

TRUST BOARD MEETING



Date: 13 September 2016

Location: Reception Room, Grand Hall

Start time: 6.30pm or immediately after the conclusion of the AGM

AGENDA			
AGENDA ITEM	FOR NOTING	FOR DISCUSSION	FOR APPROVAL/ DECISION
1. Appointment of office bearers			✓
2. Apologies for Absence	✓		
3. Declarations of Interest	✓		
4. Minutes of previous meetings 4.1 Board Meeting: 19 July 2016 4.2 Performance & Audit Sub Committee: 15 August 2016			✓ ✓
5. Performance Report April – June 2016			✓
6. Scheme of Delegation			✓
7. Board Meeting Schedule			✓
8. Performance & Audit Sub-Committee			✓
9. Stonewall Scotland – No Bystanders Campaign			✓
10. Data Protection			✓
11. AOCB			
12. Dates of Next Meetings: Trust Board: TBA Performance & Audit Sub-Committee: 14 November 2016			

For further information please contact: John Griffiths, Chief Executive
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REPORT TO BOARD OF TRUSTEES



PERFORMANCE REPORT APRIL – JUNE 2016

Date: 13 September 2016

Agenda Item: 5

Report By: John Griffiths, Chief Executive

Summary

This report provides the Board with a summary of the performance of Trust services for the period April to June 2016 and highlights any significant aspects of performance for Trustees' consideration.

1. BACKGROUND

- 1.1 The attached East Ayrshire Leisure Performance report presents an overview of the Trust's performance for the period April to June 2016. The report is presented in the revised format approved by the Board in April.

2 REPORT HIGHLIGHTS/ISSUES

2.1 ACTION PLAN PROGRESS

- 2.1.1 Significant progress has been made towards the achievement of action plan objectives, programme development activities have been particularly successful in maintaining attendance figures.

2.2 FINANCIAL PERFORMANCE

- 2.2.1 A surplus of £70,450 is currently projected and it is envisaged that this amount will be utilised to assist in the management of the £141,090 2016/17 budget savings yet to be identified.

2.3 PERFORMANCE SCORECARD

- 2.3.1 The EPMS Performance Scorecard is presented for the first time and shows expected levels of performance across the main measured priorities.

2.4 RISK REGISTER

- 2.4.1 There are no issues from the Risk Register, however, Trustees should raise any new issues at the meeting.

2.5 ADDITIONAL INFORMATION

- 2.5.1 In accordance with previous discussions, detailed information regarding Health & Safety, Attendances and Absence levels will now be available via the Trustees' portal.

Recommendation/s:

It is recommended that the Board:

REPORT TO BOARD OF TRUSTEES



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| <ul style="list-style-type: none">i. Approve the East Ayrshire Leisure Performance report for April to June 2016; andii. Otherwise note the content of this report. |
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Signature:

A handwritten signature in black ink, appearing to be "J. Allan".

Designation: Chief Executive

Date: 25 August 2016



East Ayrshire Leisure Performs

April – June 2016



Progress Against 2016-19 Action Plan..... Page 2

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- Income & Expenditure - by Service

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PROGRESS AGAINST 2016-19 ACTION PLAN

STRATEGIC OBJECTIVE ONE – TO BE RECOGNISED AS A PROVIDER OF HIGH QUALITY SERVICES AND FACILITIES THAT ARE WELL USED

ACTION NO	ACTION	TARGET	PROGRESS OVERVIEW/HIGHLIGHTS AT 30 JUNE 2016
EAL 1.1	Increase Customer Satisfaction levels	Show annual customer satisfaction improvements each year of Business Plan	<ul style="list-style-type: none"> Developed brief for Market Research consultant and will be commissioned by September 2016
EAL 1.2	Increase attendance levels/ticket sales through programme development both in person and online.	<p>Increase levels of attendance/ticket sales by 5% over the term of the business plan. Continue to invest in programme development.</p> <p>Increase online visitor usage by 2% each year of Business Plan</p>	<ul style="list-style-type: none"> Wide range of exhibitions/events/activities delivered across the Trust that have helped to support an increase in attendance during the quarter from previous year across all areas of operation. Examples include About Time and Picasso at Play exhibitions; Bookbug events across Libraries; 'Our Ladies of Perpetual Succour' and 'Made in Dagenham' at the Palace Theatre; Irvine Valley Walking Festival; Ayrshire Orienteering Championships at the Country Park. Digital marketing strategies developed including increased Facebook & Twitter usage (including new DCCP page) to support increased visits on www.eastayrshireleisure.com Radio campaign to drive customers to summer programme and to www.eastayrshireleisure.com £40K Funding bid being prepared to support design upgrade of www.futuremuseum.co.uk with project partners – Bid will be completed October 2016.
EAL 1.3	Achieve new quality standards and/or maintain current Accreditation standards	<p>Visit Scotland: 4 star: Doon Valley Museum 4 star: Dick Institute 4 star: Baird Institute 4/5 star: Dean Castle and Country Park 4 star: Burns House Museum</p>	<ul style="list-style-type: none"> Working with VisitScotland as part of the Dean Castle Country Park Development Project to determine what actions are required to achieve a five star grading. Assessment scheduled for 2017
		<p>Arts Council England Museum Accreditation: Dean Castle/Baird/Doon Valley/Burns House/Dick Institute maintained.</p>	<ul style="list-style-type: none"> £45K Funding bid being prepared to support investment in new Collection management System – Bid will be completed October 2016
		<p>Collection Significance: Musical Instrument/Burns Collections maintained.</p>	<ul style="list-style-type: none"> £60K funding bid to museums Galleries Scotland is being prepared to support investment in display at Dean Castle which will support wider development.

		How Good Is Our Public Library Service: 2016/17 – 1 indicator tested; 2017/18 – further 2 indicators tested; 2018/19 – further 2 indicators tested.	
		British Computer Society Accreditation: Maintain annual accreditation	Accreditation achieved in April 2016 for 2016/17
		UKA: Maintain Certification at Ayrshire Athletics Arena	Date for re-assessment May 2017
		FIFA: Certification of all Synthetic Grass Pitches	
		Maintain status as RLSS Approved Training Centre	<ul style="list-style-type: none"> Working towards external verification process and will be completed by September 2016
		Gain Green Flag award for Dean Castle Country Park and Annanhill Golf Course during life of Business Plan.	
		UKactive: achieve membership criteria	<ul style="list-style-type: none"> UKactive membership status ongoing at present. East Ayrshire Leisure now an employer partner with the Chartered Institute for the Management of Sport and Physical Activity
EAL 1.4	Maintain and sustain high level partnerships that support service delivery and improvement.	Maintain current partnership network.	<ul style="list-style-type: none"> In discussions with University West of Scotland and Ayrshire College to set up formal partnerships across several areas of operation including, marketing, libraries, Countryside and Cultural. This would cover areas like horticultural and arboriculture (agreed), IT development, technical stage craft and media arts and market research. Future Museum partnership will be expanded to include Inverclyde Council.

EAL 1.5	Introduce a system to audit, monitor and improve environmental efficiency across our core facilities	Create annual improvement plan and work with East Ayrshire Council to ensure our venues/facilities meet our environmental objectives.	<ul style="list-style-type: none"> A process has been established to ensure gas and electricity meter readings are gathered for all facilities. Reports are collated and any issues are raised with the Team Leaders.
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STRATEGIC OBJECTIVE TWO – TO ENHANCE PEOPLE’S HEALTH AND WELLBEING THROUGH PARTICIPATION

ACTION NO	ACTION	TARGET	PROGRESS AT 30 JUNE 2016
EAL 2.1	Increase general participation /attendance levels across service areas	<ul style="list-style-type: none"> Increase participation/ attendance levels by 5% over the term of the Business Plan. 	<ul style="list-style-type: none"> Wide range of exhibitions/events/activities and workshop related activity delivered across the Trust that have helped to support an increase in attendance/participation during the quarter across all areas of operation. £30K Funding bid submitted to Scottish Library and information Council for Creative Space programme at Dick Institute which will help to increase participation. Created new workshop and education focus around our core venues resulting in more opportunities for participation Examples include using Thursday evenings as a key event day in Cultural venues; family events at the Baird, Writers’ Days, Summer Reading Challenge events and Visual Art and Performing Arts workshop focus at Dick Institute, Palace and Cumnock; Friday morning practical conservation tasks and Danger Detectives at the Country Park. New sport and physical activities including Boxercise, Rookie Lifeguard, Piyo and yoga have been implemented across key facilities. Burns Birthday funding of £6.5k awarded to support programme. Sports activity programme offering reviewed with new activities on offer Promotional packages undertaken to increase summer programme attendances including 15,000 brochures distributed to schools and at major events, advertising within Primary Times and other publications distributed at the Open, radio campaigns
EAL 2.2	Increase opportunities for/numbers of young people (12-25) using our services.	<ul style="list-style-type: none"> Increase by 1% each year number of young people using our service areas. Raise £50K external funding during life 	<ul style="list-style-type: none"> Funding bid of £10 K has been submitted to encourage young people to become involved in a rural skills programme within the Dean Castle Urban Farm

		<p>of Business Plan to support programmes aimed at young people.</p> <ul style="list-style-type: none"> • Maintain and develop 2 partnerships/initiatives each year to support young people centred programmes e.g. EASC Affiliated Sports Clubs, Youth Arts Network, Vibrant Communities. • Offer reduced cost/free access to facility/project use for targeted groups of young people. • Carry out project surveys to measure behavioural change impact in 2016/17/18/19 	<ul style="list-style-type: none"> • £150 K funding bid has been submitted to the Cashback for Communities Fund for an Outdoor Learning Store, equipment and a package of activities. • New programme focus aimed at engaging this age range through Make some Noise, Gaelic Project, Youth Theatre and Ayrshire Youth Arts Network project raising in total £23K. • 126 weekly sessions are on offer for those age 12 plus to participate in a wide range of sport and fitness activities. Session are delivered directly by East Ayrshire Leisure or in partnership with local sports clubs and organisations. • 4 new activities delivered at Loudoun Leisure Centre, Doon Leisure Centre, and Stewarton Sports Centre. Boxercise, Rookie Lifeguard, Piyo and yoga.
EAL 2.3	Maximise access to our facilities and programmes for people with physical, sensory or learning disabilities.	<ul style="list-style-type: none"> • Apply audit findings where appropriate, in 2017/18/19 • Support people using our facilities/ programmes with mixed ability needs. 	<ul style="list-style-type: none"> • Working with Willowbank School to develop an outdoor learning area within Dean Castle Country Park which has been specifically adapted for mixed ability needs and will be used to support young people achieve a John Muir Award. A funding application of £2K has been submitted to the Greggs Foundation for this project. • Dean Castle £1.5M funding bid submitted to HLF which will provide increased access to Castle. Outcome known during September 2016. • New partnership with Ucan- Learn, Work, Live. Weekly activities for those with disabilities focusing on athletics and cycling taking place at the Ayrshire Athletics Arena
EAL 2.4	Increase opportunities for/numbers of older people (60+) using our services.	<ul style="list-style-type: none"> • Increase attendance by older people by 1% each year. • Ensure we have programmes that are attractive to older users. • Carry out sample surveys to measure behavioural change impact in 2016/17/18/19 • Develop and maintain partnerships each year to support older people centred programmes e.g. NHS Ayrshire & Arran, Vibrant Communities. 	<ul style="list-style-type: none"> • New Homeworks service developed for Launch in August 2016 • Working with History group in Cumnock for regular programmes at The Baird and also at Doon Valley Museum. • Working extensively with groups across Palace and Grand Hall and libraries supporting 60+ programmes. Examples include Opportunities In Retirement groups, Chit Chat Clubs, IT workshops across library network. • 1 new weekly session of yoga in place at Stewarton Sports Centre

STRATEGIC OBJECTIVE THREE – TO ENHANCE EAST AYRSHIRE'S TOURISM OFFER

ACTION NO	ACTION	TARGET	PROGRESS AT 30 JUNE 2016
EAL 3.1	<p>Increase visitor attendance at our key tourist attractions: Dick Institute, Dean Castle & Country Park, Baird Institute, Doon Valley Museum, Burns House Museum & Library, River Ayr Way, Palace & Grand Hall Complex and Cumnock Town Hall</p>	<ul style="list-style-type: none"> • Increase levels of visitor attendance in line with targets set in local Tourism Strategies. • Develop cultural/countryside and sport tourism packages with Visit Scotland/EAC to promote our venues/events. • Submit external funding bids to support tourism development across our facilities/venues. • Maintain and develop partnership working with Visit Scotland/EventsScotland to support our programmes. 	<ul style="list-style-type: none"> • Worked with EAC Tourism Officer on various projects and will integrate this work into East Ayrshire's Tourism Action Plan. • Worked with EAC to develop 'Must See EA #' and ensure East Ayrshire Leisure was fully integrated in the campaign. • Developing a bid to EventScotland for Year of Heritage for October submission. • Continuing to invest in programme development to ensure we have high quality exhibitions and events in our venues. Examples include the About Time exhibition, Picasso at Play, East Ayrshire Youth Theatre, show programmes across Palace and Cumnock Town Hall; Dunaskin Heritage Centre events. • Ayrshire Athletics Arena played host to 16 events, most notably Roon the Toon 10K and Scotland v Ireland University and College.
EAL 3.2	<p>Work with local groups to add value to the tourism offer.</p>	<ul style="list-style-type: none"> • Work with 4 groups each year to support community development and to harness local knowledge. 	<ul style="list-style-type: none"> • Worked with Irvine Valley Regeneration Partnership in the organisation of the Irvine Valley Walking Festival which attracted over 600 people to the area. • The Dunaskin Heritage Trust has been supported through a programme of Countryside Ranger led walks from April to October. • Cumnock History Group, Mauchline Burns Club, Doon Valley Community Council to add value to our heritage offer. • EAL is represented on the Kilmarnock Town Centre Stakeholder Group to develop a programme of improvements and activities that will contribute to the tourism offer in Kilmarnock • Worked with the Fenwick Walking Group to develop a series of walks in and around the village to attract people to the local area and to encourage the community to be more active in the outdoors.

