

Joy,

Thank you for Tennis Tayside's response to the Tennis Scotland Board's document of 14 March 2013.

I enclose the Board's response. We decided that the easiest way of focusing the issues was to paste in our responses to the various points which you raise which are **highlighted in red**. As your President requested I can arrange that it be circulated to the other Districts and their Board / Committee members if required.

Dave Macdermid and I look forward to seeing you at your meeting on Sunday.

Regards,

David Marshall

On behalf of the Board of Tennis Scotland

David

On behalf of the Board of Tennis Tayside, I attach our response to your document of 14 March 2013.

You will note that our response is broken down into a number of key areas:

- a. General points on the document and the essential fundamental principles
- b. A request for further information in respect of strategic, operational and audit documents
- c. Responses to the specific proposals
- d. Local issues to be addressed as part of any wider change

I understand there is a Board meeting of Tennis Scotland over the next few days which will consider the responses from the Districts.

Given the points which have been raised, it would be helpful to have a meeting with yourself, Tennis Scotland Board members and representatives from the LTA and **sportscotland**, prior to any decision making by the members of Tennis Scotland.

We look forward to hearing from you.

Alan Nairn  
Tennis Tayside

## Tennis Scotland Strategy Proposal

### Response from Tennis Tayside – April 2013

The Board of Tennis Tayside welcomes the opportunity to comment on the proposals from Tennis Scotland outlined in the document of 14 March 2013. Board members in Tayside share the passion for our sport in Scotland and wish to ensure that developments and future proposals both develop and sustain the sport across all sectors, performance levels and geographic areas within Scotland.

Thank you for confirming that. Thank you also for taking the time to write in such detail disclosing your thinking. By doing so it allows us to identify areas of challenge and to engage with you.

Although the document from Tennis Scotland outlines a series of proposals in respect of governance and potential funding, there are a number of strategic and visioning issues within the document which are worthy of comment and further detailed response. It is somewhat disappointing that the proposals merely focus on the governance changes, primarily in respect of the Tennis Scotland Board and miss the opportunity to define, harmonise and prioritise the main vision, objectives, and targets for all areas of tennis in Scotland. It is therefore difficult to see how these proposals will change and more importantly improve the situation at club level.

The principal proposals are to enter into a new and better relationship with sportscotland and the LTA and by doing so to increase significantly the level of funding available to Scottish tennis; and to use that increased funding to update the infrastructure and facilitate far greater access to our sport. The proposed corporate governance changes are only a necessary adjunct - but the members must approve the corporate governance changes if the principal proposals are to become reality.

There appears to be no overall strategic document for tennis in Scotland unlike other Scottish sports: Scottish Hockey --□ 2010--□ 2014 Corporate Strategy, 'Business for the Future' or BADMINTONscotland's strategy for the period 2009-

-2015. The vision (or priorities) of Local Development Groups, working with local authorities, adult participation and the revised role for the Districts, appear relatively sensible but on closer examination they are merely individual initiatives with unclear scope, timescale or detail.

Tennis Scotland presented its draft strategy 2013-17 to the **sportscotland** Board in late 2012.

In the second part of the Proposal Document there were a number of questions and answers. At Q&A 14 of the Proposal Document it is said:-

**“The question is whether or not the model which is being put before you is satisfactory and appropriate for the next 15 years and beyond. The calibre or transparency of the present Board has nothing to do with the decision which requires to be taken.” (our underlining)**

If the governance proposals in the document are to be accepted then members must be able to relate these priorities to the overall vision. It is evident from the other sports that their medium term strategy documents have been developed in conjunction and consultation with the membership of the sport. There is no evidence that this is the case with tennis in Scotland. If any strategic and/or operational documents do exist for tennis in Scotland, can these documents be distributed as soon as possible to District members.

At page 1 of the Proposal Document it is stated:-

**“Against that background the Board concluded that unless increased funding became available the opportunity for greater participation was more illusory than real. An underfunded piecemeal approach was bound to fail. The strategy was to seek a radical change in the funding model which would enable future Boards a genuine opportunity to expand the level of participation.”**

Tennis Scotland has always presented to **sportscotland** a strategy document supplemented with a yearly operational plan and this has been the basis of our ongoing funding. This operational plan has included all KPI's which had been agreed with **sportscotland** and the LTA. The results have been reported in our Annual Report.

