



COUNCIL EXECUTIVE

COUNCIL REPRESENTATION ON WEST LOTHIAN LEISURE BOARD

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

This report seeks approval of the recommendations detailed below, which cover council representation on West Lothian Leisure (WLL) Board and related matters.

B. RECOMMENDATION

The Council Executive is asked to:

1. Agree that WLL Board be asked to approve the amendments to WLL's Articles of Association detailed in section D.2 of this report.
2. Agree to delegate authority to the Depute Chief Executive to negotiate and conclude any further amendments to WLL's Articles of Association necessary to facilitate the proposed changes in section D.2 of this report.

C. SUMMARY OF IMPLICATIONS

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| I Council Values | <ul style="list-style-type: none">• Focusing on customer need;• Being honest, open and accountable;• Providing equality of opportunities;• Developing employees;• Making best use of our resources; and• Working in partnership. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Policy and legal considerations are set out in Appendix 2 to the 'Proposed Transfer of Sports, Leisure and Cultural Facilities and Functions to the Modernised West Lothian Leisure' report, which was approved by Council Executive on 25 October 2016. |
| III Implications for Scheme of Delegations to Officers | None, as the delegated authority will not be required for more than six months. |
| IV Impact on performance and performance indicators | None. |

V	Relevance to Single Outcome Agreement	SOA4 – We live in resilient, cohesive and safe communities. SOA7 - We live longer, healthier lives and have reduced health inequalities.
VI	Resources (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	N/a
VIII	Other consultations	Corporate Services; Finance and Property Services; Education and Planning Services; and West Lothian Leisure.

D TERMS OF REPORT

D.1 Introduction

On 25 October, the Council Executive agreed to transfer the management and operation of certain sports, leisure and cultural facilities and functions to the modernised West Lothian Leisure (WLL).

Part of the decision was to require certain amendments to be made to WLL's Articles of Association, prior to implementation of the transfers.

It was further noted that the matter of council representation on WLL Board would be reported to elected members for consideration.

D.2 Council representation on WLL Board

At present, a maximum of 12 Directors in total can be appointed to WLL Board, which is comprised as follows:

- A maximum of 3 Council Directors.
- A maximum of 6 Independent Directors.
- A maximum of 3 Employee Directors.

In order to ensure that the council has an appropriate level of representation in the modernised trust model going forward, reflective of the additional facilities and functions transferring in line with the Council Executive decision of 25 October 2016, it is recommended that WLL Board be asked to agree the following amendments to its Articles of Association:

- That the maximum number of Council Directors which could be appointed to WLL Board be 5.
- That the maximum number of Independent Directors which could be appointed to WLL Board be 6, including any Trade Union representative appointed.
- That provision be made for the relevant Trade Unions to appoint a maximum of 1 Independent Director.

Such amendments would result in a maximum of 11 Directors which could be appointed to WLL Board.

To ensure the necessary degree of independence for WLL Board, the maximum number of Council Directors could not be a majority of the total maximum allowable number across both categories of director.

It is further recommended that the Depute Chief Executive be delegated the necessary authority to negotiate and conclude any consequential amendments to the Articles of Association, which may necessary to facilitate the increase in council representation.

For example, relating to any restrictions which may be required in terms of appointing to the role of Chairperson from any given category of director or the level at which the quorum for Directors meetings should be set.

E. CONCLUSION

The report sets out a recommendation to increase the level of council representation on WLL Board and secure provision for a trade union appointment. It implements previous committee decisions and represents another step towards full implementation of the transfer proposals.

F. BACKGROUND REFERENCES

Report to Council Executive – 25 October 2016 – Proposed Transfer of Sports, Leisure and Cultural Facilities and Functions to the Modernised West Lothian Leisure.

Appendices/Attachments: None

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Elaine Cook, Depute Chief Executive

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