Commissioner. His address is:

Scottish Information Commissioner



Kinburn Castle

St. Andrews

Yours sincerely

Gerry Mahon

Sent: 12 October 2020 12:15

To: Mahon, Gerry

Cc: Geddes, Craig ; Maxwell, Graeme

Subject: Request for FOI Review - FOI 101002303398 - Trust Board 4 March 2020 Minutes

Chief Officer (Legal and Procurement)

Council Headquarters

Rouken Glen Road

Giffnock

G46 6UG

As instructed by Anthony McReavy, CEO, East Renfrewshire Culture & Leisure Trust(ERCLT) in their email dated 14 September 2020 (attached) in response to my FOI request dated 17 August 2020 (attached below) and as Gerry Mahon, The Chief Officer Legal & Procurement, has previously stated that for the Council, FOI is normally a 2 stage process -

'As you will be aware the Council's response to an FOI request does not merely revolve around the initial request but also the review process. It is hoped that any human error in relation to the 1st part of the process is properly remedied at the 2nd stage.'

I wish to request said FOI review.

All of the exemptions in section 33 therefore section 33(1)(b) are subject to the public interest test.

This means that, even if the exemption applies, the information must be disclosed unless the public interest in withholding it outweighs the public interest in disclosing the information.

'22. In seeking to withhold information under section 33(1)(b), the authority must ensure that it sets out whose commercial interests are likely to be prejudiced, as well as the particular nature of those interests.'

I don't believe this has been done.

'The authority must identify and set out the competing public interest arguments....'

'Having identified the public interest arguments on each side, the authority must then carry out an exercise to determine where, on balance, the public interest lies. There is an in-built

presumption in FOISA that it is in the public interest to disclose information unless a public authority can show why there is a greater public interest in withholding the information.'

There is no indication that a fair and impartial public interest test has been applied.

The exemptions in section 33(1) (b) don't last forever.

If you're using FOI to ask questions about public services involving private companies it's quite common to be refused on the basis of 'commercial sensitivity' .

The exemption is often misused by authorities as a 'catch-all' reason to fob off a requester.

There is a public interest test element which the authority is supposed to have thought through.

What Councils/ALEOs spend Council Tax Payers money on is always of public interest.

How Councils/ALEOs spend Council Tax Payers money is always of public interest.

The public interest is best served by openness and transparency, not secrecy.

There is no indication that a fair and impartial public interest test has been applied.

In seeking to withhold information under section 33(1)(b), the authority must ensure that it sets out whose commercial interests are likely to be prejudiced, as well as the particular nature of those interests.'

This information was presented to in the 4 March 2020 trust Board Meeting.

It is now 12 October 2020 some 7 months later !

I would opinion that in the circumstances as the Culture and Leisure Services Trust has a £1,758,000 overspend, and will have to be 'bailed out' by the Council, all the information withheld under Section 33(1)(b) should be made available.

Thanks

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**Re: Leisure Trust - Charity or Secret Society?**

Posted by RM64 - 17 Jan 2021 12:59

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Subject: Freedom of Information(FOI) request - 101002392713 - Recording of Trust Board Meetings

Made on line

11/1/2021

101002392713

To: East Renfrewshire Culture and Leisure Trust(ERCLT)

This Freedom of Information request concerns the recording of East Renfrewshire Culture and Leisure Trust(ERCLT) Board Meetings.

It would appear that these meetings can be recorded -

'Are Microsoft teams meeting recorded?

In Microsoft Teams, users can record their Teams meetings and group calls to capture audio, video, and screen sharing activity. ... The recording happens in the cloud and is saved to Microsoft Stream, so users can share it securely across their organization,'

Please give details regarding recording of these meetings -

If these meetings are recorded please provide copies of the recordings.

Details of if/when recordings will be made available on the East Renfrewshire Council YouTube Channel or any ERCLT channel.

If meetings are not recorded please give details as to the reasons why.

Please provide all Information/Documents/Reports/Emails held regarding the recording or decision not to record these Trust Board meetings -

Meeting of the Board of Trustees of East Renfrewshire Culture and Leisure Ltd.

on Wednesday 29th April 2020 at 4pm

Conference Call on Wednesday 29th April 2020 at 4pm

East Renfrewshire Culture & Leisure Limited Board Meeting

Tuesday 15th September 2020 at 2pm

Via Microsoft Teams on Join Microsoft Teams Meeting

Conference ID: 883 396 845#

East Renfrewshire Culture & Leisure Limited Board Meeting

17th November 2020 at 3pm

Via Microsoft Teams on Tuesday Click [here](#) to join the meeting

Phone Conference ID: 190 197 146#

Electronic copies are acceptable.

Thanks

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## Re: Leisure Trust - Charity or Secret Society?

Posted by RM64 - 17 Jan 2021 13:06

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East Renfrewshire Culture & Leisure Limited

Contact: Anthony McReavy

Email:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Date: 15 January 2021

Freedom of information Request: 101002392713

I am writing with regards to your Freedom of Information Request of 11th January 2021, regarding recording of ERCL Board Meetings.

The meetings are not recorded other than through minutes, and there are no plans to do so.

There is no information held by the Trust in relation to this.

I now regard this matter closed. However, if you should wish to apply for a review of how we have dealt with your enquiry, please apply in writing within 40 working days to:

Chief Officer (Legal and Procurement)

Council Headquarters

Rouken Glen Road

Giffnock

G46 6UG

marking your letter “Freedom of Information, request for review”, and stating the exact nature of the matter you wish to be reviewed.

The review will be carried out within 20 working days of receipt of your appeal. If you are dissatisfied with the outcome of the review, you then have the right to appeal to the Scottish Information Commissioner who has extensive powers to investigate such matters. His address is:

Scottish Information Commissioner

Kinburn Castle

St. Andrews

Fife KY16 9DS

Yours sincerely

Anthony McReavy

Chief Executive,

St John’s Annex,

Ground Floor,

18 Commercial Road,

Barrhead,

East Renfrewshire,

G78 1AJ

Scottish Charity, number SC486489

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