The Committee will meet at 2 pm in the Chamber, Assembly Hall, the Mound, Edinburgh

1. **Scottish Solutions Inquiry**: The Committee will take evidence from-

   Mr Andrew Cubie CBE, Senior Partner, Fyfe Ireland WS Solicitors.

2. **Budget Process**: The Committee will consider an options paper on its procedures for scrutinising the Scottish Executive’s annual expenditure proposals.

3. **Work Programme**: The Committee will consider scheduling issues for its work programme.

4. **Petitions PE493; PE559; PE564**: The Committee will consider a paper on the following newly referred petitions –

   PE493 from Ms Marilyn Henderson on the installation of wind farms in North Argyll;

   PE559 from Mr John B P Hodgson on a Strategic Environmental Assessment of Scotland’s Renewable Energy Programme;

   PE564 from W R Graham on the development of a national strategy for wind farms and related planning issues;

   and decide what action it wishes to take in relation to these petitions.

5. **Petitions PE380; PE370**: The Committee will consider a paper on the following petitions re-referred from Session 1–

   PE380 from Mr David McNab on the participation of football supporters in the decision making processes within senior football and will take evidence from–

   James Proctor, Development Office, Scotland, Supporters’ Direct;

   PE370 from Mr Dougal Carnegie on the promotion of the traditional arts in Scotland

   and will decide what action it wishes to take in relation to these petitions.
The following meeting papers are enclosed:

**Agenda Item 1**

Cover Paper

Paper from Mr Andrew Cubie CBE (To Follow)

**Agenda Item 2**

Options paper on the annual budget process

**Agenda Item 3**

Cover paper on the Committee’s work programme

**Agenda Item 4**

Options paper on Petitions PE493; PE599; PE564

**Agenda Item 5**

Options paper on Petitions PE380 and PE370

Paper from James Proctor, Supporters’ Direct
Enterprise and Culture Committee

Meeting 9 September 2003

Scottish Solutions Inquiry

The Committee will hear evidence from Andrew Cubie CBE as part of its Scottish Solutions inquiry. In 1999 Andrew Cubie chaired the Independent Committee of Inquiry charged with investigating student finance, which was the basis for the introduction of the graduate endowment by the Scottish Executive.

Mr Cubie will provide a paper (to follow).

Alasdair Morgan
Convener
I am clear that a full implementation of what is proposed within the White Paper "The Future of Higher Education" will bring about competitive disadvantage to Scottish Universities. It seems to me to be inevitable that with education policy wholly devolved to the Scottish Parliament that a "leapfrogging" of policy will come about from time to time. It might be argued that the implementation by the Scottish Executive of many of the recommendations contained within the report of the Committee which I chaired in 1999 has of itself brought about a reaction in England, of which the proposals within the White Paper are part.

It is currently unclear whether the full terms of that White Paper will be implemented and, if implemented, what the effect of implementation will be. A considered view of the issues within the remit of the Committee is only possible on a basis of evidence. At present clearly we can only anticipate outcomes.

I consider, however, that there is a risk of migration of both students to Scotland and of staff from Scotland if universities in England are better funded. I am more anxious, in fact, about the latter risk as academic staff will be attracted to institutions, if more fully funded and with better research opportunity. Given the significant importance of higher education institutions to Scotland and their contribution to our economy a loss of talented contributors to the sector would be to the detriment of Scotland.

One further impact, I believe, is the possible greater attraction for overseas, full fee students in going to English universities, if better funded, rather than coming to Scotland. The contribution that these students make both in the diversity of culture within Scottish universities and their financial contribution to universities, which are autonomous institutions, is significant.

I consider that a funding gap does now exist for Scottish universities. I believe that gap does require to be filled, but filled by way of support from a range of stakeholders, not by one alone. These contributions require to come both from Government, from business, from the universities themselves generating additional consultancy and commercial income, and also by way of contribution from the graduate population. This requires to be both on a basis of the contribution through the Graduate Endowment Scheme and also by way of
voluntary alumni contribution. So far as the present income attainment and contribution level to the Graduate Endowment Scheme is concerned, I consider attention requires to be paid now both to the level of income which has to be exceeded before a contribution is made, as well as to the actual amount contributed by graduates to that scheme.