STRATEGIC OBJECTIVE FOUR – TO BE RECOGNISED AS AN EMPLOYER OF CHOICE

ACTION NO	ACTION	TARGET	PROGRESS AT 30 JUNE 2016
EAL 4.1	Increase levels of staff satisfaction from 2016/17 baseline.	<ul style="list-style-type: none"> • Respond to survey findings. • Maintain constructive relationship with Trade Union – 6 meetings annually. • Maintain absence to below acceptable level of 4% • Continue to achieve low levels of formal Grievances 	<ul style="list-style-type: none"> • Developed brief for Market Research consultant and will be commissioned by September 2016 • Staff Recognition Award report approved by Board. To be implemented following discussion with the Union re sponsorship of awards. • Absence level recorded for April – June was 3.2% • One formal grievance has been submitted during the period • Four employees have been successful in their application to attend Further Education, courses are being funded by East Ayrshire Leisure
EAL 4.2	Increase the number of volunteering, placement and apprenticeship opportunities.	<ul style="list-style-type: none"> • 6 Modern Apprenticeships during life of Business Plan subject to funding. • 10 work placements during life of Business Plan • 3 interns during life of Business Plan. • Volunteers increase by 2% each year. 	<ul style="list-style-type: none"> • 17 young people between 12-24 years had work placements at Dean Castle Country Park in Q1. These young people were from Park School, Ayrshire College and Stewarton Academy. • Between April and June, 55 volunteers took part in activities within the Country Park. • Youth Theatre maintains 3 volunteers. • Textile Team at Castle 10-16 volunteers. • 14 week volunteer placement facilitated at the Ayrshire Athletics Arena.
EAL 4.3	Advance staff through training and development	<ul style="list-style-type: none"> • Increase the use of EAGER working towards 95% coverage for permanent staff. • Develop training matrix for all service areas • Develop bespoke e-learning modules and training courses • Adopt volunteering policy allowing employees the opportunity to volunteer with external organisations 	<ul style="list-style-type: none"> • Recruitment of a Training & Development Officer was advertised and it is anticipated that post holder will be in place by September 2016. • A Training Matrix that identifies mandatory training has been developed for all service areas • Bespoke e-learning module covering customer care, in conjunction with EAC and is now live and being rolled out to staff. • Mystery Shopping exercises have commenced and will be used to progress training programme.

			<ul style="list-style-type: none">• An updated draft volunteer policy has been prepared and will be presented to Trust for approval in 2016• Membership of the Scottish Council for Voluntary Organisations has been approved
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FINANCIAL PERFORMANCE TO 30.06.16

Performance & Audit Sub Committee
2016/17 EAST AYRSHIRE LEISURE BUDGET
AS AT 30th JUNE 2016 – PERIOD 3
SIGNIFICANT VARIANCES – ANALYSIS & COMMENTARY

The projected outturn for East Ayrshire Leisure at 30th June 2016 is a surplus of £70,450 and it is envisaged that this will be utilised to assist in the management of the £141,090 2016/17 budget savings yet to be identified.

There are further variances within Income and Expenditure, these are closely monitored and managed within the Service - detailed analysis provided below.

TABLE A – Overall Net Position (including Income/Expenditure) for East Ayrshire Leisure analysed by Service Area

TABLE B – Overall Net Position (including Income/Expenditure) for East Ayrshire Leisure analysed by Subjective Level

TABLE C – Income Position for East Ayrshire Leisure analysed by Service Area

TABLE D – Expenditure Position for East Ayrshire Leisure analysed by Service Area

TABLE A – OVERALL NET POSITION

Revised Actual Exp. To 30/06/15	Actual Out-turn to 31/03/16	Service Division	Annual Estimate 2016/17	Revised Actual Exp. To 30/06/16	Actual Exp as % of Annual Estimate	Projected Out-turn to 31/03/17	Variance (Favourable) / Adverse
110,174	775,751	CHIEF EXECUTIVE & PEOPLE & FINANCE	761,540	129,035	17%	717,740	(43,800)
67,281	345,452	MARKETING & DEVELOPMENT	295,420	68,540	23%	295,420	0
520,566	2,518,146	CULTURAL	2,124,710	440,104	21%	2,124,710	0
6,713	70,265	Cultural Management	68,260	15,662	23%	68,260	0
29,425	143,656	Collection Care	149,250	27,224	18%	149,250	0
91,437	453,715	Cultural Development	417,670	60,258	14%	417,670	0
302,886	1,451,445	Libraries	1,112,780	271,694	24%	1,112,780	0
(1,838)	(19,642)	Bar & Catering	(18,600)	(10,574)	57%	(18,600)	0
91,943	418,707	Palace Complex	395,350	75,840	19%	395,350	0
102,566	563,385	COUNTRYSIDE DEVELOPMENT	574,470	116,905	20%	576,440	1,970
62,074	1,588,451	SPORT & COMMUNITY VENUES	1,650,790	99,702	6%	1,622,170	(28,620)
62,805	485,694	Sport & Community Management	519,750	81,365	16%	519,750	0
(12,544)	81,988	Area 1	93,040	3,964	4%	93,040	0
18,069	222,808	Area 2	201,540	41,899	21%	192,700	(8,840)
28,056	194,799	Area 3	237,730	28,167	12%	237,730	0
40,058	308,712	Area 4	348,530	43,368	12%	334,620	(13,910)
(795)	12,474	Area 5	360	(287)	-80%	360	0
(82,427)	173,073	Golf	135,610	(43,797)	-32%	135,610	0
9,597	87,453	Football	67,020	(5,625)	-8%	67,020	0
(745)	21,450	Community Venues	47,210	(49,352)	-105%	41,340	(5,870)
862,661	5,791,185	TOTAL	5,406,930	854,285	16%	5,336,480	(70,450)
(1,520,480)	(6,001,620)	Management Fee	(5,092,410)	(1,280,350)	25%	(5,092,410)	0
(657,819)	(210,435)	TOTAL	314,520	(426,065)		244,070	(70,450)
0	0	Savings Yet to be Identified	(141,090)	0		(141,090)	0
0	(150,860)	Trs From Reserves	(173,430)	(23,430)		(173,430)	0
0	99,150	Designated Funds	0	0		0	0
0	0	Trs To Reserves	0	0		0	0
(657,819)	(262,145)	TOTAL (after transfer to reserves)	0	(449,495)		(70,450)	(70,450)

TABLE B – OVERALL NET POSITION

Revised Actual Exp. To 30/06/15	Actual Out-turn to 31/03/16	Service Division	Annual Estimate 2016/17	Revised Actual Exp. To 30/06/16	Actual Exp as % of Annual Estimate	Projected Out-turn to 31/03/17	Variance (Favourable) / Adverse
(470,472)	(1,892,014)	Income From Charitable Activities	(1,752,120)	(464,885)	27%	(1,676,050)	76,070
(1,520,480)	(6,001,620)	Management Fee	(5,092,410)	(1,280,350)	25%	(5,092,410)	0
(1,990,952)	(7,893,634)	TOTAL INCOME	(6,844,530)	(1,745,235)	25%	(6,768,460)	76,070
968,287	5,303,196	Employee Costs	5,320,000	1,060,225	20%	5,197,050	(122,950)
8,300	50,596	Transport Costs	65,140	7,285	11%	69,360	4,220
125,108	893,142	Premises Costs	850,420	80,867	10%	847,880	(2,540)
209,818	1,097,759	Supplies & Services	811,320	167,620	21%	786,570	(24,750)
0	18,630	Financing Costs	4,090	0	0%	4,090	0
0	212,400	Support Costs	0	0	0%	0	0
21,620	107,476	Governance Costs	108,080	3,173	3%	107,580	(500)
1,333,133	7,683,199	TOTAL RESOURCES EXPENDED	7,159,050	1,319,170	18%	7,012,530	(146,520)
(657,819)	(210,435)	NET POSITION	314,520	(426,065)		244,070	(70,450)
0	0	Savings Yet to be Identified	(141,090)	0		(141,090)	0
0	(150,860)	Trs From Reserves	(173,430)	(23,430)		(173,430)	0
0	99,150	Designated Funds	0	0		0	0
0	0	Trs To Reserves	0	0		0	0
(657,819)	(262,145)	TOTAL (after transfer to reserves)	0	(449,495)		(70,450)	(70,450)

TABLE C – INCOME POSITION

Revised Actual Income To 30/06/15	Actual Out-turn to 31/03/16	Service Division	Annual Estimate 2016/17	Revised Actual Income To 30/06/16	Actual Income as % of Annual Estimate	Projected Out-turn to 31/03/17	Variance (Favourable) / Adverse
(472)	(8,171)	CHIEF EXECUTIVE & PEOPLE & FINANCE	(2,000)	(1,547)	77%	(5,300)	(3,300)
0	(1,560)	MARKETING & DEVELOPMENT	0	0		0	0
(60,547)	(507,893)	CULTURAL	(437,490)	(80,184)	18%	(437,490)	0
	0	Cultural Management	0	0		0	0
(1,533)	(1,783)	Collection Care	0	(1,533)		0	0
(13,006)	(57,147)	Cultural Development	(23,370)	(6,010)	26%	(23,370)	0
6,145	(102,845)	Libraries	(79,930)	(10,630)	13%	(79,930)	0
(14,153)	(87,951)	Bar & Catering	(66,400)	(25,487)	38%	(66,400)	0
(38,000)	(258,167)	Palace Complex	(267,790)	(36,523)	14%	(267,790)	0
(24,269)	(59,188)	COUNTRYSIDE DEVELOPMENT	(58,080)	(12,667)	22%	(45,090)	12,990
(385,182)	(1,315,202)	SPORT & COMMUNITY VENUES	(1,254,550)	(370,487)	30%	(1,188,170)	66,380
360	(60,900)	Sport & Community Management	(41,510)	(20,549)	50%	(41,510)	0
(54,564)	(214,392)	Area 1	(212,670)	(51,691)	24%	(212,670)	0
(27,323)	(104,750)	Area 2	(113,580)	(18,961)	17%	(63,310)	50,270
(51,074)	(223,649)	Area 3	(194,300)	(52,704)	27%	(194,300)	0
(24,248)	(111,727)	Area 4	(118,290)	(23,863)	20%	(102,080)	16,210
(44,437)	(238,809)	Area 5	(249,540)	(50,497)	20%	(249,540)	0
(157,653)	(159,940)	Golf	(131,500)	(98,561)	75%	(131,500)	0
(3,035)	(18,265)	Football	(12,660)	(3,307)	26%	(12,660)	0
(23,208)	(182,770)	Community Venues	(180,500)	(50,355)	28%	(180,600)	(100)
(470,470)	(1,892,014)	TOTAL	(1,752,120)	(464,885)	27%	(1,676,050)	76,070
(1,520,480)	(6,001,620)	Management Fee	(5,092,410)	(1,280,350)	25%	(5,092,410)	0
(1,990,950)	(7,893,634)	TOTAL	(6,844,530)	(1,745,235)	25%	(6,768,460)	76,070

