

TRUSTEES OF KILMARNOCK LEISURE CENTRE

**MINUTES OF MEETING HELD ON THURSDAY 22 AUGUST 2013 AT 1400 HRS
IN THE GALLEON CENTRE, TITCHFIELD STREET, KILMARNOCK**

PRESENT: Councillors Hugh Ross, Alan Brown and Lillian Jones and Mr John Armstrong, Trustees.

ATTENDING: David Carey, Galleon Centre General Manager; David Hasson, Depute General Manager; Bryan Swann, Rogerson & Goldie Chartered Accountants; and Rosemary Duffy, Solicitor and Gillian Hamilton, Administrative Officer, both East Ayrshire Council.

CHAIR: Councillor Hugh Ross, Chair.

MINUTES OF PREVIOUS MEETING

1. There were submitted and approved as a correct record, the Minutes of the meeting held on 14 March 2013 and Minutes of the Sub-Committee meetings held on 6 March and 21 March 2013 (all circulated).

1.2 Matter Arising

The General Manager raised concerns about the proceedings referred to in the Sub-Committee Minutes and requested a meeting with the Chair and Vice-Chair to take matters forward.

It was agreed that the Chair and Vice-Chair meet with the General Manager to hear the General Manager on their entitlement to a verbatim note and advice on right of appeal, and concerns about the timescale for completing the proceedings and reporting back to the Trust.

Trustees undertook to ensure that clear procedures are in place to expedite any future proceedings of this nature.

PERIOD 12 - YEAR END ACCOUNTS

2. There was submitted a report dated 21 May 2013 (circulated) by the General Manager which informed on the financial position of the Galleon Centre to Period 12, year ended 31 March 2013.

It was agreed:-

- (i) to note that the Galleon Centre in financial year 2012/13 made a surplus of £5,700 against a projected surplus of £1,501, which when added to the reserves of £140,177 made an accumulated surplus of £145,877;
- (ii) that the General Manager continue to monitor income and expenditure in an effort to maintain operational efficiency in order to attain break even; and
- (iii) otherwise, to note the contents of the report.

PERIOD 12 PERFORMANCE INDICATORS

3. There was submitted a report dated 28 May 2013 (circulated) by the General Manager which informed on the Galleon Centre's performance indicators as reported to East Ayrshire Council for Period 2012-2013.

It was agreed:-

- (i) to note the increased usage attendances for year 2012/13;
- (ii) that the General Manager ensure compliance with the statutory duty to report performance indicators as required by East Ayrshire Council;
- (iii) that the General Manager report performance indicators to the Trustees on a yearly basis; and
- (iv) otherwise, to note the contents of the report.

MINUTE OF AMENDMENT OF AGREEMENT

4. There was submitted a report dated 24 May 2013 (circulated) by the General Manager which informed on the Minute of Amendment of Agreement agreed between the Kilmarnock Leisure Centre Trustees and East Ayrshire Council in 2003 and invited Trustees to confirm agreement and to sign the "Minute of Amendment of Agreement" between "East Ayrshire Council" and "The Trustees of the Kilmarnock Leisure Centre Trust".

It was agreed:-

- (i) to note that the Minute of Amendment of Agreement was agreed between East Ayrshire Council (East Ayrshire Council as statutory successor to Kilmarnock and Loudoun District Council) and the Trustees of the Kilmarnock Leisure Centre Trust on 17 September 2003 and 1 August 2003, Item 1 refers respectively;
- (ii) to continue consideration of signing the Minute of Amendment of Agreement for advice from the Solicitor clarifying any personal liability for Trustees to meet any loss incurred by the Centre in any financial year; the number of signatures required to ratify the Minute of Amendment of Agreement; provisions for recording of dissent to signing; and whether the Minute of Amendment of Agreement was binding or there was scope to now re-open negotiations with the Council i.e. index linking of the Council's contribution;
- (iii) that the General Manager contact the Office of the Scottish Charity Regulator (OSCR) to seek details of recommended legal advisers in Trust Law.
- (iv) that a special meeting be arranged if required to deal with the Minute of Amendment of Agreement on receipt of the above advice; and
- (v) otherwise, to note the contents of the report.

RISK REGISTER

5. There was submitted a report dated 28 May 2013 (circulated) by the General Manager which informed on the new Risk Register created for Trustees' approval and implementation by the General Manager.

It was agreed:-

- (i) to approve the Risk Register in its present format;
- (ii) to note that the Risk Register was not exhaustive and could be amended as appropriate when Trustees required;
- (iii) that an update on the Risk Register be presented to the Board of Trustees at least annually by the General Manager; and
- (iv) otherwise, to note the contents of the report.

PERIOD 3 MANAGEMENT ACCOUNTS

6. There was submitted a report dated 1 August 2013 (circulated) by the General Manager which informed on the financial position of the Galleon Centre to Period 3 ended 30 June 2013.

It was agreed:-

- (i) that the General Manager continue to monitor income and expenditure to Period 12 end, 31 March 2014 and report accordingly;
- (ii) to note a point of technical clarification provided by the Accountant relating to a depreciating charge for the ice rink; and
- (iii) otherwise, to note the contents of the report.

