

## 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 - 07 Sep 2018 15:24

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From above post -

'As the Charity is a single member company, two Council Observers are also in attendance at Board meetings and represent the interests of East Renfrewshire Council and its residents.'

The Director of Education and Head of Accountancy (Chief Financial Officer) would appear to be the two Council Observers.

As a Resident and Council Tax Payer, I don't remember electing The Director of Education and Head of Accountancy (Chief Financial Officer) to represent my interests !

More about The Director of Education and Head of Accountancy (Chief Financial Officer) involvement with ERCLT Board to come.

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

Posted by RM64 - 10 Sep 2018 11:40

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-----Original message-----

Date : 06/09/2018 - 18:59 (GMTST)

To :

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

Subject : ERCLT Board meeting held on 4 September 2018

Hi

I write for information regarding the ERCLT Board meeting held on 4 September 2018.

Did the Director of Education and Chief Accountant as observers of the Board have to intervene at this meeting?

If so -

Please give details of interventions

Please give details if these interventions were recorded.

Please give details of the processes in place to manage any potential conflict of interest regarding this meeting.

Did the Director of Education prior to this Trust Board meeting hold a briefing meeting with elected members to advise and guide them on specifics related to the agenda?

If so -

Please give details of briefing meeting.

Please give details of the Agenda items requiring advice and guidance.

Please give details if this briefing was recorded.

Thanks

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

Posted by RM64 - 12 Sep 2018 09:25

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Date : 12/09/2018 - 11:19 (GMTST)

To :

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Subject : ERCLT Board meetings - Public Scrutiny

Dear Cllr Miller

I am writing to you as you are Chairman of the Audit and Scrutiny Committee(I have copied to the other Committee members also and would appreciate their views)

One of the main criticisms of ALEOs and ERCLT is that they are secretive. It would appear ERC and its Officials are adding to this secrecy.

I am aware that two Council Officials attend East Renfrewshire Culture & Leisure Trust Board meetings.

In a reply from Margaret Walker, Personal Assistant to Anthony McReavy, Chief Executive, East Renfrewshire Culture and Leisure Limited(ERCLT) regarding attendance at ERCLT Board meetings, ERCLT stated -

'As the Charity is a single member company, two Council Observers are also in attendance at Board meetings and represent the interests of East Renfrewshire Council and its residents.'

The Director of Education and Head of Accountancy (Chief Financial Officer) would appear to be the two Council Officials 'representing East Renfrewshire residents'.

However, as an East Renfrewshire Resident and Council Tax Payer, I don't remember electing The Director of Education and Head of Accountancy (Chief Financial Officer) to represent my interests !

One example of The Director of Education and Head of Accountancy (Chief Financial Officer) NOT representing the interests of East Renfrewshire residents -

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

There have been four Board meetings since December 2017:

27 February 2018, 7 April , 5 June 2018 and 4th September 2018.

Why have The Director of Education and Head of Accountancy (Chief Financial Officer) not intervened to insist that Board meeting minutes are published?

Why have The Director of Education and Head of Accountancy (Chief Financial Officer) taken part in this secrecy.

I am concerned about the influence these officials are seeking in the reports they write to advocate more powers for themselves and the power they receive to influence Councillors and ERCLT and the ERCTL Board members regarding ERCLT matters.

If The Director of Education and Head of Accountancy (Chief Financial Officer) are representing anyone's interest then this must be open to close public scrutiny to make sure they are indeed representing these interests and not their own or other interests.

I refer to Council reports including - NATIONAL EXTERNAL AUDIT REPORT - COUNCILS' USE OF ARM'S-LENGTH ORGANISATIONS presented to the Audit and Scrutiny Committee -

'Also to be introduced in 2018-19 are briefing meetings with the Director of Education prior to each Trust Board meeting which will advise and guide elected members on specifics related to the agenda.

Have processes in place to manage any potential conflict of interest of elected members and officers involved in the operation of ALEOs.

The Director of Education and Chief Accountant are observers of the Board and as such are not

directors of the Trust.

They can intervene should an elected member give any Council information which they are privy to as a councillor or ask for particular actions which could be construed as promoting their own ward above that of others and the work of the Trust. '

For clarification -

The current Councillors who are members of East Renfrewshire Culture & Leisure Trust

Board -

Councillor Paul O'Kane

Councillor Colm Merrick

Councillor Barbara Grant

Councillor Danny Devlin

Company law demands that -

'all board members must place the interest of the trust before that of the Local Authority, including councillors and officers.'

'Although councillors can and will be on the board, the law is clear that they are there in a private capacity and not present to reflect the needs of the council.'

The Director of Education and Head of Accountancy (Chief Financial Officer) appear to have no jurisdiction over Councillor Paul O'Kane , Councillor Colm Merrick , Councillor Barbara Grant and Councillor Danny Devlin during an ERCLT Board meeting as these Cllrs are there in a private capacity.

The Director of Education and Head of Accountancy (Chief Financial Officer) should not be judge and jury and be deciding what is and what is not within the law.

If indeed private individuals are -

- giving Council information which they are privy to as a councillor

- asking for particular actions ,which could be construed as promoting their own ward above that of others and the work of the Trust.

then this should be recorded.

It may be that this information is relevant and as board members they are placing the interest of the trust before that of the Local Authority, including councillors and officers.

Again, the Director of Education and Head of Accountancy (Chief Financial Officer) should not be judge and jury and be deciding what is and what is not within the law.