TABLE D – EXPENDITURE POSITION

Revised Actual Exp. To 30/06/15	Actual Out-turn to 31/03/16	Service Division	Annual Estimate 2016/17	Revised Actual Exp. To 30/06/16	Actual Exp as % of Annual Estimate	Projected Out-turn to 31/03/17	Variance (Favourable) / Adverse
110,645	783,922	CHIEF EXECUTIVE & PEOPLE & FINANCE	763,540	130,582	17%	723,040	(40,500)
67,281	347,012	MARKETING & DEVELOPMENT	295,420	68,540	23%	295,420	0
581,113	3,026,038	CULTURAL	2,562,200	520,288	20%	2,562,200	0
6,713	70,265	Cultural Management	68,260	15,662	23%	68,260	0
30,959	145,439	Collection Care	149,250	28,757	19%	149,250	0
104,443	510,862	Cultural Development	441,040	66,269	15%	441,040	0
296,741	1,554,288	Libraries	1,192,710	282,324	24%	1,192,710	0
12,315	68,309	Bar & Catering	47,800	14,913	31%	47,800	0
129,942	676,875	Palace Complex	663,140	112,364	17%	663,140	0
126,835	622,574	COUNTRYSIDE DEVELOPMENT	632,550	129,571	20%	621,530	(11,020)
447,255	2,903,653	SPORT & COMMUNITY VENUES	2,905,340	470,189	16%	2,810,340	(95,000)
62,445	546,594	Sport & Community Management	561,260	101,914	18%	561,260	0
42,019	296,379	Area 1	305,710	55,654	18%	305,710	0
45,391	327,558	Area 2	315,120	60,859	19%	256,010	(59,110)
79,131	418,448	Area 3	432,030	80,872	19%	432,030	0
64,306	420,439	Area 4	466,820	67,231	14%	436,700	(30,120)
43,642	251,283	Area 5	249,900	50,210	20%	249,900	0
75,226	333,013	Golf	267,110	54,764	21%	267,110	0
12,632	105,718	Football	79,680	(2,317)	-3%	79,680	0
22,463	204,221	Community Venues	227,710	1,003	0%	221,940	(5,770)
1,333,129	7,683,199	TOTAL	7,159,050	1,319,170	18%	7,012,530	(146,520)
		Management Fee					0
1,333,129	7,683,199	TOTAL	7,159,050	1,319,170	18%	7,012,530	(146,520)

CHIEF EXECUTIVE & PEOPLE & FINANCE SERVICE ANALYSIS

Revised Actual Exp. To 30/06/15	Actual Out-turn to 31/03/16	CHIEF EXECUTIVE & PEOPLE & FINANCE	Annual Estimate 2016/17	Revised Actual Exp. To 30/06/16	Actual Exp as % of Annual Estimate	Projected Out-turn to 31/03/17	Variance (Favourable) / Adverse	Comment
(472)	(8,171)	Income From Charitable Activities	(2,000)	(1,547)	77%	(5,300)	(3,300)	Favourable variance mainly relates to Bank Interest Received.
(1,520,480)	(6,001,620)	Management Fee	(5,092,410)	(1,280,350)	25%	(5,092,410)	0	
(1,520,952)	(6,009,791)	TOTAL INCOME	(5,094,410)	(1,281,897)	25%	(5,097,710)	(3,300)	
83,018	474,746	Employee Costs	661,520	99,288	15%	621,520	(40,000)	Favourable variance has arisen due to delays in filling vacancies
0	0	Transport Costs	2,750	582		2,750	0	
11,708	15,861	Premises Costs	14,570	14,552	100%	14,570	0	Annual accommodation charge for Western Road Depot
13,817	54,599	Supplies & Services	61,620	12,988	21%	61,620	0	
0	0	Financing Costs	0	0		0	0	
	212,400	Support Costs	0	0		0	0	
2,102	26,316	Governance Costs	23,080	3,173	14%	22,580	(500)	
110,645	783,922	TOTAL RESOURCES EXPENDED	763,540	130,582	17%	723,040	(40,500)	
(1,410,307)	(5,225,869)	NET POSITION	(4,330,870)	(1,151,315)	27%	(4,374,670)	(43,800)	
		Savings Yet to be Identified	(141,090)	0		(141,090)	0	
		Trs From Reserves	(152,810)	(2,810)		(152,810)	0	
	4,500	Designated Funds				0	0	
		Trs To Reserves					0	
(1,410,307)	(5,221,369)	TOTAL (after transfer to reserves)	(4,624,770)	(1,154,125)	25%	(4,668,570)	(43,800)	

MARKETING & DEVELOPMENT SERVICE ANALYSIS

Revised Actual Exp. To 30/06/15	Actual Out-turn to 31/03/16	MARKETING & DEVELOPMENT	Annual Estimate 2016/17	Revised Actual Exp. To 30/06/16	Actual Exp as % of Annual Estimate	Projected Out-turn to 31/03/17	Variance (Favourable) / Adverse	Comment
0	(1,560)	Income From Charitable Activities	0	0		0	0	
		Management Fee					0	
0	(1,560)	TOTAL INCOME	0	0		0	0	
43,899	236,089	Employee Costs	211,410	45,959	22%	211,410	0	
		Transport Costs	0	0		0	0	
		Premises Costs	0	0		0	0	
23,382	110,923	Supplies & Services	84,010	22,581	27%	84,010	0	
		Financing Costs	0	0		0	0	
		Support Costs	0	0		0	0	
		Governance Costs	0	0		0	0	
67,281	347,012	TOTAL RESOURCES EXPENDED	295,420	68,540	23%	295,420	0	
67,281	345,452	NET POSITION	295,420	68,540	23%	295,420	0	
	(45,380)	Trs From Reserves	(6,310)	(6,310)		(6,310)	0	
		Designated Funds					0	
		Trs To Reserves					0	
67,281	300,072	TOTAL (after transfer to reserves)	289,110	62,230	22%	289,110	0	

CULTURAL SERVICE ANALYSIS

Revised Actual Exp. To 30/06/15	Actual Out-turn to 31/03/16	CULTURAL	Annual Estimate 2016/17	Revised Actual Exp. To 30/06/16	Actual Exp as % of Annual Estimate	Projected Out-turn to 31/03/17	Variance (Favourable) / Adverse	Comment
(60,547)	(507,893)	Income From Charitable Activities	(437,490)	(80,184)	18%	(437,490)	0	
		Management Fee					0	
(60,547)	(507,893)	TOTAL INCOME	(437,490)	(80,184)	18%	(437,490)	0	
395,762	2,067,341	Employee Costs	1,804,470	386,624	21%	1,804,470	0	Service review has now been fully implemented and will deliver service within revised budgets.
2,711	13,711	Transport Costs	31,180	2,993	10%	31,180	0	
44,580	281,111	Premises Costs	276,410	9,633	3%	276,410	0	
130,799	628,248	Supplies & Services	412,140	121,038	29%	412,140	0	
	1,890	Financing Costs	0	0		0	0	
		Support Costs	0	0		0	0	
7,261	33,737	Governance Costs	38,000	0	0%	38,000	0	
581,113	3,026,038	TOTAL RESOURCES EXPENDED	2,562,200	520,288	20%	2,562,200	0	
520,566	2,518,145	NET POSITION	2,124,710	440,104	21%	2,124,710	0	
	(83,630)	Trs From Reserves	(5,000)	(5,000)		(5,000)	0	
	38,650	Designated Funds				0	0	
		Trs To Reserves					0	
520,566	2,473,165	TOTAL (after transfer to reserves)	2,119,710	435,104	21%	2,119,710	0	

COUNTRYSIDE SERVICE ANALYSIS

Revised Actual Exp. To 30/06/15	Actual Out-turn to 31/03/16	COUNTRYSIDE DEVELOPMENT	Annual Estimate 2016/17	Revised Actual Exp. To 30/06/16	Actual Exp as % of Annual Estimate	Projected Out-turn to 31/03/17	Variance (Favourable) / Adverse	Comment
(24,269)	(59,188)	Income From Charitable Activities	(58,080)	(12,667)	22%	(45,090)	12,990	Reduction in projected income due to the closure of the Country Park buildings from September 2016 leading to reduced income from catering and retail sales.
		Management Fee					0	
(24,269)	(59,188)	TOTAL INCOME	(58,080)	(12,667)	22%	(45,090)	12,990	
89,464	461,683	Employee Costs	501,240	104,394	21%	501,240	0	
3,211	20,160	Transport Costs	15,530	2,839	18%	19,750	4,220	Projection based on 2015/16 figures to take account of general increases in fuel and transport costs
15,286	64,685	Premises Costs	58,370	14,726	25%	60,640	2,270	Projection based on 2015/16 out turn
16,376	67,558	Supplies & Services	48,820	7,613	16%	31,310	(17,510)	Reduction in supplies and services expenditure due to closure of Country Park buildings from September 2016.
	4,090	Financing Costs	4,090	0	0%	4,090	0	
		Support Costs	0	0		0	0	
2,498	4,398	Governance Costs	4,500	0	0%	4,500	0	
126,835	622,574	TOTAL RESOURCES EXPENDED	632,550	129,571	20%	621,530	(11,020)	
102,566	563,386	NET POSITION	574,470	116,905	20%	576,440	1,970	
		Trs From Reserves	0	0		0	0	
		Designated Funds				0	0	
		Trs To Reserves					0	
102,566	563,386	TOTAL (after transfer to reserves)	574,470	116,905	20%	576,440	1,970	

SPORT & COMMUNITY VENUES SERVICE ANALYSIS

Revised Actual Exp. To 30/06/15	Actual Out-turn to 31/03/16	SPORT & COMMUNITY VENUES	Annual Estimate 2016/17	Revised Actual Exp. To 30/06/16	Actual Exp as % of Annual Estimate	Projected Out-turn to 31/03/17	Variance (Favourable) / Adverse	Comment
(385,182)	(1,315,202)	Income From Charitable Activities	(1,254,550)	(370,487)	30%	(1,188,170)	66,380	
		Management Fee					0	
(385,182)	(1,315,202)	TOTAL INCOME	(1,254,550)	(370,487)	30%	(1,188,170)	66,380	
356,144	2,063,335	Employee Costs	2,141,360	423,960	20%	2,058,410	(82,950)	Favourable variance relates to the ongoing implementation of the Community Asset Transfer rationalisation programme by East Ayrshire Council.
2,379	16,725	Transport Costs	15,680	871	6%	15,680	0	
53,534	531,486	Premises Costs	501,070	41,957	8%	496,260	(4,810)	Favourable variance relates to the ongoing implementation of the Community Asset Transfer rationalisation programme by East Ayrshire Council.
25,443	236,431	Supplies & Services	204,730	3,402	2%	197,490	(7,240)	Favourable variance relates to the ongoing implementation of the Community Asset Transfer rationalisation programme by East Ayrshire Council.
	12,650	Financing Costs	0	0		0	0	
		Support Costs	0	0		0	0	
9,759	43,026	Governance Costs	42,500	0	0%	42,500	0	
447,259	2,903,653	TOTAL RESOURCES EXPENDED	2,905,340	470,189	16%	2,810,340	(95,000)	
62,077	1,588,451	NET POSITION	1,650,790	99,702	6%	1,622,170	(28,620)	
	(21,850)	Trs From Reserves	(9,310)	(9,310)		(9,310)	0	
	56,000	Designated Funds				0	0	
		Trs To Reserves					0	
62,077	1,622,601	TOTAL (after transfer to reserves)	1,641,480	90,392	6%	1,612,860	(28,620)	

RESERVES AS AT 30 JUNE 2016

TABLE A – Summary

TABLE B – Unuseable Reserves

TABLE C – Allocated Reserves Analysis

TABLE A - SUMMARY

UNRESTRICTED RESERVES	2014/15 b/f	2015/16 SURPLUS	BALANCE 31 March 2016	PROPOSED DRAWDOWN	Q1	BALANCE	APPROVAL	STATUS	NOTES
FIXED ASSET RESERVE	48,000		48,000			48,000			
RETAINED RESERVES	400,000		400,000	150,000		250,000			
UNUSEABLE RESERVES (DEPRECIATION RESERVES)	63,820	30,000	93,820		0	93,820			see Table B
ALLOCATED RESERVES	123,260	289,150	412,410		23,430	388,980			see Table C
UNALLOCATED RESERVES	20,804	42,140	62,944			62,944			
HOLIDAY PAY PROVISION		-92,180	-92,180			-92,180			
TOTAL UNRESTRICTED RESERVES	655,884	269,110	924,994	150,000	23,430	751,564			
RESTRICTED RESERVES			73,199		(11,206)	84,405			
PENSION RESERVE			-800,000			(800,000)			
TOTAL RESERVES			198,193			35,969			

RESERVES AS AT 30 JUNE 2016
TABLE B - UNUSEABLE RESERVES

UNUSEABLE RESERVES	2014/15 b/f	2015/16 SURPLUS	BALANCE 31 March 2016	PROPOSED DRAWDOWN	Q1	BALANCE	APPROVAL	STATUS	NOTES
Libraries Fit Out - Mauchline	8,110		8,110			8,110	14 July 2015 Board	Ongoing	Mauchline £10k - amount to be drawn down at year end for depreciation. 5 years from 2015/16
Annanhill Golf Course - Staff Welfare Facilities	38,000	6,000	44,000			44,000	19 August 2014 Board	Ongoing	Installation now complete. Depreciation 5 years from 2016/17
Annanhill Golf Course - Maintenance Equipment	17,710	15,000	32,710			32,710	14 July 2015 Board, updated 13 Oct 2015	Ongoing	Fairways machine now in use. Will be drawn down at year end to cover depreciation. 5 years from 2015/16.
Homewords Van		9,000	9,000			9,000			Homewords Van delivered - amount to be drawn down at year end for depreciation. Depreciation 5 years from 2016/17
TOTAL UNUSEABLE RESERVES	63,820		93,820			93,820			

RESERVES AS AT 30 JUNE 2016
TABLE C - ALLOCATED RESERVES

ALLOCATED RESERVES	2014/15 b/f	2015/16 SURPLUS	BALANCE 31 March 2016	PROPOSED DRAWDOWN	Q1	BALANCE	APPROVAL	STATUS	NOTES
People & Finance Administration Resources	20,000		20,000			20,000	14 July 2015 Board	Ongoing	Will be used to support creation of 2 * temp Clerical post for 6 months. Required for 2016/17. Recruitment has taken place, in post by Qtr 2
People & Finance Security		4,500	4,500		2,810	1,690			Fortress Security Alarm
Marketing - Additional Facilities	7,000		7,000			7,000	14 July 2015 Board	Ongoing	Focus on Auchinleck Boswell Centre marketing initially, 2015/16 approx 1k spend, met from Marketing revenue budget
Marketing & Development Staff	20,000	81,000	101,000		6,310	94,690	14 July 2015 Board	Ongoing	Visual Communications Assistant - Initial 12 months, extended to 18 months; Digital Marketing Officer for 18 months; Marketing Co-ordinator (Sport) for 18 months
Libraries Fit Out	50,000	40,000	90,000			90,000	14 July 2015 Board	Ongoing	Dick Institute initially £40k + further £40k, Newmilns £10k, Dick Institute proposed with EAC.