I would intend to expand these issues before the Committee and also refer to the economic impact in Scotland of our graduate community.

Andrew Cubie, CBE, FRSE
Budget Scrutiny Process

Introduction

This paper sets out the budget scrutiny requirements for the Committee, and proposes a range of options for dealing with them. The paper also seeks the Committee’s view on the appointment of an adviser on the budget scrutiny process.

Budget Scrutiny Process

The agreement between the Scottish Parliament and Scottish Ministers on the budgeting process sets out three stages:

Stage 1

Stage 1 is to be a consideration of spending strategy. Its purpose is to enable the Parliament to express its views on future expenditure priorities. The Financial Issues Advisory Group (one of the expert panels reporting to the Consultative Steering Group on the Scottish Parliament) recommended that the process should include the opportunity for the Parliament to seek views from the public. (This aspect of the process is a matter for the Parliament alone.)

Stage 2

Stage 2 is intended to be a consideration by the Parliament of the Scottish Ministers’ detailed spending proposals for the next financial year.

Stage 3

Stage 3 is intended to be Parliamentary consideration of the annual Budget Bill.

Scope

The Enterprise and Culture Committee is responsible for scrutinising those elements of the Executive’s budget relating to economic development, lifelong learning (excluding school education), tourism, arts, culture, sport and energy. The total planned spend in these areas for 2003-04 is approximately £2.4billion, or around 10% of the Executive’s total annual expenditure in Scotland. More than 90% of the
money within the Committee’s remit is distributed via non-departmental public bodies (NDPBs) or Executive agencies. A list of these is attached at Annex A.

Previous experience

The Enterprise and Lifelong Learning Committee in Session 1 enumerated a number of difficulties with the budget process, including:

- short timescales for consideration;
- the level of detail provided by the Executive;
- some difficulties in extracting detailed figures from the Executive in time for consideration;
- linking spending to targets in a meaningful way.

As with this Committee, the majority of the budget scrutinised by the previous Enterprise and Lifelong Learning Committee was distributed via Non-Departmental Public Bodies or Executive Agencies. The ELL Committee therefore decided to scrutinise the major NDPBs in turn, covering Scottish Enterprise in 2002. This approach enabled the Committee to undertake initial work on the budget from January to March, taking background briefings and evidence including the out-turn figures from the previous year’s budget, and provided a sound underpinning for the detailed formal scrutiny arising from the financial plans published in April/May.

The Finance Committee’s Financial Scrutiny Review\(^1\) acknowledged the improvements in the process over the first session of the Parliament, but also highlighted similar problems to those noted by the ELL Committee. In this report, financial experts called for Committees to take a more strategic approach to scrutiny at Stage 1, and also identified the potential for Committees to debate budgetary issues regularly in addition to the formal budget process.

Approach: options

To assist the work planning process, and to ensure the appropriate level of scrutiny, members are asked to agree an approach to the budget process for the coming session. A number of potential approaches are set out below, and members are invited to discuss these.

Formal process

Members may wish simply to undertake the formal scrutiny required, ie one or at most two evidence sessions in April/May and again in September/October. The relevant Ministers are normally invited to give evidence at these sessions, along with officials.

Out-turn figures

The out-turn figures from the previous year are available by the end of December; members could take some evidence on these to underpin the scrutiny process in April/May. The previous Enterprise and Lifelong Learning Committee also secured

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\(^1\) Finance Committee 3\(^{rd}\) Report 2003 Financial Scrutiny Review SP Paper 784
an agreement from the then Minister to provide provisional out-turn figures for the year ending in April, for Stage 2 of the scrutiny process. These figures could be analysed by SPICe and could provide useful background for members’ questions.

**Focus on elements of budget**

The Committee could consider each year particular areas of the budget. This might take the form of issues which cut across the various bodies and agencies within the Committee’s remit, for example support for entrepreneurship, which would cover funding from the Further and Higher Education Funding Councils as well as the Enterprise Networks. Alternatively members could choose to scrutinise particular bodies, for example sportscotland or the Scottish Arts Council. This approach would over time build up a body of knowledge across the remit of the Committee, and would enable members to scrutinise these areas in more detail.