This information must be recorded and published to ensure close proper public scrutiny takes place.



As these officials cannot be voted out, but seek to influence Councillors, the ERCLT and ERCLT Board members, at the very least their actions should be subject to close public scrutiny.

To ensure openness and transparency these Officials must produce recorded 'meeting minutes' to give

- details, reasons and explanations of briefings, given before ERCLT Board meetings,
- details, reasons and explanations of the advice and guidance given to elected members on specifics related to the agenda,
- details, reasons and explanations of any potential conflict of interest of elected members and officers involved in the operation of ALEOs,
- details, reasons and explanations of any interventions at ERCLT Board meetings,
- details, reasons and explanations If indeed private individuals are -
- giving Council information which they are privy to as a councillor
- asking for particular actions, which could be construed as promoting their own ward above that of others and the work of the Trust.

(again on further scrutiny, it may be that this information is relevant and as they as board members are placing the interest of the trust before that of the Local Authority, including councillors and officers)

You and the Council are committed to openness and transparency.

All the above is being conducted behind closed doors and in secrecy - not open and transparent.

As said, it is not up to The Director of Education and Head of Accountancy (Chief Financial Officer) to judge if ERCLT Board members, in their private capacity, are complying with the law.

These details must be made available to allow close public scrutiny that the law is being complied with.

Your cooperation, and that of your committee members, in this matter, to ensure the information is recorded and published for proper close public scrutiny will be appreciated.

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

Posted by Tom - 12 Sep 2018 10:53

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@RM64 You are spot on, this secrecy is a travesty.

ERC spin department keep putting out that they are an open and transparent council.

Yet Audit Scotland was critical of councillors having secret behind closed door meetings with staff.

When we looked at Cllr Barbara Grants mileage claims she claims to attend Pre Audit & Scrutiny (A&S) meetings.

These A & S meetings are not open to the public and no minutes are published.

Indeed chairman Stewart Miller admits to having secret meetings with the Chief Executive, refuses to condone such secret meetings and indeed appears to encourage them.

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

Posted by RM64 - 13 Sep 2018 13:58

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The minutes for these ERCLT Board meetings have now been published.

27 February 2018 - approx. 7 months after the meeting

17 April 2018 - approx. 5 months after the meeting

5 June 2018 - approx. 4 months after the meeting.

The 27 February 2018 minutes are as usual uninformative and bland.

The 7 April 2018 minutes are reproduced below.

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

Posted by RM64 - 13 Sep 2018 14:06

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It would appear all was not well !!

'The findings and conclusions of the draft report were discussed.

The ERC Chief Executive (LM) spoke at length about her view of the issues.

The Chair responded robustly to question those views.

NS expressed unhappiness at the tone of the address by LM. '

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 an Extraordinary Meeting of the Board of Trustees of East Renfrewshire Culture and Leisure Ltd held in Maxton Room, The Foundry, Barrhead on 17 April 2018 at 1700hrs

Present

Jim Wilson (Chair) JW

Councillor Colm Merrick (CM)

Councillor Paul O'Kane (PO'K)

Councillor Barbara Grant (BG)

Dr Noreen Siddiqui (NS)

Brian Davidson Steven Larkin (SL)

Attending

Anthony McReavy, Chief Executive (AMcR)

Karen Storie, Director of Finance & Commercial Services (KS)

Lorraine McMillan, Chief Executive ERC (LM)

Mhairi Shaw, Director of Education ERC (MS)

Barbara Clark, Chief Accountant ERC (BC)

Ian Dickson, Solace in Business (ID)

Margaret Walker (minute)

Apologies Professor Grant Jarvie    Councillor Danny Devlin

## 1. Welcome

The Chair welcomed everyone to the meeting introducing Ian Dickson from Solace in Business and also Lorraine McMillan, Chief Executive of ERC.

The Chair thanked Ian Dickson for the production of the draft report.

The Chair also thanked ERCL Chief Executive and the Director of Finance and Commercial Services for their input to the report.

## 2. Solace in Business – ERCLT Review

The findings and conclusions of the draft report were discussed.

The ERC Chief Executive (LM) spoke at length about her view of the issues.

The Chair responded robustly to question those views.

NS expressed unhappiness at the tone of the address by LM.

BD asked what the next steps would be in order to move forward.

MS answered that all recommendations and findings do not necessarily have to be accepted but it is hoped that there will be a joint agreement of the context of the report and from there, if there are no fundamental differences, a joint action plan will be produced with the aim of bringing that plan to the next ERCLT Board Meeting on 5 June 2018.

## Item 3

The Director of Education and ERCLT CE will work on the action plan with contributions from the Board welcome.

Practical support from ERC is also offered.

The Chair again thanked ID for all his efforts in producing the draft report.

ID, LM and NS left after Item 2.

### 3. Spend to Save Proposal

As the Board has not yet discussed this business case it was agreed that the proposal should be presented to the FAR Committee at their next meeting on 22 May 2018, where the proposal will be discussed to be presented to the Board, and if agreed then taken to Council.

### 4. CYBG Banking Facility

The Board is asked to authorise the signing of the extension of the Bank Facility letter and approve the supporting Board minute.

The letter will be authorised when BC confirms that ERCLT are not in breach of the service agreement by being able to access overdraft facilities.

The meeting closed at 7.15pm with a vote of thanks to the Chair.

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