Wi-Fi Provision - Phase I	2,300	4,650	6,950	6,950	14 July 2015 Board	Ongoing	Wifi roll out currently in place. Additional funding now provided to ensure all libraries are covered by external funding. Upgrade of Burns House Museum to be completed.
Dick Institute/Palace Complex Programme Development	3,960	3,960	3,960	3,960	14 July 2015 Board	Ongoing	Programme took place January/February/March aimed at young people and day time use. Further programme planned in coming months.
Libraries	15,000	15,000	15,000	15,000			SIRSI Upgrade
Homewords Van	5,000	5,000	5,000	5,000			Homewords Van Fit out
Palace Complex	5,000	5,000	5,000	0			Floor Cleaning Machine @ Grand Hall
Sport & CV Staffing	99,000	99,000	9,310	89,690			Team Leader for 18 months + Co-ordinator for 12 months
Annanhill Golf Course - 4th Green	20,000	20,000	20,000	20,000	14 July 2015 Board	Ongoing	Course design and alterations under consideration. Required for 2016/17 into 2017/18
Annanhill Security Measures	15,000	15,000	15,000	15,000			
AAA Pole Vault	20,000	20,000	20,000	20,000			
Fireworks Display 2016				0			
TOTAL ALLOCATED RESERVES	123,260	412,410	388,980	388,980			

GENERAL PROJECTS

General Projects are multi-annual projects involving funding from external partners. These projects are not included in the Financial Monitoring reports.

Project	Partners	Balance b/f 01.04.16	Balance at 30.06.16	Expected Completion Date
Textile Team	Donations	(£677)	(£677)	Ongoing
Unsigned Unlimited	Creative Scotland	£1,639	£1,639	Sept 2016
Creative Place	Creative Scotland/Centerstage/Town Centre Management	(£24,571)	(£24,571)	March 2017
Ayrshire Libraries Forum	North Ayrshire Council/South Ayrshire Council/East Ayrshire Council	(£4,506)	(£4,506)	Ongoing
Scotland Creates	National Museums Scotland	(£15,325)	(£15,325)	March 2017
Wi-Fi	SLIC	(£11,500)	(£11,500)	March 2017
Still Future II	Creative Scotland	(£4,307)	(£2,203)	Sept 2016
Countryside Festival	Awards For All	(£1,549)	(£1,549)	Sept 2016
The McKie Collection	Museum Gallery Scotland	(£10,175)	(£10,175)	July 2017
Read Write Count	SLIC	(£2,228)	(£1,306)	June 2016
Make Some Noise	Creative Scotland	£0	(£14,909)	Sept 2018

Textile Team is a team of volunteers that were originally funded by HLF to carry out restoration and repair of textiles. The remaining funding supports the group to continue with its work.

Unsigned Unlimited is project funded by Creative Scotland to help young people to network and perform and learn about the music industry. The young people in the project often feature in our event programme.

Creative Place is funded from Creative Scotland to bring high quality events and exhibitions to Kilmarnock, supporting regeneration and tourism. This budget will be used to enhance the music programming at Palace and Grand Hall during 15/16.

Ayrshire Libraries Forum is a network partnership of the three Ayrshire councils, Ayrshire NHS, school, prison and higher education libraries to be used towards the upkeep of Ayrshire Working Lives website.

Scotland Creates (Legacy of Lace) received funding from National Museums Scotland on behalf of the Esmee Fairbairn Foundation, to engage young people in museums through development of exhibitions and associated events. This project is ongoing

WiFi - additional £11,500 has been awarded from SLIC to complete our library Wifi rollout across our part-time libraries not covered in Phase I of project, including Newmilns, Bellfied and Drongan.

Still Future II is new exhibition featuring the work of nine Scottish artists. It has received funding from Creative Scotland and will result in a major new exhibition at the Dick during January 2016.

The 2015 East Ayrshire Countryside Festival received £10,000 from Awards for All to promote healthy outdoor activities throughout East Ayrshire. The project included a number of structured walks, walking festivals, cycling events, evening talks and large scale community events. The aim of the project was to target community integration and promote sustainable healthy lifestyles. The Countryside Festival attracted over 5,000 participants over a 4 week period.

The McKie Collection funded by museum Galleries Scotland to support the digitisation of the McKie collection. A new post will be appointed for 18 months to deliver the project.

Read Write Count – Scotland wide initiative to improve literacy and numeracy skills for young people. Project funded by SLIC.

Make Some Noise is a music project funded by Creative Scotland and aimed at young people in a foster, looked-after, kinship or young caring environment and designed to help build self-esteem and provide a range of creative learning opportunities.



**EXTERNAL FUNDING
(APRIL – JUNE 2016)**

EXTERNAL FUNDING INCLUDED IN EAST AYRSHIRE LEISURE ACCOUNTS

(* denotes funding not available to East Ayrshire Council)

Section	Name of Funding Provider and Project	Value of Funding/Support	Received in 2016/17
Cultural	Live Literature Fund - Scottish Book Trust	£1,275	
Cultural	Burns's Birthday In Mauchline - EventScotland	£6,500	
Cultural	Gaelic Visual Art Workshops - Bord Na Gaidhlig	£3,500	
Cultural	Summer Reading Challenge - Tesco Bank	* £350	
Countryside	Marvellous Margins	* £250	
TOTAL		£11,875	£0



PERFORMANCE SCORECARD

East Ayrshire Leisure Trust – EPMS Quarterly Indicators – Key RED (REQUIRES INTERVENTION) AMBER (WITHIN TOLERANCE) GREEN (POSITIVE PERFORMANCE)

	Indicator	2015/16 Figure	2016/17 Target	Intervention rate	Q1	Actual	Q2	Actual	Q3	Actual	Q4	Actual	Comments
1	East Ayrshire Leisure Trust: Total Income	7,893,634	6,844,530	10%	1,745,235	1,711,130	1,745,235		1,745,235		1,745,235		Variances on Income are to be expected due to cyclical fluctuations, however income is still projecting to 6,768,460
2	East Ayrshire Leisure Trust: Total Expenditure	7,683,199	7,159,050	10%	1,789,760	1,319,170	1,789,760		1,789,760		1,789,760		Variances on Expenditure are to be expected due to cyclical fluctuations, however expenditure is still projecting to 7,012,530
3	Core Services Customer Visits: Culture	518,759	506,070	10%	127,617	148,990	121,657		138,529		118,267		Increased attendance is due to improving figures across Palace and Grand Hall, Baird and Dick Institute. The implementation of review has seen libraries improve overall footfall in some cases with reductions in others.
4	Core Services Customer Visits: Sport and Community Venues	792,551	815,666	10%	205,690	210,269	194,500		218,109		197,367		Increased attendances for Q1 relates to events held at the Ayrshire Athletics Arena and positive numbers attending core venue

													programmes and activities.
5	Core Services Customer Visits: Countryside	1,457,102	1,053,010	10%	472,974	477,689	511,662		34,268		34,106		Due to the restricted access to Dean Castle Country Park between October 2016 and March 2017, it is anticipated that visits will be out with the 10% intervention with a reduction in countryside visits in 2016/17.
6	Core Services Customer Visits: Future Museum (Virtual Service)	225,692	230,206	10%	63,440	60,831	55,634		62,256		48,876		Future museum is now 8 years old and the partnership is looking to develop a funding package to refresh design and keep it a dynamic, must-go-to heritage website.
7	Core Services Customer Visits: eastayrshireleisure.com (Virtual Service)	291,736	297,571	10%	69,050	62,078	79,994		82,673		65,855		Our new e-newsletter will be launched Summer/Autumn 16, which will help drive more visitors to the website
8	East Ayrshire Leisure Trust: Average days lost per employee	5.86 days	8 days	Over 2 days	2 days	1.54 days	2 days		2 days		2 days		All employees are managed in accordance with East Ayrshire Leisure's Sickness Absence Management Policy.



RISK REGISTER

RISK MANAGEMENT

East Ayrshire Leisure will manage risk in a proactive manner by prioritising areas of concern and addressing them on an ongoing basis. The Board reviews its Risk Register on a regular basis with the Register submitted for approval annually and then monitored through the quarterly performance reporting process.

Risk - this column lists areas of major concern for East Ayrshire Leisure that could damage its credibility or its ability to trade.

Risk rating - this column records the rating placed on each risk, this is judged according to current knowledge and experience that the assessor has in the area of concern and may be altered once specialists in the specific field have been consulted, The score should range from 0 (lowest risk) to 5 (highest risk). Risk ratings should consider both the likelihood and impact of the risk.

Priority - the assessor should indicate whether actions on the risk are urgent or not using the indicators of **high, medium or low**.

Reason for risk rating and priority - the assessor should explain why the risk exists and if appropriate why the Priority indicator has been assessed at the level set against each risk.

Information - The assessor should identify systems and processes that are in place to reduce the risk and/or weaknesses that enhance the risk and any associated actions that can/will be put in place.

RISK	Risk Rating 0 (Low) to 5 (High)	Priority (High, Medium, Low)	Reason for Risk Rating and Priority.	Information
1. Reduction in service payments from EAC	5	H	<p>This is an area of high risk as the Council, which provides the service payments to the Trust, is under severe pressure to reduce its overall spend. The priority is high as the Trust would need to take action if the Council reduces its funding.</p> <p>Closure of local facilities due to reduced funding may impact of Strategic Objective 1 and 2 of the Business Plan as targets groups will incur additional cost when they are required to travel to venues which may impact on their ability to attend facilities. Subsequently, a drop in attendance may reflect in income shortfalls that in turn, will affect the Trusts ability to invest in development opportunities.</p>	<ul style="list-style-type: none"> • The Trust has limited resources available to it and would find it difficult to identify alternative funding sources or generate additional income to offset any reductions in Council funding. • Funding regularly reviewed by Trust Board and continuous dialogue with East Ayrshire Council.
2. Falling income levels due to the economic climate, or any other reason.	2	M	<p>The overall risk rating for this area is Low/Medium as the Trust has reviewed and realigned its income targets and sets pricing annually to ensure they can cope with market pressures. The priority is medium as charges can be reviewed relatively easily if a particular difficulty is identified.</p>	<ul style="list-style-type: none"> • The Trust will have the ability to develop new income streams and review charging policies. • The Trust has a dedicated marketing team to support service development and delivery. • East Ayrshire Council and East Ayrshire Leisure have historically charged at the lower end for services in comparison

RISK	Risk Rating 0 (Low) to 5 (High)	Priority (High, Medium, Low)	Reason for Risk Rating and Priority.	Information
				with many other Scottish Leisure service providers and steep increases may have an adverse effect on the reputation of the Trust and customer numbers.
3. Health and Safety Legislation, Standards and Procedures	2	M	The risk is low/medium risk as the Trust has a good Health and Safety record. It is a medium priority as pressures placed on the Council's Safety Team may affect the amount of time dedicated to the Trust, but the Trusts Health and Safety Officer (Properties) is continually gaining knowledge and expertise that will offset any shortfall in support.	<ul style="list-style-type: none"> • Trust has its own Health and Safety Manager (Properties) supported by EAC Health and Safety Team and adhere to the Council's safety standards. Managers trained to IOSH Managing Safely standard. • East Ayrshire Leisure have initiated regular 6 weekly Health & Safety meetings attended by the Chief Executive, EAC's Safety Advisor and key managers. The forum discusses key Health & Safety issues with a view to reducing risk wherever it is identified.
4. Protection of children and vulnerable adults	2	L	This is a Low/medium risk as there are systems in place such as Protection of Vulnerable Groups checks and stringent conditions of let in place. However, an adverse incident would damage the Trust's reputation. The priority is low due to the	<ul style="list-style-type: none"> • Staff undergo Disclosure checks and spot checks are made on the documentation held by individuals/groups leasing facilities. • Staff undergo PVG check and training

RISK	Risk Rating 0 (Low) to 5 (High)	Priority (High, Medium, Low)	Reason for Risk Rating and Priority.	Information
			fact that there have been no major incidents in facilities and the Trust is in the process of reviewing and updating its Safeguarding policy and procedures.	and support from Council officials is available.
5. Loss or damage to historic collections or buildings	4	H	This is a high risk as the materials held and the historic buildings managed by the trust have immeasurable historic and cultural value. Loss or irreparable damage to this stock would have severe implications for the credibility of the Trust. It is of high priority that this area is addressed as current condition of buildings can be problematic.	<ul style="list-style-type: none"> • The Trust has dedicated manager in place to ensure the collection and estate is managed appropriately. Effective security and inventory control measures are in place across the Museums Service. • The Trust has an SLA with the Council and repairs are prioritised. • Contractors carry appropriate insurance.
6. Loss of buildings or facilities due to bad weather, maintenance issues or any other cause	3	L	This area is a medium risk although there have been instances where facilities have been closed, for example the SGP at Stewarton Sports Centre employees are better able to deal with the onset of bad weather and the closure of the SGP at St Joseph's due to construction issues, as the Trust has enough capacity to relocate customers. This is a low priority to the Trust as it has limited resources to counteract any service shortfall,	<ul style="list-style-type: none"> • Most buildings are able to withstand poor weather. Maintenance standards are generally acceptable. • Some facilities have recurring problems during poor weather. • Repairs and maintenance programmes are the responsibility of the Council and have to be prioritised.

