



**MINUTES OF THE MEETING OF
MUSSELBURGH RACING ASSOCIATED COMMITTEE**

**TUESDAY 01 OCTOBER 2019
QUEEN'S STAND, MUSSELBURGH RACECOURSE, MUSSELBURGH**

Committee Members Present:

Councillor F O'Donnell (Chair)
Councillor K Mackie
Councillor S Currie
Mr R Miller-Bakewell

In Attendance:

Mr B Farnsworth, Racecourse General Manager
Mr A McCrorie, Depute Chief Executive (Resources and People Services), ELC
Mr C Grilli, Service Manager, Legal and Procurement, ELC
Ms J Mackay, Senior Communications Adviser, ELC

Clerk:

Ms S Birrell

Apologies:

Councillor Forrest
Mr Anderson Green

Declarations of Interest

None

1. MINUTES OF MEETING OF 24 SEPTEMBER 2019 FOR APPROVAL

The Chair announced that the Committee would meet in private business at the end of the meeting, in order to approve the private minutes from the meeting held on 24 September 2019. She was happy to take amendments to the public minute at this time.

Mr Miller-Bakewell asked for the addition of a post-meeting note at item 6 to clarify a procedure relating to the Minute of Agreement between the LRS and East Lothian Council.

Decision

The Committee agreed, subject to the inclusion of a post-meeting note, to approve the public minutes as a true record.

2. REVIEW OF ITEM 5, MINUTE OF THE MEETING OF 25 JUNE 2019

The Service Manager, Legal & Procurement, East Lothian Council, Mr Grilli explained that this part of the minute of June's meeting had been brought back to Committee because it should have read "to delegate the finalisation of the accounts to the Racecourse General Manager, the Racecourse Finance Manager, and the Depute Chief Executive, (Resources and People Services), East Lothian Council, in consultation with Scott Moncrieff and the Chair of MRAC, and thereafter for the Chair to sign." It was not competent to delegate to the Chair in consultation with Officers as had been minuted and approved.

Decision

The Committee agreed to note the change to the minute of the meeting of 25 June 2019.

3. NOTING OF THE ANNOUCEMENT OF THE OUTCOME OF THE PROCUREMENT PROCESS

The Service Manager, Legal & Procurement, East Lothian Council, Mr Grilli announced that Chester Racecourse had been identified as the preferred tenderer in the procurement process, which would now enter a ten day standstill period. After this period, the implementation of the move to a third party operator would begin. Several issues would require consideration, including the TUPE. He added that Harper MacLeod would be supporting this process.

Mr Miller-Bakewell asked if all contracts were up to date. The Chair confirmed that she would be meeting the Racecourse General Manager in order to complete and sign off his contract, and that he would retain delegated authority to sign off the contracts of all other staff. She added that there were no outstanding, substantive issues regarding contracts, apart from the addition of a standard place of work clause which would be added to all contracts. Mr Farnsworth reported that this would provide security to Racecourse employees.

Mr Miller-Bakewell asked why Harper MacLeod had been engaged to assist in the TUPE process when the Racecourse had engaged Hunter Adams HR consultants in the past. Mr Grilli explained that TUPE was a legal process and it would be practical to ensure it was carried out according to statutory requirements. Councillor Currie added that TUPE was an important and laborious procedure, and engaging the services of Harper MacLeod

would ensure nothing would be missed. He outlined that the agreements made via TUPE would remain in place until such time as a new contract was accepted by an employee.

The Chair mentioned that solicitors who had worked with the Racecourse in the past would not be involved in the TUPE, and that in discussion with the Racecourse's Trade Union representative it had been confirmed that some members of staff would require to meet in one-to-one meetings or in small groups. She added that she would remain part of the process but would need to be mindful of other commitments, and of the need for staff to feel supported through the TUPE.

Mr McCrorie added that the Committee should be made aware that the decision would also be taken to a full meeting of East Lothian Council for noting.

The Chair thanked those present for ensuring the identity of the preferred bidder had not entered the public domain before today's announcement.

Decision

The Committee agreed to note the verbal report.

4. RACECOURSE ACCOUNTS

The Chair explained that the approval of the signed Racecourse accounts would be heard in public, and discussion of the Audit Report would take place as part of private business. She added that the Accounts had been signed, finalised and circulated, and Mr Farnsworth had nothing to add to what had been presented, although he was happy to take questions.

Mr Miller-Bakewell stated that members of the LRS had reservations and concerns over the conclusions of these accounts.