**Year-round approach**

The Committee could move away from the budget process timetable, scheduling briefings throughout the year. This would provide members with the opportunity to gain familiarity with issues across the range of the Committee’s remit, and would also enable the Committee to cover the whole remit in some depth over the session. The formal process would take place as usual, and this approach would ensure that members would have significant background knowledge to underpin scrutiny. Each organisation could be asked to provide information in advance on, for example, their total budget, how it is spent, comparisons between planned and actual expenditure, etc. The organisations could then be questioned at the meeting.

**Alternative options**

Members may wish to suggest alternative approaches to those outlined above and are invited to do so at the meeting.

**Budget Adviser**

Whichever approach is adopted, it would probably be helpful to Committee members to have an expert adviser on the budget process. It would also probably be advantageous to appoint an expert to serve as an adviser for more than one year. To enable such an adviser to make appropriate preparations and gain knowledge of the Parliamentary processes, members are invited to agree to begin the standard adviser appointment selection process now. SPICe will provide a shortlist of names, garnered from the Adviser Database and their specialist subject area knowledge, from which members will select an adviser. This normally takes place in private, as it involves discussion of private individuals.

A draft specification is attached at Annex B, for members’ consideration. The time commitment section has been left blank and members are invited to delegate authority to the Convener to complete this section once a decision has been taken.
2004-05 Stage 2 Budget Scrutiny

As noted above, Stage 2 of the process for the 2004-05 budget will begin in late September with the publication of the Draft Budget Bill. It is proposed that the Committee invite the appropriate Ministers, together with their officials, to appear before it to introduce and explain the figures for 2004-05.

As noted above, the majority of the budget to be scrutinised by the Committee is distributed by NDPBs and agencies. It is proposed that, for this Stage 2 process, the Committee considers the ‘Other’ heading of the ELL budget, which is planned to rise from £77M to £120M in the three years 2003-2006.

Recommendation

The Committee is invited to:

1. decide on its approach to the budget scrutiny process for the coming session;

2. agree to delegate authority to the Convener to incorporate the appropriate arrangements into the Committee’s work programme;

3. agree to appoint an adviser for the budget process, requesting SPICe to provide an initial list of potential candidates;

4. agree the specification attached at Annex B, and to authorise the Convener to agree a period over which the adviser will be contracted, following a decision on the Committee’s approach to the budget scrutiny process;

5. agree to invite the Minister for Enterprise and Lifelong Learning and the Minister for Tourism, Culture and Sport to appear before the Committee to give evidence on Stage 2 of the 2004-05 budget process;

6. to agree to focus the Stage 2 evidence of the 2004-05 budget process on the ‘Other’ category of spending within Enterprise and Lifelong Learning, and to invite appropriate Executive officials to give evidence on this category of expenditure.

Alasdair Morgan
Convener
ENTERPRISE AND CULTURE COMMITTEE: NDPBs AND AGENCIES

This data is shown in a pie chart overleaf.

<table>
<thead>
<tr>
<th>Executive agencies</th>
<th>2003-04 planned expenditure (from 2003-04 published September 2002)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Awards Agency for Scotland</td>
<td>£362</td>
</tr>
<tr>
<td>Historic Scotland</td>
<td>£37</td>
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<tr>
<td><strong>NDPBs</strong></td>
<td></td>
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<tr>
<td>Scottish Higher Education Funding Council</td>
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<td>Scottish Enterprise</td>
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<td>Scottish Further Education Funding Council</td>
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<td>Highlands and Islands Enterprise</td>
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<td>Scottish Arts Council</td>
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<td>Royal Commission on Ancient and Historical Monuments of Scotland</td>
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</tr>
<tr>
<td>Scottish Screen</td>
<td>£2.1</td>
</tr>
</tbody>
</table>