RISK	Risk Rating 0 (Low) to 5 (High)	Priority (High, Medium, Low)	Reason for Risk Rating and Priority.	Information
			albeit it can seek financial compensation.	<ul style="list-style-type: none"> As a third party in schools etc. the Trust is limited in the amount of pressure it can apply to situations. For example, St Josephs and the Grange Leisure Centres. Each building has a snow and ice plan.
7. Failure to effectively Market, Promote and Programme facilities and activities	4	H	This is an area of high risk and high priority. If Marketing programmes are ineffective the Trust will be unable to deliver the strategic priorities identified in the Business Plan and there will be a negative impact on income levels and attendances.	<ul style="list-style-type: none"> The Marketing and Development team has had temporary additional resources allocated to it. The Marketing Plan will be updated to reflect the new Business Plan.
8. Failure to develop a workforce that is appropriately skilled, trained and motivated.	3	M	This is an area of medium risk and medium priority. It is essential that staff are well trained and motivated, without this it is unlikely that the Trust will be able to deliver strategic objectives in the new Business Plan.	<ul style="list-style-type: none"> The new Training and Development Officer will improve aspects of support for staff. Recruitment issues will decrease as the Trust moves to its core facility remit.
9. Failure to deliver the Community Asset Transfer/Asset Rationalisation programmes.	4	H	This is an area of high risk and high priority as the programmes now have completion dates linked to the achievement of savings targets by the Trust.	<ul style="list-style-type: none"> The CAT/AR programmes are led by East Ayrshire Council and it is the Council that makes the final decisions regarding the future of facilities.

RISK	Risk Rating 0 (Low) to 5 (High)	Priority (High, Medium, Low)	Reason for Risk Rating and Priority.	Information
				<ul style="list-style-type: none"> • A temporary staff structure is in place to allow the Trust to support the CAT/AR programmes and deliver event strategies for all buildings temporarily in the Trust's remit.
10. Failure to prioritise tasks and workload.	4	H	Staff workloads are challenging as the Trust continues to develop. In order to achieve stated outcomes, staff must prioritise effectively.	<ul style="list-style-type: none"> • Changes to staff structures, agreed by the Board, should assist in addressing workload issues. • Staff will require support to prioritise workload.

REPORT TO BOARD OF TRUSTEES



SCHEME OF DELEGATION

Date: 13 September 2016

Agenda Item: 6

Report By: John Griffiths, Chief Executive

Summary

The purpose of this report is to seek approval for the updated Scheme of Delegation to be utilised by East Ayrshire Leisure.

1. BACKGROUND

- 1.1 The Scheme of Delegation is an essential procedural document that defines decision making and financial processes within East Ayrshire Leisure.
- 1.2 The original Scheme of Delegation was approved in July 2013 and has now been updated to reflect operational experience gained in the Trust's first three years of operation.
- 1.3 The Scheme of Delegation will be reviewed as required and any changes will be submitted to the Trust Board for consideration.
- 1.4 The updated Scheme of Delegation is attached as Appendix I to this report. The minor changes proposed are shown in red on the text.

2 FINANCE/POLICY/LEGAL IMPLICATIONS

- 2.1 None arising directly from this report. The adoption of a clear Scheme of Delegation is important for the effective operation of East Ayrshire Leisure, and for ensuring that appropriate governance arrangements are in place across the organisation.

Recommendation/s:

It is recommended that the Board:

- i. Consider and approve the updated Scheme of Delegation proposed in this report shown in Appendix I; and
- ii. Otherwise note the content of this report.

Signature:

A handwritten signature in black ink, appearing to read 'J. Griffiths'.

Designation: Chief Executive

Date: 28 July 2016

Scheme of Delegation



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I. SCHEME OF DELEGATION

- 1.1 The Scheme of Delegation for East Ayrshire Leisure Trust set out in this document and annexes, as may be amended by the East Ayrshire Leisure Trust Board from time to time, is established to provide a framework within which the Trust will operate. Terms of reference and delegated authority to the Sub- Committees of the Board , the Chair of the Scottish Charitable Incorporate Organisation (SCIO) (hereafter referred to as the Chair of the Trust) or holder of any other post i.e. employees of the SCIO will at all times be in accordance with the Trust Constitution.
- 1.2 The Board may exercise all the powers of the Trust to borrow money and to mortgage or charge its undertaking and property, or any part thereof, as security for any or obligation of the Trust or of any third party.
- 1.3 The Board on behalf of the Trust may establish, maintain, participate in and contribute to any pension, superannuation, benevolent or life assurance fund, scheme or arrangement (whether contributory or otherwise) for the benefit of any persons (including Trustees, former Trustees – employees and former employees) who are or shall have been at any time in the employment of the Trust.
- 1.4 The Board on behalf of the Trust may establish, subsidise, subscribe to or support institutions, associations, clubs, schools, funds or trusts for the benefit of any of such organisations or their members as aforesaid, in order to advance the purposes of the Trust's as set out in Clause 4 of the Trust constitution.
- 1.5 All cheques, promissory notes, drafts, bills of exchange and other negotiable instruments and all receipts for moneys paid to the Trust shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, in such a manner as the Trust shall from time to time determine.
- 1.6 Delegated powers granted to any sub-committee, Chair of the Trust and/or any employee will be exercised in compliance with the Trust's:
- (a) Standing Orders
 - (b) Standing Orders on Contracts; and
 - (c) Financial Regulations
- and must comply with any conditions set by the Board when granting the related delegated powers..
- 1.7 The Scheme of Delegation is subject to the principles of corporate management and governance and the policies adopted by the Trust as embodied in any policy document approved by the Board.

2. DELEGATION TO SUB-COMMITTEES

- 2.1 The Board may delegate any of their powers to a Sub-Committee or Sub-Committees consisting of at least one charity Trustee and other such persons, as the Board shall determine.
- 2.2 Any Sub-Committee so formed shall in the exercise of the powers delegated to it conform to any conditions that may be imposed upon it by the Board and shall report and be responsible to the Board.
- 2.3 Each sub-committee is populated from the charity trustees who compose the full Board of the Trust, but excluding the two charity trustees appointed under Clause 18.2 of the Trust's

constitution, on a rotational basis and each sub-committee applies the terms of reference and composition as detailed below:

(i) **APPEALS SUB-COMMITTEE**

(a) Composition

5 available trustees (5 a quorum).

Chair shall be: (Option 1) either the Chair or the Vice-Chair of the Trust or (Option 2) appointed from the 5 trustee members that comprise the sub-committee at each appeal.

(b) Terms of Reference

1. To determine appeals against:

- Dismissals;
- Any disciplinary action taken by the Chief Executive

2. To uphold or reject such appeals or order the varying of the disciplinary action taken.

3. To decide upon grievances raised by employees of the Trust at Stage 3 of the Trust's grievance procedure.

(c) Delegated Powers

Full delegated powers to uphold or reject grievance, or disciplinary appeals, or to order the varying of disciplinary action taken in respect of Trust employees.

(ii) **RECRUITMENT SUB-COMMITTEE**

(a) Composition

5 available trustees (5 a quorum).

Chair shall be Chair of the Trust

(b) Terms of Reference

To short-leet, interview and appoint applicant for the Chief Executive post within the Trust

(c) Delegated Powers

Full delegated powers to deal with all matters detailed within the above Terms of Reference.

3. DELEGATION TO EMPLOYEES

3.1 The Scheme of Delegation to employees as set out below is subject to:

- (a) appropriate provisions for income and expenditure having been made in the Business Plan for the current year;
- (b) the right of an employee to consult with the Chief Executive on any matter, even though it has been specifically delegated to him/her particularly;
- (c) a duty on an employee to consult where instructed or directed by the Chief Executive
- (d) the Chief Executive may not exercise his or her delegated authority and refer the matter for consideration to the Board or appropriate Sub Committee of the Board for a decision; and
- (e) any legal or regulatory restrictions.

4. CHIEF EXECUTIVE

4.1 The following delegations are made to the Chief Executive:

1. to take all necessary action to fulfil the terms of his/her appointment as senior employee of the Trust and leader of the Senior Management Team
2. to authorise the issue of all publicity of the Trust and its services and to the promotion of them including the issue of Press Releases, pamphlets, and other forms of publicity on behalf of the Trust;
3. to absent themselves or to permit any member of staff to absent themselves occasionally and temporarily during business hours to attend to duties or services of a professional, civic, honorary, charitable or social nature provided that these do not interfere with the efficient discharge of their duties to the Trust;
4. to sign and to issue identity cards to employees of the Trust;
5. where he/she considers it would be in the interests of the Trust to do so, to approve the provision of reasonable hospitality to representatives of other organisations;
6. to grant the use of Trust accommodation to outside bodies for the purpose of holding meetings, etc if not otherwise provided for; and
7. to sell surplus stock, furniture and equipment for the best price in his/her reasonable opinion and to write off any such stock, furniture and equipment which have been unfit for use and are unsaleable.
8. to secure the efficient and effective implementation of the Trust's programmes and policies, the development of resources towards that end, to ensure the implementation of effective and equitable Human Resource policies, also the maintenance of internal and external relations, being actions implicit in the day to day management of affairs and all steps ancillary thereto, not involving a change in policy and for which there is adequate provision in the Business Plan;
9. in an emergency and in cases of emergency, to take or to authorise the taking of all necessary action including the incurring of necessary expenditure outwith the Business Plan to secure the Trust's immediate interests, subject to consultation as soon as practicable with the Chair and subject thereafter to a report on the action taken to the first available Board meeting;
10. to ensure adequate risk management arrangements are enforced throughout East Ayrshire Leisure Trust;
11. to liaise with East Ayrshire Council in respect of the terms within the Services and Finance Agreement, Support Services Agreement, Asset Transfer Agreement, Collections Agreement and any other documents relating to the relationship between East Ayrshire Council and the Trust;
12. to determine, in line with the Business Plan, the use or occupancy of all facilities/offices of the Trust and authorise such alterations, improvements and repairs as may be required. Also to determine and control the standard of furniture, furnishings and equipment within these sites within budget guidelines;
13. to issue orders for the supply of goods and services for the Trust required for normal working and to authorise the payment of accounts made by the Trust for

goods and services properly supplied and for which there is provision in the Business Plan in accordance with purchasing policy and Financial Regulations;

14. to liaise with East Ayrshire Council's Finance and Information Technology Service as required to achieve best practice in the procurement, installation and maintenance of all hardware and software subject to the Service Level Agreement approved by the Board;
15. to obtain legal advice from East Ayrshire Council's Legal Service on legislative matters and to undertake any necessary legal work as may be required by the Trust; where there is a conflict of interest arising, to engage a private legal firm to provide this advice; and
16. to give a direction in special circumstances as determined by the Chief Executive acting reasonably that any officer shall not exercise a delegated function.
17. to execute all deeds and documentation which requires to be executed on behalf of the Trust

HUMAN RESOURCES

18. to appoint within the respective service all employees within the authorised establishment agreed by the Board;
19. to carry out normal matters relating to employee recruitment, promotion and transfer within the Trust's policy and apply the conditions of Service agreed by the Trust in respect of their employees;
20. to approve initial placing within approved salary scales and to review salary placing in appropriate circumstances, in conformity with accepted practices;
21. to appoint temporary and casual employees authorised as aforesaid in accordance with approved policy or in emergency conditions;
22. to arrange for the payment of wages, salaries and additional payments to employees etc, inclusive of incremental or annual awards agreed by the Board;
23. to apply the Trust's Conditions of Service as affecting employees within their service;
24. to exercise the powers under the Conditions of Service so far as discipline, grievance and efficiency of the service is concerned;
25. to exercise the discretionary powers available in implementation of the Conditions of Service in respect of all employees;
26. to authorise the working of ordinary overtime by appropriate employees;
27. to ensure compliance with Health and Safety legislation and Trust Policies and Codes of Practice;
28. to co-ordinate the training policy of the Trust;
29. to authorise, subject to arrangements approved by the Trust, the attendance of employees on full-time or part-time courses of study including day release, block release or sandwich courses, for appropriate qualifications and the payment of course fees and other expenses;

30. to authorise, subject to arrangements approved by the Trust, the attendance of employees at courses, seminars and conferences not exceeding one week, provided that the cost is reasonable and where such are held at alternative centres, employees will attend those nearest to the Trust's offices;
31. to undertake on behalf of the Trust negotiations and discussions with trade unions and other organisations concerned with the employees of the Trust;
32. to instruct the immediate implementation of any circular from any officially recognised body which allows no discretion to the Trust subject to a report to the Board;
33. to authorise the granting of special leave in respect of employees in accordance with the provisions of the appropriate Scheme of Salaries and Conditions of Service and any guidelines by the Trust;
34. to approve special leave with or without pay where the period of leave is in excess of the provision of the Trust's Conditions of Service;
35. to approve unpaid leave of absence for employees to undertake courses of further education where attendance at such courses is not covered by the training policy of the Trust;
36. to approved changes in post designations where there is no change in salary grade; and
37. to liaise with East Ayrshire Council as required in the carrying out of those duties subject to the specific Legal Agreement approved by the Board.

