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21 July 1995

Dear Sir

**THE LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994
THE TOURIST BOARD SCHEME ORDER 1995**

I refer to my previous letter consulting you on the terms of an Order to establish the new Area Tourist Board.

The Secretary of State's intention is that the detail of the representation of each local authority on the controlling body of a Board should be a matter for decision locally, subject only to the restriction imposed by section 172(6) of the 1994 Act. It is now considered that the Order does not secure that intention in that it refers to the appointment of "the Council" as a member of the Board. In consequence only the Council as a body corporate could be appointed to the controlling body of a Board and to secure that it is not therefore taken to be restricted to only a single vote it has been concluded that the Order should be amended to include among the persons who may be appointed as members of the Board persons representative of the Council rather than the Council itself.

The Secretary of State proposes to make an amending Order under section 173 of the 1994 Act. A copy is enclosed. As you will note, the Order provides for the appointment of persons, not exceeding a specified maximum nominated by the Council to be appointed as persons representative of the Council. There is, of course, no requirement that all or indeed any such representatives be appointed. The figure set as the maximum number of persons representative of the Council is a number greater than the number of representatives each Council has indicated that it wishes to be appointed at present to the controlling body of the Board. This is to allow room for future variation upward in the number of representatives on the controlling body if that is decided locally at a later date.

You will also note that the opportunity has been taken to remove any uncertainty that might otherwise have arisen as to the validity of the initial decisions of the Board by including in the Scheme provisions in relation to voting. These confirm both in relation to the Board and the controlling body that the general rule of one member one vote applies and that decisions may be taken by majority and that save in specified

circumstances the member presiding shall in the event of equality have a casting vote. The specified circumstances cover the appointment of members of the Board and the controlling body of a Board or of a member to any office or committee which in the event of equality, will be decided by lot.

So that there should be no delay in bringing into operation the new ATB arrangements, it is intended that the amending Order should be brought into force at the same time as the principal Order. This is to be 31 August 1995. I must ask therefore that you forward any comments to me not later than 14 August. Given that the policy has not changed and that the purpose of the Order is to make absolutely clear that representation is a matter for local decision and to avoid any uncertainty as to the validity of the Boards initial decisions I trust that you will find the period for consideration adequate.

Yours sincerely

A handwritten signature in cursive script that reads "Neil Stewart". The signature is written in black ink and is positioned above the printed name.

NEIL STEWART

STATUTORY INSTRUMENTS

1995 No. (S.)

LOCAL GOVERNMENT, SCOTLAND

The [] Tourist Board
Scheme Amendment Order 1995

Made 1995

Coming into force 1995

The Secretary of State, in exercise of the powers conferred on him by section 173(1) and (2)(e) of the Local Government etc. (Scotland) Act 1994(a) and of all other powers enabling him in that behalf and after consulting the Scottish Tourist Board, The City of Glasgow Council, The East Dunbartonshire Council, The East Renfrewshire Council, The Inverclyde Council, The North Lanarkshire Council, The Renfrewshire Council and The South Lanarkshire Council in accordance with section 173(4)(a) of that Act, hereby makes the following Order:

(a) 1994 c.39.

Citation, commencement and interpretation

1.— (1) This Order may be cited as the [] Tourist Board Scheme Amendment Order 1995 and shall come into force on 31st August 1995.

(2) In this Order “the scheme” means the [] Tourist Board Scheme 1995(a).

Amendment of the scheme

2. In paragraph 4 of the scheme (membership of the board)—

(a) for sub-paragraph (3)(b) there shall be substituted—

“(b)(i) persons, not exceeding 5 in number, to be nominated by the council for the local government area of the City of Glasgow to be persons representative of that council on the Board;

(ii) persons, not exceeding 5 in number, to be nominated by the council for the local government area of East Dunbartonshire to be persons representative of that council on the Board;

(iii) persons, not exceeding 5 in number, to be nominated by the council for the local government area of East Renfrewshire to be persons representative of that council on the Board;

(a)S.I. 1995/ .