**Advisory NDPBs**

| Historic Environment Advisory Council for Scotland*     |
| Royal Fine Art Commission for Scotland*                 |
| Scottish Industrial Development Advisory Board          |

* HEACS was established on 1 June 2003 and replaces the Ancient Monuments Board for Scotland and the Historic Buildings Council for Scotland

** the Executive proposes to replace the Royal Fine Art Commission for Scotland with Architecture+Design Scotland, which will be an Advisory NDPB
Elements of budget allocated by NDPBs and agencies

Figures taken from Draft Budget 2003-04
Committee Adviser:  Enterprise and Culture Committee
Budget Scrutiny

Specification for Appointment

Background

The Enterprise and Culture Committee is responsible for scrutinising those elements of the Executive’s budget relating to economic development, lifelong learning (excluding school education), tourism, arts, culture, sport and energy. The total planned spend in these areas for 2003-04 is £2.4billion, or around 10% of the Executive’s total annual expenditure in Scotland.

Adviser duties

The role of the adviser will be to assist the Committee in all aspects of the budget scrutiny process and in particular to provide expert advice on selection of witnesses, lines of inquiry, findings and to contribute to the draft report. The adviser will be expected to attend evidence-taking sessions where possible and in particular those meetings held to discuss draft reports. The adviser would report to the Committee through the Clerk and may be asked to submit papers to the Committee.

Person specification

The individual should be a recognised expert in the field of public finance in Scotland. Experience in at least one of the following areas will also be necessary, and experience in more than one would be an advantage:
  - economic development
  - further and/or higher and/or community education
  - tourism
  - arts
  - culture
  - sport

If an academic, they should have been recently been published in the appropriate field.

Conditions of Appointment

As an expert in the field (and given the size of the remit) the adviser may well have had an involvement with the main agencies involved in providing services. Any such interests will be declared in the interests of transparency and accountability.

Time commitment

[to be completed following the Committee’s decision on process]
Enterprise and Culture Committee

Meeting 9 September 2003

Committee Work Programme

At its meeting on 2 September the Committee considered its forward work programme for the 2003-2005 period. The Committee agreed to rank the proposed inquiry topics in order to establish its priorities for major and minor inquiries.

The Convener will report back orally to the Committee on the outcome of this process. The top priority inquiries will be scheduled into the Committee’s work programme, following on from the Scottish solutions inquiry, probably in early 2004.

Alasdair Morgan
Convener
Introduction

At its meeting on 25 June, the Public Petitions Committee (PPC) agreed to refer three petitions relating to wind farms to the Enterprise and Culture Committee. This paper outlines these petitions and seeks decisions on whether to accept the referral and if so, how to approach the petitions.

New Referrals

The following Session 2 petitions have been referred to the Committee:

PE493 Petition by Ms Marilyn Henderson, calling for the Scottish Parliament to take the necessary steps to stop the installation of further wind farms in North Argyll.

PE559 Petition by Mr John B P Hodgson on behalf of Skye Windfarm Action Group, calling for the Scottish Parliament to take the necessary steps to support a Strategic Environmental Assessment of Scotland’s Renewable Energy Programme.

PE564 Petition by W R Graham, calling for the Scottish Parliament to urge the Scottish Executive to (a) develop a national strategy for windfarms and (b) encourage the energy industry to defer the submission of planning applications for new windfarm developments and withdraw pending applications until such a strategy is developed and agreed.

As per the new system of petitions referrals agreed by the Conveners’ Group at the end of Session 1, the Committee has a choice of decisions as follows:

- **agree to accept the referral** and carry out further consideration of the issues raised in the petition;

or

- **refer the petition back to the PCC for further consideration** on the basis that the issues raised merit further action, but the Enterprise and Culture Committee has insufficient capacity in its work programme to allow it to do the work itself. In this case, the views of the Enterprise and Culture Committee would be acquired by the PCC and fully taken into account should an inquiry on the petition take place;

or

- **agree that the petition does not merit further consideration.** In this case, the Enterprise and Culture Committee should refer the petition back to the
PPC, explaining the rationale behind its decision, in order to allow the PPC to provide the petitioners with a detailed explanation as to why no further action will be taken in relation to their petition. It will also enable the PPC to consider whether any alternative action might be appropriate, such as referring the petition to the Executive or other public body.