There is also no evidence that the proposals will generate more hard-working and enthusiastic volunteers which we feel is the key to success.

We would argue that it is the action and presence of people rather than processes that result in positive outcomes. Merely changing the Tennis Scotland board and governance arrangements is unlikely to affect members of the clubs. There are no proposals which appear to enhance or develop the links between Tennis Scotland and the clubs/places to play.

We accept completely that the proposals are based on the premise that our professional field staff can empower and enthuse more volunteers at the grass roots. As you gather this is based on the premise of developing a network of local development groups. The model was recommended to us by **sportscotland** who advised that this model has been used successfully to increase participation in other sports. Tennis Scotland has already started to set up local development groups and the response has been encouraging. Given the success of the model in other sports and the initial experience of Tennis Scotland our belief is that you underestimate the enthusiasm for our sport at grass roots level.

Scottish Tennis is now in a position to access significant investment. Once that funding becomes available there will then be the opportunity to start to address the inadequacy of the Scottish tennis infrastructure.

Also there will be two additional members of the field staff who will work closely with the clubs/places to play and the local development groups.; there will also be the opportunity to work more closely with local authorities in order to gain access to the schools thus increasing the numbers of school children who are afforded an introduction to the sport- thus increasing the demand for court time – whether at local authority facilities or at clubs/places to play.

The whole premise of the Proposal Document is that Tennis Scotland believes it can deliver to the game vastly increased capital funding, stimulate demand and work more closely with the clubs.

It was stated at an earlier meeting that some of the drivers for change arose from the outcomes and recommendations from the sportscotland audit of Tennis Scotland in 2012. It appears that there is some reluctance on behalf of the Board of Tennis Scotland to release this document. This is not easily understood as other sports in Scotland are content to openly publish their audit reports. Can this document be released to members without the need to source it from **sportscotland** through a FOI request.

We're not entirely sure where your statement about the audit being one of the drivers for change came from. The principal driver was a perfectly legitimate

challenge by a Council member who asked how the Board intended to take advantage of and build upon the opportunity presented by Andy Murray. That predated by some considerable time the 2012 audit.

We did address your question about the audit in some detail in the Proposal Document but it was quite far on into the Document. At Q&A 6 it was said:

**“6. Why can we not see the sportscotland Audit Report?”**

**The governing body audit report is commissioned by sportscotland for the purpose of satisfying sportscotland that public money that is being invested in any sport is properly managed. We understand that what sportscotland will make available to any interested party is an abbreviated version that defines their level of investment and their performance evaluation of that sporting body. It almost goes without saying that if sportscotland was dissatisfied with the proposals and performance of the Board that it would not be discussing additional funding. However, that does not mean that we cannot continue to improve as a sport; and we have taken on board the content of the Audit Report and its suggested guidance for improvement. We intend to implement many of the audit recommendations and there is already an adopted Action Plan for the year ahead.**

**The Action Plan reflects some of the proposals that we set out in this document including “moving towards appointment of all Board members through an open process with advertisement, written application and a panel interview.” The Board does not go quite as far as that in these proposals. It prefers to keep two elected Board positions-the President and Vice President - and understands that as long as there is a majority of appointed Directors that this will be a choice which is respected by sportscotland.**

**Members can of course evaluate the organisational performance of Tennis Scotland through the documents referred to earlier (ie not in this Q&A) since going forward details from our plans will be available on our website “**

You will note from the Q&A quoted above that it is said that the Board intends to implement many of the audit recommendations. It is the intention of the Tennis Scotland Board to produce the audit report once that is done; at that point it will be stated what recommendations have been accepted and implemented and what recommendations have not been accepted. Of course it will be open to future

Board or Boards to take a different view.

When you see the draft Articles (which are at the final stage of preparation by **sportscotland's** lawyers) you will also see a letter from the CEO of **sportscotland**. When you see his encouraging words for which the Board is most grateful you will no doubt reflect that a letter with that content would not have been written if either Phase 3 or the Audit Report represented a problem to either Tennis Scotland or **sportscotland**.