FINANCE

38. to arrange all aspects of insurance cover securing adequate protection of the Trust's interests together with the settlement of insurance claims against the Trust;
39. to initiate action for the recovery of any outstanding debt owed to the Trust and to instruct the Trust's debt collection agency to pursue outstanding debt considered recoverable;
40. to write off as irrecoverable any bad debt not exceeding an amount fixed from time to time by the Trust in circumstances where proceedings are inappropriate or unlikely to be fruitful; and
41. to liaise with the East Ayrshire Council's Finance and Information Technology Service as required in the carrying out of these duties subject to the specific Agreements approved by the Board.

OPERATIONS

42. to liaise with East Ayrshire Council's Facilities Management Service as required in respect of the maintenance of facilities subject to the specific Agreement approved by the Board;
43. to let or arrange for the letting, hire and use of sports and leisure centres; swimming pools; pavilions and sports pitches; Theatre; Community Halls and all other indoor and outdoor leisure facilities, and also the provision of entertainment, promotions and events approved by the Trust and that in accordance with the

policies, practices, and procedures and subject to the changes fixed from time to time by the Trust;

1. to approve or reject any applications for free lets or reduced charges for lets at any facilities described above;
 2. to provide courses as requested by outside agencies and to negotiate appropriate charges for these services;
 3. to vary charges at all facilities for limited periods for special promotion campaigns;
 4. to approve or reject applications for charitable or other collections at all facilities; and
 5. to arrange for public entertainment and other licences as may be necessary.
44. Sub delegation – In addition to the specific officer delegation to the Chief Executive referred to within this Scheme of Delegation, the Chief Executive may authorise other employees of the Trust to carry out all or a number of the duties listed under 4.1, numbers 8 to 43 inclusive.

Such sub delegation shall be notified in writing to the appropriate employee of the Trust, detailing the activities that have been delegated to them and the conditions (if any) under which the sub delegation may operate. The Chief Executive shall also specify the reporting arrangements in respect of sub delegation activity.

Copies of all notifications of sub delegation shall be appended to the master copy of the East Ayrshire Leisure Trust Scheme of Delegation and to an electronic copy of the Scheme of Delegation which is available for public viewing.

5. PROCUREMENT

- 5.1 In relation to invitations to tender/quote, opening of tenders/quotations, acceptance of offers and authorisation of expenditure, the delegated authorities as detailed in Appendix A will apply.
- 5.2 The limits of delegation and the levels of delegated authority will be reviewed as and when considered appropriate by the Chief Executive and will be subject to approval by the Board.
- 5.3 In addition, the Chief Executive is authorised to:
- (a) sign every contract entered into by the Trust except where otherwise provided for in this Scheme;
 - (b) terminate on behalf of the Trust any contract which the Trust is entitled to terminate under appropriate conditions of contract where he/she is satisfied that it is the interest of the Trust to do so; and
 - (c) return, unopened, any tenders received after the closing date and time.

6. STATUTORY RESPONSIBILITIES

6.1 Land Reform (Scotland) Act 2003

To exercise operational functions under the Land Reform (Scotland) Act 2003 relating to:-

- upholding of access rights to assert and protect access rights and keep them open and free from obstruction or encroachment (Section 13);

- under Section 14, implementation of measures to remedy prohibition signs, obstruction, dangerous impediments etc which may prevent or deter the exercise of access rights;
- under Section 15, implementation of measures for safety, protection, guidance and assistance intended to warn and protect the public against danger and/or give direction;
- preparation of core paths plan (Section 17);
- service of public notices re consultation and adoption of core paths plan (Section 18);
- maintenance of core path (Section 19);
- review and amendment of core paths plan (Section 20);
- under Section 23 powers to reinstate core paths or rights of way following failure of land owner to carry out reinstatement works;
- appointment of rangers (Section 24); and
- establishment of local access forums (Section 25).

7. OBSERVANCE OF SCHEME OF DELEGATION

7.1 It shall be the responsibility of each Manager to ensure that this Scheme of Delegation is made known to appropriate employees within the facility/service.

7.2 A breach or non-compliance with this Scheme must be reported to the Chief Executive who shall determine the proper action to be taken.

APPENDIX A - PROCUREMENT DELEGATION

Delegation / Instruction	Level of Delegation
<p>INVITATION TO TENDER / QUOTE</p> <p>To invite Tenders/Quotations from a minimum of 3 Contractors/Suppliers, either, from lists drawn up and approved by the Chief Executive/Board for that purpose, or from persons other than those on such an approved list, at the discretion of the Chief Executive.</p> <p>a) Value in excess of £30,000</p> <p>b) Value up to £30,000</p> <p>c) Any Value</p> <p>On the approval of the Chief Executive*, to Invite Tenders/Quotations where it is considered that there are special circumstances justifying an exemption from obtaining competition.</p> <p><i>*A written record/reason shall be kept of such authorisation.</i></p>	<p>Chief Executive or Procurement Manager EAC</p> <p>Identified Managers or Procurement Manager EAC</p> <p>Chief Executive or Procurement Manager EAC</p>
<p>OPENING OF TENDERS / QUOTATIONS</p> <p>To open Tenders and formally record details therein.</p> <p>d) Value in excess of £30,000</p> <p>e) Value up to £30,000</p>	<p>A member of staff at Manager Officer Grade, and one of the following: Chief Executive or Procurement Manager EAC</p> <p>A member of staff at Manager Officer Grade, and one of the following: Identified Managers or Procurement Manager EAC</p>

Delegation / Instruction	Level of Delegation
<p>ACCEPTANCE OF OFFERS</p> <p>f) To accept the lowest tender/quotation (and to enter into Lease/Contract Hire Agreements) for the provision of Supplies, Works or Services:-</p> <p>1) Contracts over £100,000*</p> <p>* Board Approval will be sought for all Contracts over £250,000</p> <p>2) Contracts between £30,000 and £100,000</p> <p>3) Contracts up to £30,000</p> <p>g) Where it is intended to accept other than the lowest tender/quotation, the prior written authorisation of the Chief Executive should be obtained, and a written record/reason shall be kept of such authorisation.</p>	<p>Board of Trustees and The Chief Executive</p> <p>Chief Executive or Identified Manager</p> <p>Identified Manager</p> <p>As noted in Section (f) 1, 2, 3. With authorisation from the Chief Executive</p>
<p>AUTHORISATION OF EXPENDITURE</p> <p>h) To authorise expenditure on the purchase of goods and services up to the following limits on any one transaction, for the purpose of executing the business of East Ayrshire Leisure Trust, all in accordance with Standing Orders and Financial Regulations.</p> <p>1) Over £30,000</p> <p>2) Up to £30,000</p> <p>3) Up to £5,000</p> <p>i) To authorise expenditure on the purchase of goods and services from within stipulated contracts, for the purpose of executing the business of East Ayrshire Leisure Trust, all in accordance with Standing Orders and Financial Regulations.</p>	<p>Chief Executive or Identified Manager</p> <p>Appropriate Manager</p> <p>Appropriate Manager</p> <p>Refer to Authorised Signatory List for East Ayrshire Leisure Trust</p>

REPORT TO BOARD OF TRUSTEES



BOARD MEETING SCHEDULE

Date: 13 September 2016

Agenda Item: 7

Report By: John Griffiths, Chief Executive

Summary

This report proposed a quarterly schedule of Board meetings and topics for detailed Trustee consideration.

1. BACKGROUND

1.1 The purpose of this report is to propose a revised meeting schedule for Trust Board meetings.

2 CONSIDERATIONS

2.1 As the Trust enters its fourth year of operation, there is an opportunity to review how the Board operates as the body responsible for the strategic management of Trust activities.

2.2 Recent experience has shown that in addition to Board and Performance and Audit Sub-Committee meetings, single issue sessions have allowed Trustees to contribute their skills, experience and ideas to key areas such as Business Planning. It is therefore proposed to build these sessions into the meeting programme while ensuring that the quarterly performance reports, which reflect progress in the delivery of the new Business Plan, remains the key focus of the Trust Board meetings.

2.3 A revised meeting schedule which has four Trust Board meetings, four Performance and Audit Sub-Committee meetings, and the Annual General Meeting along with dates for at least two issue based development sessions has been developed for Board consideration.

2.4 Taking into account external reporting obligations, report preparation time, major holidays, and requirements in the constitution; the proposed programme of meetings for the remainder of 2016 and 2017/18 is as follows:

Board Meetings

Tuesday 29th November 2016 (previously agreed)

Tuesday 28th February 2017 (previously agreed)

Tuesday 6th June 2017

Tuesday 5th September 2017 (AGM)

Tuesday 28th November 2017

Tuesday 27th February 2018

Performance & Audit Sub-Committee

Monday 14th November 2016 (previously agreed)

Monday 13th February 2017 (previously agreed)

Monday 22nd May 2017

Monday 21st August 2017

Monday 13th November 2017

Monday 12th February 2018

REPORT TO BOARD OF TRUSTEES



Development Session

Tuesday 11th October 2016 (date previously agreed as a Board meeting)

Tuesday 11th April 2017 (date previously agreed as a Board meeting)

Tuesday 10th October 2017

2.5 Trustees are invited to propose topics for development sessions. Work is currently underway to update the Risk Register, and it is therefore proposed that the development sessions scheduled for 11th October 2016 focuses on this important topic. The sessions proposed for 11th April 2017 and 10th October 2017 are available for topics selected by the Board, ideas that have been suggested previously would include:

- Cultural Development activities
- Museum Collection Management
- Staff Training and Development
- Commercial/Trading activities

(Additional dates can be arranged, if required)

3 CONCLUSIONS

3.1 The proposed, revised meeting schedule would allow the Board to focus on its strategic and performance management activities while allowing Trustees the opportunity to use their skills and experience to review and improve key areas of the Trust's activities.

Recommendation/s:

It is recommended that the Board:

- i. Approve the revised schedule of meetings proposed in paragraph 2.4; and
- ii. Otherwise note the content of this report.

Signature:

A handwritten signature in black ink, appearing to be 'J. Gill'.

Designation: Chief Executive

Date: 30 August 2016

LEISURE TRUST BOARD MEETINGS CALENDAR: OCTOBER 2016 - FEBRUARY 2018

DATE/TIME/ VENUE OF MEETING	LODGEMENT DATE	*PRE-AGENDA MEETING DETAILS	ISSUE AGENDA
<u>OCTOBER</u>			
RISK REGISTER DEVELOPMENT SESSION WED 26/10/2016 1800 HOURS KILMARNOCK			
<u>NOVEMBER</u>			
PERFORMANCE & AUDIT SUB-COMMITTEE MON 14/11/2016 1800 HOURS KILMARNOCK	MON 31/10/16	THURS 03/11/16	MON 7/11/16 2 ND QUARTER (July – Sept)
TRUST BOARD TUES 29/11/2016 1800 HOURS CUMNOCK/AUCHINLECK	TUES 15/11/16	FRI 18/11/16	TUES 22/11/16 2 ND QUARTER (July – Sept)
<u>FEBRUARY</u>			
PERFORMANCE & AUDIT SUB-COMMITTEE MON 13/02/2017 1800 HOURS KILMARNOCK	MON 30/01/17	THURS 02/02/17	MON 06/02/17 3 RD QUARTER (Oct - Dec)
TRUST BOARD TUES 28/02/2017 1800 HOURS KILMARNOCK	TUES 14/02/17	MON 20/02/17	TUES 21/02/17 3 RD QUARTER (Oct – Dec)
<u>APRIL</u>			
DEVELOPMENT SESSION WED 19/04/2017 1800 HOURS KILMARNOCK			
<u>MAY</u>			
PERFORMANCE & AUDIT SUB-COMMITTEE MON 22/05/17 1800 HOURS KILMARNOCK	MON 08/05/17	THURS 11/05/17	MON 15/05/17 ANNUAL PERFORMANCE REPORT
<u>JUNE</u>			
TRUST BOARD TUES 06/06/2017 1800 HOURS KILMARNOCK	TUE 23/05/17	MON 29/05/17	TUE 30/05/17 ANNUAL PERFORMANCE REPORT

* Chief Executive and Chair to determine time and venue of Pre-Agenda.