- (iv) persons, not exceeding 5 in number, to be nominated by the council for the local government area of Inverclyde to be persons representative of that council on the Board;
- (v) persons, not exceeding 5 in number, to be nominated by the council for the local government area of North Lanarkshire to be persons representative of that Council on the Board;
- (vi) persons, not exceeding 5 in number, to be nominated by the council for the local government area of Renfrewshire to be persons representative of that council on the Board; and
- (vii) persons, not exceeding 5 in number, to be nominated by the council for the local government area of South Lanarkshire to be persons representative of that council on the Board;”; and

(b) after sub-paragraph (3) there shall be inserted—

“(4) Each member of the Board shall have one vote.”.

3. In paragraph 5 of the scheme (membership of controlling body), after sub-paragraph (2) there shall be inserted—

“(3) Each member of the controlling body shall have one vote.”.

4. In paragraph 6 of the scheme (proceedings of the board), after sub-paragraph (3) there shall be inserted—

“(4) The decision of the Board or of the controlling body of the Board on any matter shall be decided by a majority of members present and voting thereon.

(5) In the case of an equality of votes the member presiding at the meeting of the Board or as the case may be of the controlling body of the Board shall have a second or casting vote except where the matter which is the subject of the vote is one to which sub-paragraph (6) applies, in which case the decision shall be by lot.

(6) This sub-paragraph applies—

- (a) to the appointment of a person to be a member of the Board;
- (b) to the appointment of a member to be a member of the controlling body of the Board; and
- (c) to the appointment of a member to any particular office or committee.”.

Parliamentary Under Secretary of State,
Scottish Office

St Andrew's House
Edinburgh

1995

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the [] Tourist Board Scheme 1995 (S.I. /1995) (“the scheme”).

Paragraph 4(3)(b) of the scheme provides that there may be appointed to membership of the Board the council for any local government area lying within the area of the Board. This Order substitutes therefor in relation to each such council provision for the appointment of persons, not exceeding 5 in number, to be nominated by such council to be persons representative of the council on the Board (article 2(a)).

The Order also makes provision that each member of the Board and of the controlling body shall have one vote (articles 2(b) and 3), that decisions of the Board and of the controlling body of the Board shall be by majority, and that in the case of equality the member presiding shall have a second or casting vote (except where the matter relates to the appointment of a member of the Board or of the controlling body of the Board or a member to any office or committee which is to be resolved by lot) (article 4).

Membership of the Board

4.— (1) The Secretary of State shall appoint the first members of the Board whose appointment by the Secretary of State shall terminate 28 days after the date of the first general meeting of the Board.

(2) Subject to sub-paragraph (1), the Board shall appoint members of the Board.

(3) The only persons who may be appointed to be members of the Board are—

(a) the Scottish Tourist Board;

(b) the council for the local government area of the

(c) any person with whom have entered into an arrangement under section 19 of the Enterprise and New Towns (Scotland) Act 1990(a) for the discharge of functions within the area of the Board;

(a)1990 c.35.

- (d) any person who is, or will upon appointment be, a subscribing member of the Board; and
- (e) any other person who has a connection with or interest in activities relating to tourism in the area of the Board.

Membership of controlling body

5.— (1) The Secretary of State shall appoint the first members of the controlling body of the Board from among the first members of the Board whom he has appointed under paragraph 4(1).

(2) Subject to sub-paragraph (1), the members of the controlling body shall be appointed by the Board from among the members of the Board.

Proceedings of the Board

6.— (1) The Board may—

- (a) subject to the provisions of this scheme, regulate its own procedure;
- (b) appoint committees including committees composed of persons who are not members of the Board;
- (c) delegate any of its duties to any of its members who or committees which are authorised (generally or specifically) for the purpose;
- (d) pay such allowances in respect of expenses as the Board may determine to any of its members or any person appointed to a committee of the Board.