We hope this will provide reassurance to you – the purpose of the audit is to protect the public interest and it is clear that this purpose has been achieved.

One positive aspect of the proposals is in respect of funding – the transition to a four year funding arrangements is welcomed which will allow proper financial planning and across the various sectors, objectives and priorities. For any document and its related proposals to be accepted, the fundamentals of democracy, transparent and accountability must be evident. It is disappointing to note that many of these important factors are missing in the proposals from Tennis Scotland. It is also surprising and somewhat worrying that the Board of Tennis Scotland view democracy merely as the domain of those organisations responsible for funding our sport.

Tennis Tayside is a creature of the clubs/places to play. It is created by them and is funded by them. It is answerable only to them.

Tennis Scotland is the governing body of tennis in Scotland; it has more than one constituency. It represents the interests of its members (i.e. the Districts) who are the first constituency. It also represents the interests of participants in the game who are not members of private clubs. That is the second constituency – the participants who are to be found at public as opposed to private venues. Finally it represents the interests of persons (often schoolchildren) who would dearly like to play the sport but who, for socio-economic or other reasons, do not have that opportunity. That is the third constituency. Of course Tennis Scotland, unlike the Districts, is not wholly funded by its members – that was made very clear in the Proposal Document.

Under the current system within Tennis Scotland the second and third constituencies are in the position of having no votes, no representation and no influence.

Actually what is now being proposed is a relatively modest improvement. **sportscotland** and the LTA will make up a minority of the votes on the interview panel for portfolio holders. Any recommendation made will be subject to ratification by the members at an AGM. Any appointee will be subject to removal by the members (i.e. the clubs/places to play/Districts) by means of a vote of no-confidence at a General Meeting. In other words the membership will retain the final word over who sits on the Board but the second and third constituencies, while remaining unrepresented in voting terms, will have some formal influence through the involvement at the interview stage of **sportscotland** and the LTA.

There is also a presumption that the main funders of Tennis Scotland, the LTA and **sportscotland**, now require to be directly involved in the selection of Board members, the appointment of the independent Chair and the non-executive members. There is no evidence of this with other sports in Scotland. There is also the inference that continuing funding from these organisations is subject to the governance changes being successfully implemented. Although this point has been raised previously, for the avoidance of doubt can it be clarified from both the LTA and **sportscotland** what conditions they have stipulated for their ongoing financial support of tennis in Scotland.

The belief that **sportscotland** and the LTA will **withdraw** their **ongoing** financial support of tennis in Scotland if these proposals do not go through is based on a misreading of the Proposal Document. The concern expressed by the Board was principally in relation to the potentially significant increase in funding which will be available if the proposals are approved. The position of the Board is made very clear towards the end of the Document. Please note in particular Q&A 21 which is quoted in full below:-

**“21. What will happen if the Districts do not accept these proposals?”**

**Everything will remain the same. Five members of the existing Board will depart in December 2013 when their time is up. Neither the LTA or sportscotland will be happy with the loss of almost the entire Board at the same time but there will be nothing they can do about it. The present Board will discontinue the discussions which it has been having with the LTA and sportscotland; they will be told only that the Board is unable to deliver the conditions which would allow it to make a meaningful bid for new capital funding and an increased revenue stream. It will**

not say anything more. However it is inevitable that the LTA and sportscotland will understand why that has happened and it is likely that they will draw the conclusion that the membership of Tennis Scotland was insufficiently committed to development of its sport. It may well be that the LTA will find other parts of Britain which represent better value in terms of development; sportscotland may well feel that there are other Scottish sports which are more committed to development and which represent better value for public money.

In due course a new Board will be elected. They will be required to deal with the LTA and sportscotland. They will need to negotiate funding on an annual basis. They may find that the existing level of support is maintained – then again perhaps not - we have no idea.

The new Board may wish to bid for increased funding from the LTA and sportscotland. If it does so it will require to satisfy the LTA and sportscotland in relation to value for money. It may put to Tennis Scotland's membership proposals which are similar if not identical to the ones which are presently being put. It is fair to say that the timescales for discussions with the LTA and sportscotland are often measured in years rather than months and that is because it takes time to build up trust; and the eventual outcome is of course dependent on budgets because funds require to be earmarked some considerable time in advance.