DATE/TIME/ VENUE OF MEETING	LODGEMENT DATE	*PRE-AGENDA MEETING DETAILS	ISSUE AGENDA
<u>AUGUST</u>			
PERFORMANCE & AUDIT SUB-COMMITTEE MON 21/08/17 1800 HOURS KILMARNOCK	MON 07/08/17	THURS 10/08/17	MON 14/08/17 ANNUAL ACCOUNTS/REPORT 1 ST QUARTER (April - June)
<u>SEPTEMBER</u>			
TRUST AGM/BOARD TUES 05/09/2017 1800 HOURS KILMARNOCK	TUES 22/08/17	MON 28/08/17	TUES 29/08/17 ANNUAL ACCOUNTS/REPORT 1 ST QUARTER (April - June)
<u>OCTOBER</u>			
DEVELOPMENT SESSION TUES 10/10/2017 1800 HOURS KILMARNOCK			
<u>NOVEMBER</u>			
PERFORMANCE & AUDIT SUB-COMMITTEE MON 13/11/2017 1800 HOURS KILMARNOCK	MON 30/10/17	THURS 02/11/17	MON 06/11/17 2 ND QUARTER (July – Sept)
TRUST BOARD TUES 28/11/2017 1800 HOURS KILMARNOCK	TUES 14/11/17	MON 20/11/17	TUES 21/11/17 2 ND QUARTER (July – Sept)
<u>FEBRUARY</u>			
PERFORMANCE & AUDIT SUB-COMMITTEE MON 12/02/2018 1800 HOURS KILMARNOCK	MON 29/01/18	THURS 01/02/18	MON 05/02/18 3 RD QUARTER (Oct - Dec)
TRUST BOARD TUES 27/02/2018 1800 HOURS KILMARNOCK	TUES 13/02/18	MON 19/02/18	TUES 20/02/18 3 RD QUARTER (Oct - Dec)

* Chief Executive and Chair to determine time and venue of Pre-Agenda.

REPORT TO BOARD OF TRUSTEES



PERFORMANCE AND AUDIT SUB-COMMITTEE

Date: 13 September 2016

Agenda Item: 8

Report By: John Griffiths, Chief Executive

Summary

This report seeks approval for the appointment of Trustees to form the Performance and Audit Sub-Committee and appropriate substitutes.

1. BACKGROUND

1.1 The purpose of this report is to approve the appointment of Trustees to the Performance and Audit Sub-Committee.

2 CONSIDERATIONS

2.1 The Performance and Audit Sub-Committee was established in 2013, its remit was approved by the Board in August 2013, and this remit was updated by the Board on 8 April 2015. The full remit is now:

Performance and Audit Sub-Committee remit:

- To consider reports and information provided by the Trust's Internal and External Auditors
- To review performance information prior to submission to the Trust Board and East Ayrshire Council
- To request and receive reports into specific areas of East Ayrshire Leisure's operational and financial performance
- To monitor performance against the Business Plan priorities and assist with setting performance targets in future Business Plans.
- To consider the annual Internal Audit Programme to be agreed between the Chief Executive and the Internal Audit Service.
- To review the content and format of both the Business Plan and Performance reports making recommendations for change to the Trust Board as appropriate.

2.2 Trustees are asked to consider the current remit of the Performance and Audit Sub-Committee and approve any necessary changes.

2.3 The composition of the Sub-Committee is 5 Trustees with 3 a quorum for meetings. The Board is asked to approve the nomination of 5 Trustees to serve on the Performance and Audit Sub-Committee.

2.4 At its meeting on 1st March 2016, the Board approved a recommendation that allows the nomination of two substitute Trustees who will attend the Performance and Audit Sub-Committee if any of the 5 nominated Trustees are unable to attend. The Board is therefore asked to nominate 2 Trustees to be substitute members of the Performance and Audit Sub-Committee.

REPORT TO BOARD OF TRUSTEES



Recommendation/s:

It is recommended that the Board:

- i. Consider and approve the remit of the Performance and Audit Sub-Committee as shown in paragraph 2.1;
- ii. Approve the nomination of 5 Trustees and 2 substitute Trustees to form the Performance and Audit Sub-Committee; and
- iii. Otherwise note the content of this report.

Signature:

A handwritten signature in black ink, appearing to be "J. Bell".

Designation: Chief Executive

Date: 26 July 2016

REPORT TO BOARD OF TRUSTEES



STONEWALL SCOTLAND – NO BYSTANDERS CAMPAIGN

Date: 13 September 2016

Agenda Item: 9

Report By: John Griffiths, Chief Executive

Summary

The purpose of this report is to seek the approval of the Board to sign up to the Stonewall Scotland No Bystander Campaign.

I BACKGROUND/CONSIDERATIONS

1.1 Stonewall Scotland works to achieve equality and justice for LGBT people. They do this in a number of different ways, including through:

- **Policy development** - carrying out research, publishing briefings and working with government, trade unions, business, non-governmental organisations (NGOs) and policy institutions to develop ideas and policy that remove discrimination and improve the lives of LGBT people.
- **Cultural and attitudinal change** - challenging the underlying cultural and attitudinal values that allow discrimination to flourish and changing cultures and attitudes to positively value diversity.
- **Lobbying for legal change** - campaigning to ensure that legislation is non-discriminatory and that the diversity and value of LGBT life is appropriately recognised in our own laws.
- **Providing information** – recognising that well-informed individuals and institutions are better able to recognise how rights and responsibilities should be exercised.
- **Good practice design and advice** - working on a range of issues from homophobic bullying to employment practice and pension provision to disseminating and promoting good practice.

2 NO BYSTANDER CAMPAIGN

2.1 What is the campaign?

This campaign encourages organisations to pledge their support for Stonewall Scotland's NoBystanders campaign. The campaign highlights, through the use of a short video, the damaging effect that discriminatory language can have in our playgrounds, streets and workplaces. It calls on individuals and organisations to commit to challenging bullying and discrimination wherever they see it, and stand up for fairness and kindness.

2.2 The pledge is:

'I will never be a bystander to bullying and teasing language. If I hear it, I will call it out and if I can, I will stop it. By adding my name I promise to stand up for fairness, kindness and never be a bystander.'

2.3 Why is the campaign important?

Homophobic, biphobic and transphobic hate crimes are serious problems in our country. One in six LGBT people in Scotland experienced discrimination when accessing public services in the last three

years, and an estimated 162,000 Scots of working age have witnessed verbal homophobic, biphobic or transphobic bullying at work. At the same time, two in five people think that employers should be responsible for tackling public prejudice against LGBT people.

East Ayrshire Leisure also has a legal duty to protect employees from discrimination and bullying at work, be that from colleagues, management, clients or customers. There is no set limit for compensation which East Ayrshire Leisure can be ordered to pay if it fails to do so, and so far settlements by other organisations across the UK have been made of up to £120,000.

2.4 How will signing the pledge benefit East Ayrshire Leisure?

Stonewall Scotland's recent research Your Services Your Say shows that Scotland's public sector is failing LGBT people who expect to meet with discrimination when accessing even the most basic of services. At a time when budgets are restricted, there is no room for services which are not at their most effective and are not reaching some groups of people. This pledge sends a strong message of support for all disadvantaged groups. As an organisation that is committed to tackling discrimination in its many forms, including homophobia, biphobia and transphobia, service users will feel more confident and supported when accessing services.

This commitment will also have strong benefits internally, by communicating a zero tolerance approach to discrimination. Employees will be able to see support from their colleagues and management who have made both a personal and professional commitment to challenging bullying and unfair treatment. Preventing bullying and harassment in this way will help employee retention and will reduce recruitment and retraining costs. Retaining LGBT employees ensures the workforce reflects the wider community and is an attractive feature to prospective employees, service users and clients. Stonewall Scotland also knows that people perform better when they can be themselves: this pledge will empower employees to live up to this.

2.5 What will signing the pledge involve for my organisation?

The Chief Executive and the Chair of East Ayrshire Leisure will be asked to sign the NoBystanders pledge on behalf East Ayrshire Leisure, and as individuals. Additional senior employees and Trustees will also be encouraged to show their support.

3 LEGAL IMPLICATIONS

- 3.1 East Ayrshire Leisure's participation in the No Bystanders Campaign will enable East Ayrshire Leisure to meet its statutory obligations in respect of the overall Equality Duty.

Recommendation/s:

It is recommended that the Board:

- i. Agree that East Ayrshire Leisure sign Stonewall Scotland's NoBystanders Campaign;
- ii. Agree that once the pledge has been signed, to remit the Chief Executive to encourage employees sign to the pledge and to ensure that the video is screened to employees; and
- iii. Otherwise note the content of this report.

REPORT TO BOARD OF TRUSTEES



Signature: 

Designation: Chief Executive

Date: 18 August 2016

REPORT TO BOARD OF TRUSTEES



DATA PROTECTION

Date: 13 September 2016

Agenda Item: 10

Report By: Dianne McGregor, Marketing & Development Manager

Summary

The purpose of this report is to seek approval for the roll-out of the Direct Marketing Policy across all service areas of East Ayrshire Leisure.

1. BACKGROUND

- 1.1 East Ayrshire Leisure adopted East Ayrshire Council's (EAC) Data Protection policy and procedures when we moved to Trust in 2013.
- 1.2 The original EAC Data Protection documents were updated in 2015 and contained a suite of documents covering Information Security, Data Protection Guidance, Clear Desk Policy, Records Management, Security Event Reporting and Acceptable Use Policy Governing the use of Communication Systems.
- 1.3 East Ayrshire Leisure will continue to adhere to these policies and procedures and staff have been advised that the EAC's Information Governance e-learning module, which includes Data Protection, is mandatory for all relevant staff.
- 1.4 It was identified that, in addition to these policies, that there was a need for East Ayrshire Leisure to have a Direct Marketing Policy, which covers Privacy and Electronic Communications Regulations (PECR), in line with the Information Commissioner's Office (ICO) Guidance.

2. IMPLICATIONS/CONSIDERATIONS

- 2.1 The Direct Marketing Policy covers the definition of 'Direct Marketing', the importance of consent and its application, the application of the policy to different types of marketing communications, possible consequences of non-compliance and marketing lists and how they are held.
- 2.2 The new Direct Marketing Policy is relevant to all East Ayrshire Leisure staff and has been approved by EAC's Information Governance Officer. The Policy is attached as Appendix I.

Recommendation/s:

It is recommended that the Board:

- i. Consider and approve the Direct Marketing Policy proposed in this report shown in Appendix I; and
- ii. Otherwise note the content of this report.

REPORT TO BOARD OF TRUSTEES



Signature: 

Designation: Marketing & Development Manager

Date: 29 August 2016



Direct Marketing Policy

Privacy & Electronic Communications Regulations (PECR)



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Appendix I

ICO Direct Marketing Checklist

Introduction

The Data Protection Act 1998 (the DPA) is based around eight principles of good information handling. These give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it. Please read East Ayrshire Council's suite of documents, in particular 'Data Protection Guidance to Staff' for further information (available on the Intranet).

The Privacy and Electronic Communications Regulations 2003 (PECR) provide rules about sending marketing and advertising by electronic means, such as by telephone, fax, email, text and picture or video message, or by using an automated calling system. PECR also include other rules relating to cookies, telephone directories, traffic data, location data and security breaches. The full document is available from the Marketing & Development team, however, this paper summarises the key points relevant to East Ayrshire Leisure.

The Information Commissioner's Office (ICO) have also published a separate direct marketing checklist (Appendix I) to help organisations comply with the law and good practice.

Overview (key points)

- Direct marketing covers the promotion of aims and ideals as well as the sale of products and services.
- Organisations will need consent to send people marketing, or to pass their details on. Organisations will need to be able to demonstrate that consent was knowingly and freely given, clear and specific, and should keep clear records of consent. The ICO recommends that opt-in boxes are used.
- The rules on calls, texts and emails are stricter than those on mail marketing, and consent must be more specific. Organisations should not take a one-size-fits-all approach.
- Organisations must not send marketing texts or emails to individuals without their specific prior consent.
- Organisations must stop sending marketing messages to any person who objects or opts out of receiving them.
- The ICO will consider using its enforcement powers, including the power to issue a fine, where an organisation persistently ignores individuals' objections to marketing or otherwise fails to comply with the law.
- The direct marketing checklist can help organisations to comply.