It is proposed that the Committee take the same approach to the three petitions.

Recommendation

Committee members are invited to:

1) agree their response to the Petitions Committee;

2) if further consideration is merited, agree an approach to that consideration.

Alasdair Morgan
Convener
Enterprise and Culture Committee

Meeting 9 September 2003

Petitions

Introduction

At its meeting on 25 June, the Public Petitions Committee (PPC) agreed to re-refer two petitions to the Enterprise and Culture Committee. These petitions had previously been referred to the former Education, Culture and Sport Committee.

This paper proposes an approach to each petition.

Petition PE380

PE380 Petition by Mr David McNab, on behalf of the East of Scotland Supporters Association, calling for the Scottish Parliament to (a) take account of the recommendation made in the 5th Report 2000 of the European Committee that Committees of the Parliament should actively consider ways to promote fans’ participation in the decision making process within Senior football, and (b) request that the Education, Culture and Sport Committee initiate an inquiry into these issues.

Since receipt of this petition, the Executive has begun to fund a Scottish office of the ‘Supporters Direct’ initiative, which aims is to help people "who wish to play a responsible part in the life of the football club they support" and which offers support, advice and information to groups of football supporters. James Proctor, Scottish Development Director of Supports Direct, has been invited to give evidence to Committee members on the progress of the initiative. A submission from Supporters Direct is attached.

Petition PE370

PE370 Petition by Mr Dougal Carnegie on behalf of Scottish Traditional Music Lobbying Group, calling for the Scottish Parliament to provide the necessary support and funding to promote traditional arts and culture in Scotland through the inclusion of these topics in the mainstream educational curriculum and the establishment of a Traditional Arts Centre in Edinburgh and Regional Centres throughout Scotland.

This petition has two parts: that relating to the mainstream educational curriculum, and that relating to National and Regional Traditional Arts Centres.

It is proposed that the Committee request the Public Petitions Committee to refer the element of the petition relating to mainstream education to the Education Committee, since it falls within its remit.
It has been proposed under agenda item 2 that members invite the Minister for Tourism, Culture and Sport to give evidence on the draft budget 2004-05 in October. It is proposed that the Committee seek evidence from the Minister on the specific issue of support for the traditional arts from the Minister at the budget scrutiny meeting, to enable members to decide whether further action on the petition is required.

Recommendation

Members are invited to:

1) consider a response to the petitioner Mr David McNab on petition 380 following the evidence from Supporters Direct;

2) agree to request the Public Petitions Committee to refer the element of petition 370 relating to mainstream school education to the Education Committee;

3) agree to seek evidence from the Minister for Culture, Tourism and Sport on Traditional Arts Centres as part of the scrutiny of the draft budget 2004-05.

Alasdair Morgan
Convener
Background to Supporters Direct in Scotland

- Supporters Direct is the not-for-profit organisation (see http://www.supporters-direct.org/Scotland/index.htm) established to assist football supporters to establish Supporters’ Trusts at their football clubs.

- Supporters’ Trusts are democratically accountable organisations structured as not-for-profit industrial & provident societies (or co-operatives). They act as partnership organisations to assist clubs build better relations with their supporters, operate as channels to introduce new finance into the financially troubled football industry, and aim to secure the position of football clubs in their historical role as key community assets.

- In February 2002 Mike Watson MSP, then Minister for Tourism, Sport & Culture, announced that funding would be made available for Supporters Direct in Scotland for the period 1st April 2002 up to 31st March 2004 at the rate of £75,000 per annum.

- Within two months Supporters Direct had formally initiated its service in Scotland with a launch event at Hampden Park on the 22nd April 2002, attended by representatives from all the main stakeholders in Scottish football, e.g. the Scottish Premier League (SPL), the Scottish Football Association (SFA), the Scottish Football League (SFL), the Scottish Professional Footballers Association (SFPA), the Scottish Executive, the Scottish Federation of Football Supporters Clubs (ScotFed), the Scottish Football Partnership and from the existing and putative Supporters’ Trusts. The broad nature of the representation at the event underlined Supporters Direct in Scotland’s commitment to establishing effective partnerships with existing Scottish football industry stakeholders in the development of its activities.