Alternatively the new Board may try to persuade the LTA and sportscotland that the views of the current Board were utterly misguided, that access to the Board is not restricted to a small pool of talent, that democracy requires that the Board should be answerable to a group which represents entities which contribute 4.5% of the total turnover; that the LTA and sportscotland should contribute more than 70% of the turnover and have no input at all in selecting 6 out of 7 Board members; and that it is a good thing for professional field staff to receive direction not just from a professional line manager but also from volunteer administrators. Will the stakeholders be persuaded after everything that has been discussed with the present Board over the last 2 years? The Board prefers that you as a decision maker should form your own view in relation to these important questions."

It is made very clear in Q&A 21 that if the proposals are voted down the Board will take the view that the Tennis Scotland Board will discontinue the discussions with sportscotland and the LTA. That will be because the Board will accept they are unable to make a meaningful bid for new capital funding and an increased revenue stream. It is made very clear that it is not ongoing financial support which is at risk

but new capital funding and an increased revenue stream. It is also made very clear that if these proposals are not approved that the Tennis Scotland Board will discontinue the discussions and the options for future Boards are clearly laid out.

For completeness we quote below Q&A 25 which covers exactly the position in relation to additional funding:--

**“25. Is the additional funding coming from the LTA and sportscotland conditional on abolishing the Districts and Council?”**

**Probably the question is put the wrong way round. The LTA and sportscotland are respectful of the independence of Tennis Scotland. They will not dictate to us what our corporate governance structure should look like. However they will need to be satisfied that any bid for increased funding will deliver good value for money.**

**There have been discussions and presentations about how this Board believes that could be achieved. The stakeholders are well aware of the views of this Board. On that basis this Board could not put together a credible proposal to the LTA and sportscotland based on the current corporate governance structure.”**

Turning to the individual proposals.

**Proposal 1** The membership of Tennis Scotland will be expanded to include Places to Play as well as the Districts.

Response: In order to support an inclusive approach to our game in Scotland, this proposal is acceptable.

**Noted. Thank you for your support.**

**Proposal 2** The powers of the General Meeting will be reduced.

Response: This proposal is unacceptable. Any organisation must be accountable and responsible to its membership. These important principles override the funding of an organisation and there must be ability of the membership to appoint and to call for the dismissal of Board directors. This latter point has been acknowledged in the proposals but it is essential that the members at a General Meeting have the democratic right to appoint Directors. The Board can undertake the necessary interviews but the final decision rests with the membership. Consideration should be given to the appointment of Board nominated and Member nominated Directors together with a proper balance between these individuals.

If we understand this correctly you will now be in favour of this proposal. The amended proposal affords to the membership powers in relation to both appointment and dismissal.

As far as member nominated directors are concerned there will be two – the President and the Vice president. You will see however that there has been a change to the original proposal in that the amended proposal is to the effect that the Districts (who are after all the creatures of the clubs) will elect the President and Vice president.

There were a number of reasons for that change. These positions are not only "working positions" but also positions which are usually held by a person with a long and respected service. It appeared to the Board that the majority of people in that position had long service with the Districts. Also, if one is to act as a conduit of opinion, it seemed that a person with long service within the Districts was more likely to fulfil that role effectively than someone without that background. There was no right or wrong answer to this but that is the decision which the Board has made.

**Proposal 3** The Council of Tennis Scotland will be abolished.

Response:

Representatives from the geographic and sectoral communities must be able to both hold the executive to account and to receive and relay information to and from the membership. We acknowledge that the current position of the traditional Council may be outdated but an alternative and effective arrangement must be agreed and implemented.

The loss of the Council will be compensated for by the twice yearly forums. Four evening sessions will be replaced by two sessions a year, probably at Stirling, and certainly during a day at the weekend. It is unlikely that the cumulative time spent in debate will be any less than at present. There will be no loss of power because, as was pointed out in the Proposal Document, the Council has no power.