Data Protection Act

If direct marketing involves the processing of personal data (in simple terms, if the organisation knows the name of the person it is contacting), it must comply with the principles set out in the DPA. The most relevant principles in this context are:

- Organisations must process personal data fairly and lawfully. In particular, they will usually need to tell the individuals concerned who they are and that they plan to use those details for marketing purposes. Organisations will also need to tell people if they plan to pass those details on to anyone else, including selling or sharing the data for marketing purposes
- Organisations must only collect personal data for specified purposes, and cannot later decide to use it for other 'incompatible' purposes. They cannot use people's details for marketing purposes if they originally collected them for an entirely different purpose.
- Organisations must ensure that personal data is accurate and, where necessary, kept up to date. So a marketing list which is out of date, or which does not accurately record people's marketing preferences, could breach the DPA.

The DPA also outlines that an individual can, at any time, give written notice to stop using their details for direct marketing. It is good practice to acknowledge the request and confirm that the marketing will stop. The ICO expect that calls, texts or other electronic communications should stop within 28 days of receiving the objection, and postal communications should stop within two months.

Privacy and Electronic Communications Regulations

PECR were designed to complement the DPA. In very broad terms, PECR outlines that an organisation cannot send texts or emails to individuals without their specific consent.

An organisation must always say who it is. It also has to provide contact details, so that an individual can make contact if they want to opt out of the marketing.

ICO enforcement

The ICO can take enforcement action wherever the law relating to direct marketing is not being complied with. The ICO can also impose large fines for a serious breach. They are most likely to take such action where an organisation persistently ignores people's objections to marketing calls or texts, sends mass texts without consent, or fails to screen its call list against the Telecom Protection Service (TPS).

Examples of where fines have been imposed:

Sending marketing emails without consent:

- Telegraph Media Group Ltd - £30,000

Sending marketing text messages without consent;

- Parklife Manchester Ltd - £70,000

The definition of direct marketing

The DPA defines “direct marketing” as “*the communication (by whatever means) of any advertising or marketing material which is directed to particular individuals*”.

It also covers any messages which include some marketing elements, even if that is not their main purpose. The key element of the definition is that the material must be directed to particular individuals. Indiscriminate blanket marketing – for example, leaflets delivered to every house in an area, magazine inserts, or adverts shown to every person who views a website – will not therefore fall within this definition of direct marketing.

Market research and ‘sugging’

The direct marketing rules will not apply if an organisation contacts customers to conduct genuine market research (for example the purpose is to use market research to make decisions for commercial or public policy) or contracts a research firm to do so, as this will not involve the communication of advertising or marketing material.

However, an organisation cannot avoid the direct marketing rules by labelling its message as a survey if it is actually trying to sell goods or services. This is sometimes referred to as ‘sugging’ (selling under the guise of research). If the call or message includes any promotional material, or collects data to use in future marketing exercises, the call or message will be for direct marketing purposes.

If an organisation claims it is simply conducting a survey when its real purpose (or one of its purposes) is to sell goods or services, generate leads, or collect data for marketing purposes, it will be breaching the DPA when it processes the data.

If during a genuine market research project an organisation discovers errors in its customer database, ICO consider it can use the research data to correct these errors without breaching the DPA or PECR.

Direct marketing is not limited to advertising goods or services for sale. It also includes promoting an organisation's aims and ideals.

Not-for-profit organisations such as East Ayrshire Leisure therefore need to ensure that they clearly and prominently explain to supporters what their details will be used for and obtain clear, specific consent for electronic marketing. They should take particular care when communicating by text or email; they will not be able to send campaigning texts or emails without specific consent, even to existing supporters.

Example:

An individual sees a charity appeal in a newspaper and decides to donate £5 by text message. However the fact that the individual has decided to donate on this occasion (and provided their number to the charity as a result) does not mean that the charity has their consent to use their details to contact them about future campaigns. The charity cannot therefore use the individual's details for marketing purposes.

Solicited and unsolicited marketing

There is no restriction on sending solicited marketing – that is, marketing material that the person has specifically requested. If the marketing has not been specifically requested, it will be unsolicited and the PECR rules apply. This is true even if the customer has 'opted in' to receiving marketing from that organisation.

Example:

When he requested the quote, the customer also ticked a box opting in to receiving information about future home improvement offers. A few months later, the company sends an email with details of a new offer. This is unsolicited marketing, because the customer did not contact the company to specifically request information about that particular offer.

Consent

Consent is central to the rules on direct marketing. If organisations cannot demonstrate that they had valid consent, they may be subject to enforcement action.

To be valid, consent must be knowingly and freely given, clear and specific. Organisations should keep clear records of what an individual has consented to, and when and how this consent was obtained, so that they can demonstrate compliance in the event of a complaint.

The key points are that for consent to be valid, it must be:

- **freely given** – the individual must have a genuine choice over whether or not to consent to marketing. Organisations should not coerce or unduly incentivise people to consent,
- **specific** – in the context of direct marketing, consent must be specific to the type of marketing communication in question (e.g. automated call or text message)
- **informed** – the person must understand what they are consenting to. Organisations must make sure they clearly and prominently explain exactly what the person is agreeing to, if this is not obvious.

We cannot assume consent from non-response to an email, as this would not be a positive indication of agreement.

Example:

A company decides that it wants to use its customer database to market individuals. The customers have not previously consented to receiving marketing messages so the company sends a letter to customers stating that it intends to send them details of special offers by post and email. The letter provides a number for customers to call if they don't want to receive marketing. Non-response does not constitute valid consent for marketing. Failure to call the number to opt-out will not satisfy the requirement that individuals provide an indication signifying agreement. The company will not therefore be able to market its customers on this basis.

Consent to receive phone calls cannot be extended to cover texts or emails, and vice versa. And a general statement of consent to receive marketing might be valid for mail marketing, but will not cover calls or texts.

Implied consent

The ICO recommends that organisations do not make consent to marketing a condition of subscribing to a service unless they can clearly demonstrate how consent to marketing is necessary for the service and why consent cannot be sought separately. It is recommended that organisations use opt-in boxes in order to obtain explicit consent.

Methods of obtaining consent

The clearest way of obtaining consent is to invite the customer to tick an opt-in box confirming that they wish to receive marketing messages via specific channels (e.g. post, email, live phone call etc).

There must be some form of communication or positive action by which the individual clearly and knowingly indicates their agreement. This might involve clicking an icon, sending an email, subscribing to a service, or providing oral confirmation.

Indirect (third party consent)

The customer must have anticipated that their details would be passed to the organisation in question, and that they were consenting to messages from that organisation. This will depend on what exactly they were told when consent was obtained.

Time limits

If an organisation is making contact by phone, text or email for the first time, the ICO recommend that it does not to rely on any indirect consent given more than six months ago – even if the consent did clearly cover that organisation. However, they accept there may be some very specific cases where the circumstances clearly indicate that the person would expect to start receiving marketing at a certain later date.

Proof of consent

If someone claims that they did not consent to receive an organisation's marketing messages, that organisation may be at risk of enforcement action unless it can demonstrate that the person did give valid consent.

Organisations should therefore make sure that they keep clear records of exactly what someone has consented to. In particular, they should record the date of consent, the method of consent, who obtained consent, and exactly what information was provided to the person consenting.

Marketing calls

Fairness

The customer should be aware that the organisation has their number and plans to use it for marketing purposes. The organisation must not make any calls that the person would not reasonably expect.

Organisations should not make it difficult to opt out, for example by asking customers to complete a form or confirm in writing. As soon as a customer has clearly said that they don't want the calls, they must stop.

If a customer objects or opts out at any time, their details should be suppressed as soon as possible. It is important not to simply delete their details entirely, otherwise there is no way of ensuring that the organisation does not call them again (see 'Suppression' section)

Marketing texts and emails

General rule: only with consent

Organisations can generally only send marketing texts or emails to individuals (including sole traders and some partnerships) if that person has specifically consented to receiving them.

The rules also apply to viral marketing – organisations will still need consent even if they do not send the messages themselves, but instead instigate others to send or forward them.

Organisations must not disguise or conceal their identity in any marketing texts or emails, and must provide a valid contact address for individuals to opt out or unsubscribe (which would mean consent was withdrawn). It is good practice to allow individuals to reply directly to the message and opt out that way, to provide a clear and operational unsubscribe link in emails or at least to provide a freephone number.

The right to opt out

Organisations must give the customer the chance to opt out at any time – both when they first collect the details, and in every email or text. Organisations should not assume that all customers will be happy to get marketing texts or emails in future. It must be simple to opt out. When first collecting a customer's details, this should be part of the same process (e.g. online forms should include a prominent opt-out box, and staff taking down details in person should specifically offer an opt-out). In subsequent messages, ICO consider that the individual should be able to reply directly to the message, or click a clear 'unsubscribe' link.

Organisations must not send marketing texts or emails to an individual who has said they do not want to receive them. Organisations must comply with any written objections promptly to comply with the DPA – but even if there is no written objection, as soon as an individual says they don't want the texts or emails, they must stop.

Customer details should be suppressed from marketing lists as soon as possible. It is important not to simply delete their details entirely, otherwise there is no way of ensuring that the organisation does not contact them again. See the section on suppression below.

Marketing online

Organisations must comply with the DPA if they are targeting online adverts at individual users using their personal data – which might apply if, for example, they display personalised adverts based on browsing history, purchase history, or log-in information. However, non-targeted marketing (i.e. the same marketing displayed to every user) or contextual marketing (i.e. targeted to the content of the page itself rather than the identity or characteristics of users) is unlikely to be subject to the DPA.

Marketing mail

PECR does not cover marketing by mail, but organisations sending marketing mail to named individuals must comply with the DPA. If an organisation knows the name of the person it is mailing, it cannot avoid DPA obligations by simply addressing the mail to ‘the occupier’, as it is still processing that individual’s personal data behind the scenes.

Lead generation and marketing lists

Marketing lists can be compiled in different ways, and vary widely in quality. A good marketing list will be up to date, accurate, and reliably record specific consent for marketing. A list like this can be used in compliance with the law and should generate few – if any – complaints. However, other lists may be out of date, inaccurate, and contain details of people who have not consented to their information being used or disclosed for marketing purposes. Using such a list is likely to result in a breach of both the DPA and PECR.

In-house marketing lists

Organisations might want to compile their own in-house marketing list of people who have bought goods or services in the past, or who have registered on a website or made an enquiry. They can do so, but should ensure they use these details fairly, and must make it clear that they intend to use the details for marketing. Organisations should not assume that an individual consents to marketing just because they have provided their details.

Organisations should also keep a copy of the information provided to the customer, and record when and how they obtained any consent. They should specifically record whether they have consent for texts, emails and automated calls.

Within East Ayrshire Leisure, the Marketing & Development Department hold all mailing lists in addition to those held within the Box Office and Booking system. Individual departments should not hold mailing lists for the purposes of direct marketing to customers. Please contact the team if you are looking for emails to be sent directly to customers.

Suppression

Organisations should maintain a 'suppression list' of people who have opted out or otherwise told that organisation directly that they do not want to receive marketing.

Individuals may ask an organisation to remove or delete their details from a database or marketing list. However, in most cases organisations should instead follow the marketing industry practice of suppressing their details. Rather than deleting an individual's details entirely, suppression involves retaining just enough information to ensure that their preferences are respected in the future.

Suppression allows organisations to ensure that they do not send marketing to people who have previously asked them not to, as there is a record against which to screen any new marketing lists. If people's details are deleted entirely, there is no way of ensuring that they are not put back on the database.

Deleting details might also breach industry-specific legal requirements about how long to hold personal data.

As the Marketing & Development Department hold all mailing lists in addition to those held within the Box Office and Booking system, they should be notified as soon as a customer request to be removed from the mailing list.

Contacts for enquiries:

Further details on any issues relating to Direct Marketing can be obtained from East Ayrshire Leisure's Marketing & Development Department.

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For further details on any issues relating to the Data Protection Act and Information Governance, please contact:

Robert Gibson

Information Governance Officer

Democratic Services

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e: robert.gibson@east-ayrshire.gov.uk

Direct marketing checklist

Businesses can use this checklist to help make sure their marketing messages comply with the law and don't annoy customers. It also includes an at-a-glance guide to the different rules on marketing calls, texts, emails, faxes and mail. It is primarily aimed at small businesses. For detailed advice, [see our full guidance on direct marketing](#).

Obtaining consent for marketing

- We use opt-in boxes
- We specify methods of communication (eg by email, by text, by phone, by recorded call, by post)
- We ask for consent to pass details to third parties for marketing, and name or describe those third parties
- We record when and how we got consent, and exactly what it covers

Using bought-in lists

- We check the origin and accuracy of the list
- We check when and how consent was obtained, and what it covers
- We don't use bought-in lists for texts, emails or recorded calls (unless we have proof of opt-in consent within last 6 months which specifically named or described us)
- We screen against the TPS
- We tell people where we got their details

Making calls

- We screen live calls against the Telephone Preference Service (TPS)
- We only make recorded calls with opt-in consent
- We keep our own do-not-call list of anyone who says they don't want our calls
- We screen against our do-not-call list

Sending texts or emails

- We only text or email with opt-in consent (unless contacting previous customers about our own similar products, and we offered them an opt-out when they gave their details)
- We offer an opt-out (by reply or unsubscribe link)
- We keep a list of anyone who opts out
- We screen against our opt-out list