EXCELLS MEMBERSHIP

7. There was submitted a report dated 26 June 2013 (circulated) by the Depute General Manager which provided an update on the performance of Gold, Silver and Corporate memberships.

It was agreed:-

- (i) to delete the final sentence from paragraph 5.1 of the report; and
- (ii) otherwise, to note the contents of the report whilst recognising the challenges involved in maintaining the Galleon Centre's share of the market.

CUSTOMER FEEDBACK

9. There was submitted a report dated 17 July 2013 (circulated) by the Depute General Manager which informed on feedback received from customers including complaints, suggestions and general comments.

It was agreed:-

- (i) that the current process of obtaining customer feedback be continued and new methods of obtaining the customer feedback be utilised when appropriate; and
- (ii) otherwise, to note the contents of the report.

COMBINED HEAT AND POWER UPGRADE

10. There was submitted a report (circulated) by the General Manager which informed on the final full site survey; detailed cost of the installation of a new larger Combined Heat and Power Unit (CHP).

It was agreed:-

- (i) not to continue with the larger CHP unit installation at this time;
- (ii) that the General Manager continue to monitor the present CHP units' performance;
- (iii) that the General Manager investigate alternative methods of Domestic Water heating solutions; and
- (iv) otherwise, to note the contents of the report.

FREEDOM OF INFORMATION - EXTENSION OF COVERAGE

11. There was submitted a report dated 20 May 2013 (circulated) by the General Manager which informed on the Freedom of Information (Scotland) Act 2002 (FOISA) and its Extension of Coverage which applies to the Kilmarnock Leisure Centre Trust T/A The Galleon Centre.

It was agreed:-

- (i) to recognise that the Kilmarnock Leisure Centre Trust T/A The Galleon Centre is now covered by the Freedom of Information (Scotland) Act 2002 Extension of Coverage;
- (ii) to note that the Galleon Centre will have to adhere to these regulations and that there could be penalties involved;
- (iii) to note that some categories of information can generally be kept back;
- (iv) to note that there is a process for the complaint to involve the Scottish Information Commissioner and failing a satisfactory reply from this body to appeal to the courts or the Scottish Public Services Ombudsman;
- (v) to note that if such requests were received, the time spent on investigating and drafting a response could put a considerable strain on present resources; and
- (vi) otherwise, to note the contents of the report.

BUSINESS PLAN 2013-2016

12. There was submitted a report (circulated) by the General Manager which presented the Business Plan for the Galleon Centre 2013-2016.

It was agreed:-

- (i) to adopt the Business Plan for the next three years; and
- (ii) otherwise, to note the contents of the report.

ENERGY PERFORMANCE CERTIFICATE (EPC)

13. There was submitted a report dated 28 May 2013 (circulated) by the General Manager which provided an update on the Energy Performance Certificate for the Galleon Centre.

It was agreed:-

- (i) to note that the Galleon Centre is fully up to date with its EPC;
- (ii) to note that the EPC is on display in the Centre as required;
- (iii) to note that the basis for calculating the EPC has changed;
- (iv) that the General Manager review the one to three years and three to seven years recommended measures in page 3 of the EPC and change/improve where advantageous to the business (Appendix 1, page three of the report); and
- (v) otherwise, to note the contents of the report.

ICE RINK COMPRESSOR REPLACEMENT

14. There was submitted a report dated 6 August 2013 (circulated) by the General Manager which provided an update on the changes to the ice rink upgrade of the compressors and specifically the gas that had been planned to replace R22.

It was agreed:-

- (i) to note the increased cost and that it has been accounted for going forward;
- (ii) to note that the shutdown had commenced;
- (iii) to note the change to the refrigerant gas and associated plant;
- (iv) that the General Manager consider how the Galleon Centre could meet the criteria for the Renewable Energy Fund; and
- (v) otherwise, to note the contents of the report.

EAST AYRSHIRE COUNCIL - GRANT COMMITTEE IN-YEAR PROJECT REVIEW PROCESS

15. There was submitted a report dated 1 August 2013 (circulated) by the General Manager which informed on the requirement to attend a project review meeting for the Kilmarnock Leisure Centre Trust T/A the Galleon Centre on Tuesday 27 August 2013 with members of East Ayrshire Council.

It was agreed:-

- (i) to note the new application and review process for the Service Level Agreement between the Galleon Centre and East Ayrshire Council;
- (ii) to note the recommended reductions in operational grant subsidy to the Galleon Centre from East Ayrshire Council;
- (iii) to note that the General, Depute General and Operations Managers would attend the project review meeting scheduled for Tuesday 27 August 2013 at 7.30pm in the Council of Voluntary Organisations (East Ayrshire) Office, Belford Mill, 16 Brewery Road, Kilmarnock KA1 3GZ;
- (iv) to note that members of the Board of Trust were invited to attend in place of or in addition to the Depute General and Operations Manager; and
- (v) otherwise, to note the contents of the report.

EAST AYRSHIRE LEISURE TRUST - VERBAL REQUEST

16. Councillor Alan Brown declared a significant non-financial interest in accordance with paragraphs 5.17 and 5.18 of the Code of Conduct and withdrew from the meeting.

Thereafter, owing to the want of a quorum, the above item could not be considered and the meeting was terminated at 1610 hours.