You should also read the extract below. It comes at the very end of the Document and is intended to provide greater transparency and to require the Board to disclose District by District spending:-

**“As a result of this concern being raised the Board has decided that there should be an annual report to Districts highlighting where the Tennis Scotland development and facilities money has been spent. The Board is not able to bind a future Board unless it does so by means of amending the Articles. Accordingly**

if support for this proposal document crosses the 75% threshold the Board, when instructing the lawyers in relation to re-drafting the Articles, will ask them to provide in the Articles that there should be an annual report addressing those matters. Clearly in any one year there will be imbalances – it could hardly be otherwise. However if there is a clearly discernible pattern over, say, three years, then that will be obvious. Frankly any clear evidence of partiality would be an embarrassment to the Board and also to sportscotland who, when all is said and done, are responsible for all of Scotland. The report need not be a lengthy one but it is suggested that the best protection for the smaller Districts is transparent access to expenditure figures”

**Proposal 4** New Positions for Directors with Portfolio will be created.

Response:

The proposal for additional Directors with portfolio appears sensible and in line with the future priorities for tennis in Scotland. However the collective role and responsibilities of the Board must be supplemented with proper understanding, communications and realistic knowledge of the tennis environment across Scotland. This will prevent any future criticism that the Board of Tennis Scotland is seen as distant and insular.

Thank you for confirming that you support proposal 4.

**Proposal 5** Appointments of portfolio holders and the CEO will be by interview after advertisement; the interviewing panel will comprise the Chair of the Tennis Scotland Board and one further nominee from the Board, a representative from the LTA (or their nominee) and a representative from sportscotland (or their nominee).

Response:

Open advertisement and transparent interviews should be a fundamental principle of any Board appointments. Although this proposal is supported, we do not accept that representatives from the LTA or sportscotland should be on the interview panel. This is not a requirement of other NGB Board appointments in Scotland, or indeed LTA counties in England.

We would wish to see evidence of an independent influence on appointments, through the independent (non-executive) Chair, non-executive Board member, and/or representative(s) of the members on the interview panel. As highlighted in the response to proposal 2, all Board appointments must be ratified by members at a General Meeting.

Thank you for confirming your support for open advertisement and transparent interviews.

We note the position of the authors of the letter in relation to the involvement of **sportscotland** and the LTA. Obviously that is a matter on which the full Board of Tennis Tayside will have to decide.

It is also not unusual for a private entity to undertake public functions. Professional bodies exercise regulatory control over their membership and in so doing are exercising a public function. Likewise Tennis Scotland takes significant sums of public money and it does so in the expectation that it will undertake its activities in a way which is appropriate for all its constituencies.

In modern practice it is very common, in such circumstances, for there to be at least one "public interest member" on an interview panel. Indeed such a person is commonly introduced to a candidate as "our public interest member". What is being proposed is in line with recognised best practice when private and public interests co exist; what the Board is seeking to do is to recognise that reality and to invite **sportscotland** and the LTA to take on the "public interest member" role.

**Proposal 6** The Chair will be independent and appointed after interview.

Response:

The audit of Tennis Scotland in 2007 by **sportscotland** recommended the appointment of a independent Chair and it is disappointing to note that five years later the current Board of Tennis Scotland have still failed to implement this recommendation. This proposal is supported, but as this is an independent appointment, it is recommended that the existing Board members take no majority role in the selection of the independent chair.

A valued independent Chair might be a person who has no previous involvement on the Tennis Scotland Board or on the Board of a District; who does have wide experience in business; who does have experience of chairing the Board of a company with a multi million pound turnover; who does have a love for and knowledge of tennis; and who brings to the position a fresh perspective and is able, because of that, to work meaningfully and innovatively with our two major funding partners, **sportscotland** and the LTA. Our existing Chair, Gordon Baker, ticks all of these boxes. However we do accept that he does not qualify as an **Independent** Chair because he holds the performance portfolio. So you are correct that, in strict corporate governance theory, Tennis Scotland do not have an Independent Chair.

**Proposal 7** Transitional Arrangements (to move from the current to the new governance).

Response:

This transition will require proper and detailed planning, it must deal with outstanding legacy issues, but also should move swiftly to its new form or function to continue the support from the membership and to address the key issues outlined in the document. In general the proposal is acceptable although it is essential that the appointment of the independent Chair, new portfolio Directors and non-executive Director(s) is not delayed if this proposal is agreed.