Decision

The Committee agreed, with one abstention, to approve the final accounts.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Chair informed the MRAC that they would exclude the public from the following business containing exempt information by virtue of paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A of the Local Government (Scotland) Act 1973.

Sederunt: Miss Mackay left the meeting.

4. RACECOURSE AUDIT REPORT

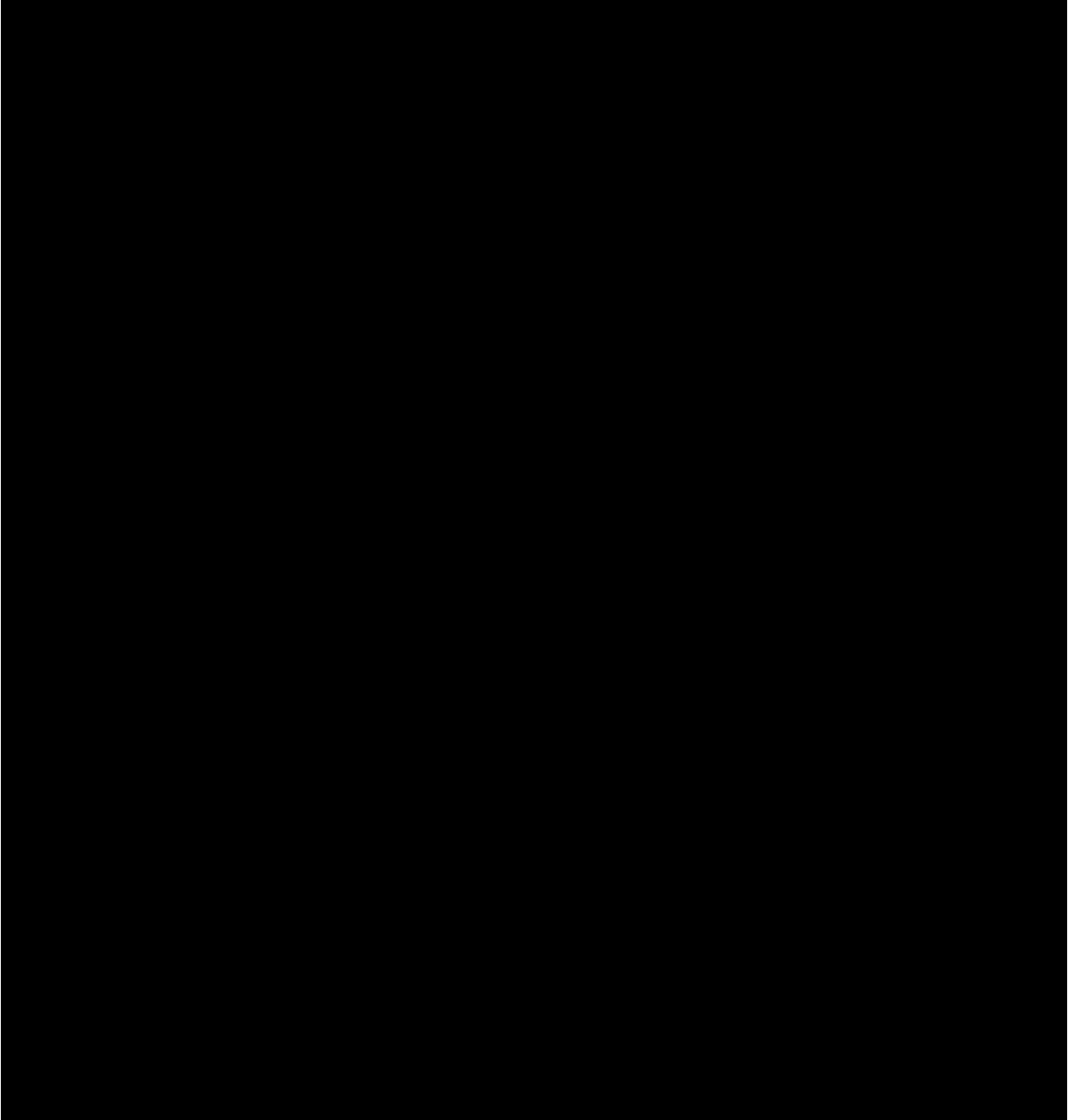
The Racecourse Audit Report was approved with one abstention.

5. PRIVATE MINUTE OF MEETING ON 24 SEPTEMBER FOR APPROVAL

The minutes were approved as a true record with one abstention.

PRIVATE

4. RACECOURSE AUDIT REPORT



Sederunt: Mr Farnsworth left the meeting

Signed

Councillor F O'Donnell
Chair of Musselburgh Joint Racing Committee