We think that you're saying that you will support the transitional agreements.  
Thank you for that.

**Proposal 8** There will continue to be provision for a Non-Executive Director - subject to a fixed term provision.

Response:

It is disappointing to note that the Board did not engage the services of an independent non-executive Director over the last few years. The role of non-executive Directors together with an independent Chair provides the required challenge and accountability within a voluntary Board. This proposal is acceptable but it is recommended that a minimum of two non-executive Directors are appointed to provide the necessary support to the independent Chair.

We will deal with this briefly because our answer is very similar to that which we gave in relation to the point about the Independent Chair. It is a matter of history and irrelevant to the present proposals; it is also a matter of theory rather than having any grounding in the real world. The turnover of Tennis Scotland comprises income which is almost completely ring fenced by those providing it so that discretionary spending is very low. Given the very low level of discretionary spending the Board took the view that they were disinclined to undertake a box ticking exercise by adding another Director who would be astonished to discover how little discretion and spending power the Board actually had.

Going forward (if these proposals are approved) the major problem with funding will be addressed. We have considered your suggestion that there should be provision for two rather than one non executive director. The Board accepts that as a useful observation and this is provided for in the draft Articles to be voted upon. Thank you for your assistance with this point.

**Proposal 9** A central fund controlled by Tennis Scotland will be established for the purpose of funding sustainable tennis activity driven by the local development groups; the funding will come in part from reserves released by the Districts and in part from reserves released by Tennis Scotland. It is envisaged that LDG activities will also be funded, from time to time, by funding from specific initiatives of the LTA, sportscotland and Local Authorities.

Response:

This proposal is supported although will be subject to further discussion and detailed negotiation between the respective parties. It is essential that the funding of sustainable tennis activities is in line with the agreed strategic and operational priorities of Tennis Scotland and their partners.

Obviously this proposal is separate from the first eight proposals in that it will not form part of the forthcoming vote and, indeed, will come into play only if the first eight proposals are approved.

Handing money over (or not doing so) will be a matter for each District. There will be no compulsion on any District to hand over money. If the proposals are passed significant funds will be generated. The issue of money is dealt with in Q&As 20; 23; and 24. It will be for Tennis Tayside to decide if it wishes to contribute any money at all to the central fund.

For the avoidance of any doubt please see Q&A 28 below:-

**“28. What's the legal entity of the Districts money? Can you take it all away?”**

**It's the Districts' money and Tennis Scotland cannot take it away from them. If the Districts want to keep the money they can do so but the Board thinks a major opportunity will be missed.”**

Although some of the proposals are linked, there should be an opportunity for Districts to vote on the individual proposals rather than simply as a collective group of proposals.

In respect of tennis at a local level and the proposed funding, there are a number of specific questions that require to be raised at this stage:

This is a suggestion which is utterly impractical. Our arithmetic may be incorrect but by splitting the proposals into eight separate votes there are in excess of 40,000 possible outcomes. Even reducing the number of votes by putting the

proposals into say three “batches” could leave six possible outcomes.

The possibility exists that a District which wanted all of the three batches to pass would prefer the status quo to having two batches voted through.

Much more significantly all the proposals are linked because they comprise a series of proposals which will allow the Board to say to **sportscotland** and the LTA that Tennis Scotland does indeed represent a worthy recipient of significant additional investment. Without all of the proposals being passed the Board would withdraw from the discussions. That was made very clear in Q&A 21 which, for your convenience, was quoted earlier in this reply.

- a. What are Tennis Scotland’s strategic and operational priorities for tennis in the Tayside area?
- b. How will the Local Development Groups operate locally?

How this Board would conduct itself is completely irrelevant because, if the proposals are approved, there will be a new Board in place very shortly. Indeed, a development portfolio holder who will have particular responsibility for participation will be in place by the December AGM. So the real question is whether or not, in the years and decades that lie ahead, Tennis Tayside are content to accept that questions (a) and (b) will not be matters for the Districts to consider.

However we are glad that you asked the questions because it illustrates perfectly one of the main drivers of the proposed changes. We think that Tennis Scotland should be able, in future, to decide these questions without feeling any pressure from any of the Districts. So the question for Tennis Tayside is whether or not you approve of that principle. We are glad that you have given to us the chance of focusing your decision-making along those relevant lines.

- c. What assurances will be given to ensure that 'our funds' will be spent within Tayside?

Once again this is a matter which is dealt with in a part of the Proposal Document. We quote below the appropriate passage:-

**“However the Board accepts that those who sit on District Boards and Committees cannot be expected to hand over funds without any guarantee that to do so is proper. On that basis Tennis Scotland proposes to enter into a contract with each District whereby Tennis Scotland undertakes, within a four year period, to return to each District expenditure on development, either in terms of facilities funding or investment in the setting up of local development groups, equivalent to four times the amount contributed by way of the release of reserves. At the stage when discussions take place there will also need to be established a mechanism whereby the honouring of that undertaking can be measured and confirmed.”**

d. Glasgow received £1.3M of foundation funding last year – what is the position with Dundee?

Your figure for foundation funding is completely wrong. The Glasgow Tennis Development Plan was a £1.3 million plan and the contribution received through the LTA (which you refer to as foundation funding) was about £500,000 - Kelvingrove (courts, floodlights and clubhouse) £250,000, Knightswood and Drumchapel (Courts and floodlights) £250,000. This is Phase 1 and 2 with further plans in Phase 3 in the NE of the city. The city paid the bulk of the project with the Kelvingrove project part of the Commonwealth Games plan.

In respect of Tayside a similar opportunity has arisen within Dundee. A two phase project to upgrade the park courts in Dundee is at an advanced stage. The first stage saw the City Council announce a £42k investment to upgrade Fairmuir and Inch public parks. The second stage will focus on upgrades at Dawson Park and Baxter Park. For this to happen, it will require funding by the Local Authority, **sportscotland** and the LTA.

Tennis Scotland wishes to work with all funding partners when the opportunity arises to the advantage of all three constituencies of Tennis Scotland. The opportunity has arisen in Tayside and we are working on it.

There is further detail that we could give but we will not do so because there is a fine line between answering a fair question and falling into the trap identified in Q&A 49:-

**“49. Is this a chance for one of the other Districts to hold Tennis Scotland to ransom by negotiating and selling its support at an EGM in return for a covert promise of a disproportionate share of the cake when the changes come in?”**

**Absolutely not. The Board members are all happy to discuss how they hope things will work out but no member (not even the CEO or our Chair) is authorised to give any guarantees beyond what is in this document. That is why the document is so long!!”**

However we are glad that you asked this question about funding because this answer (which indicates that two local authorities between them are pouring almost £1 Million pounds into the tennis infrastructure) counters the suggestion that local authorities have no money, as put by a representative of Tennis Tayside at the post AGM forum held in December. We think that a much more measured analysis is given in Q&A 26 (quoted in part below) which was inserted specifically to deal with your representative’s suggestion:-

**“26. The local authorities have no money and you keep mentioning them**

**It is not true that the local authorities have no money. It depends at what level dialogue takes place. There is always money available for sport and leisure but the competition among sports is increasingly fierce and Tennis Scotland is working with over twenty LA’s that currently invest in tennis.**

**However it is true that money is tight and that the key to a successful partnership is value for money. That is why Tennis Scotland is so anxious to have all the necessary elements in place.”**

e.

**Will Tennis Scotland seek to collect Tennis Tayside court fees from clubs ?**

Once again this is a matter which is dealt with in a part of the Proposal Document. We quote below Q&A 34:-

**“34. Why do Tennis Scotland want to collect the per court levy paid by the clubs?”**

**The clubs will be members of Tennis Scotland; that will be their payment in respect of their membership. In any event Tennis Scotland is better placed to undertake that exercise given its administrative resources. This is also in alignment with the current LTA model.**

**However the intention is not to impoverish the Districts. The expectation is that the income from District leagues and other events will allow the Districts to be self sufficient. We are not aware of any District which runs local leagues at a loss.”**

f.

It appears that former East and West District employees will be transferred to Tennis Scotland at no cost to these Districts – what is the compensating incentive for Tayside?

There is no compensating incentive because none is required. There is no loss to Tennis Tayside - nor any benefit to Tennis West - in the arrangement to which you refer.

G.

Will Tennis Scotland agree not to “aegonise” the highly popular Tennis Tayside leagues?

Once again this is a matter which is dealt with in a part of the Proposal Document. We quote below Q&A 42. Interestingly Q&A 42 was inserted as a result of observations which we received in writing from Tennis Tayside after the post AGM forum:-

**“42. Our District leagues are extensive and successful. The Tennis Scotland proposals and general attitude towards District leagues is disappointing and not acceptable. It is a key requirement that our District leagues will not be threatened through Clubmark or some other mechanism. No Aegonisation.**

**We are really glad that you said that. We have no idea where this notion came from. If you think that it came from something that was said by Tennis Scotland then that was our fault.**

**The Districts organise the leagues very successfully. It is imperative, as far as Tennis Scotland is concerned, they continue to do so. Indeed if we can introduce more youngsters to tennis then hopefully the membership of the clubs will increase and there will be a requirement for increased league activity. That will be particularly so in the young age groups. For the avoidance of doubt Tennis Scotland has no ambition to exert any authority or influence in a field of activity which is very well provided for.**

Clubmark is an LTA standard which it wishes clubs to achieve; however we cannot imagine that the LTA would ever wish to sanction clubs who do not achieve that standard; certainly Tennis Scotland would not wish to do so.

We are not sure what you mean by “No Aegonisation”. As you know Aegon is a large insurer; it is the LTA’s largest sponsor and contributes many millions of pounds for the benefit of British tennis. The LTA, in turn, provides 50% of Tennis Scotland’s income. On that basis it is unrealistic to think that one of our Districts could “opt out”. But the Aegon sponsorship has been in existence for some years; if something was going to happen – and we cannot imagine what that might be – then it would have happened by now. And even if something does happen the corporate governance changes would not have any relevance to that. The only change would be that you would not be able to complain at Council to our CEO who would, in any event, be powerless to do anything about the complaint because it was an LTA decision.”

h.

What is the Tennis Scotland’s position with clubs that do not support the Tennis Scotland KPIs as opposed to developing the sport in all its dimensions?

While it would be disappointing to hear of individual clubs taking this road, that is a matter for them. It would be for our successor Board to address themselves to that issue should it arise.

i.

Will Tennis Scotland provide a clear assurance on their support for North County in order that appropriate planning and decision making can be undertaken?

No. At the moment discretionary spending is so low that the present Board have to deal with the issue of the counties on a year by year basis. In any event, as we have explained, this Board cannot write a cheque on behalf of future Boards. Obviously much depends on the level of funding and – as we have explained repeatedly – that is why this whole exercise is being carried out – to make Tennis Scotland a far more attractive "bidder" for funding than is presently the case.

Tennis Tayside have given careful consideration to the Tennis Scotland strategy document and the proposals contained within the document. Before the Board makes any final decision on the proposals, it requires clarification, expansion and assurances to the points raised in this response document, an

d copies of the relevant documents from Tennis Scotland. The Board acknowledges that changes may be required but the fundamental principles of openness, transparency and accountability must be adhered to through the decision making, transition and implementation phases.

We are entirely satisfied that the fundamental principles have been adhered to. However no clarification is required that cannot be found by reading the Proposal Document; no expansion is necessary or possible; and no further assurances can or will be given other than those contained in the Proposal Document and this response.

Members of the Board are acutely aware of the likely and significant changes resulting from the proposals but are also mindful of their own responsibilities both for tennis locally and their on-going contribution to tennis across Scotland.

We are sure that your Board members are aware of their responsibilities. We would welcome the opportunity to speak with the authors of your response and with the other Tennis Tayside Board members on Sunday 19<sup>th</sup> May at 4.00pm at Perth Tennis Club. We can confirm that David Marshall and Dave Macdermid will be in attendance on Sunday.

We are aware of an issue with Ian Conway and an alleged conflict of interest. We do not agree with your approach to the issue of conflicts on your Board. The matter can be explained further at the forthcoming meeting.

Tennis Tayside  
12 April 2013