- In May 2002 Supporters Direct in Scotland Development Officer, James Proctor, formally took up his post and an office was established in the Co-op building in Bath St. Glasgow. The Scottish Co-op is a key partner in supporting Supporters Direct in Scotland’s work.

- The key performance target set for Supporters Direct in Scotland by the Scottish Executive was the establishment of 10 trusts per annum.

  (1) By the end of its first year – 31st March 2003 – 13 Supporters’ Trusts were in existence in Scotland mainly utilising the industrial & provident society model approved by Supporters Direct.

  (2) By the 31st July 2003 a further 8 Trusts had formally registered as industrial & provident societies making a total of 21, one above the overall target of 20 set by the Executive.

  (3) In addition, two other Trusts were in the process of registering as of the 31st July.
• It was anticipated that by 31st September 2003 the number of approved Trusts established will further exceed the target of 20 set by the Executive for establishment by 31st March 2004. Supporters Direct in Scotland will therefore have met its key target six months ahead of schedule.

• 11 of the Supporters’ Trusts which have been established have taken a shareholding in their clubs, thus bringing fresh capital into Scottish football at a time when traditional investors are withdrawing, e.g.

  (1) At Greenock Morton the Supporters Direct in Scotland supported Greenock Morton Supporters’ Trust (GMST) took a 5% stake in their club as part of a consortium which rescued the club from administration. A GMST representative sits on the football club board.
  (2) At Clydebank the Supporters’ Trust has re-established the football club. Under the ownership of the United Clydebank Supporters’ Trust, Clydebank are now entering junior football for the 2003/2004 season.

• Six clubs have also generally accepted the principle of direct fans representation on the football club board of directors.

• On the 19th January 2003 Supporters Direct in Scotland held its first Annual Conference at Hearts football club. Building on the success of its activities in the first nine months of its existence, Supporters Direct in Scotland was able to attract a wide and authoritative range of speakers from across Scottish public life and the football industry to discuss how Supporters’ Trusts will play a developing role in the life of Scotland’s football clubs and their local communities. Key speakers included: Ken Mackenzie, Chief Executive of the Scottish Co-op; Mike Watson MSP, Minister for Sport, Culture & Tourism; Cathy Jamieson MSP, Minister for Education & Young People; Chris Robinson, Chief Executive of Hearts Football Club; David Arnott, Scottish Football Partnership; Tony Higgins, Secretary of the Scottish Professional Footballers Association; and David Taylor, Chief Executive, the Scottish Football Association.

• The main focus of Supporters Direct in Scotland’s first year in activity has been the establishment of new trusts. However, work also commenced on developing new training services to facilitate Trusts to grow, prosper and contribute to building the strength of their local club over the long term, e.g.

  (1) Regional training seminars were held in Stirling and Dundee, the latter focusing on how Trusts can undertake successful fundraising.
  (2) At the 2003 Supporters Direct in Scotland Annual Conference, training seminars were held on fundraising for Trusts, securing boardroom representation for football supporters, strengthening the finances of clubs, and dealing with the administration and company liquidation processes. Speakers included representatives from management consultants PriceWaterhouseCoopers and company administrators Pannell Kerr Foster (PKF).
• Supporters Direct in Scotland works closely with Supporters Direct in England & Wales providing a range of legal and business advisory services to Supporters’ Trusts, e.g. the provision of a model legal agreement to put in place a loan-note scheme to raise supporter finance to invest in their football club through the Trust. These services are summarised in the *Supporters’ Trust Handbook* published by Supporters Direct in June 2003 (This can be viewed at: [http://www.supporters-direct.org/englandwales/handbook.htm](http://www.supporters-direct.org/englandwales/handbook.htm)).

• By way of summary, in its first year of activity Supporters Direct in Scotland has met all the targets set for it by the Scottish Executive in its funding criteria; and as of the 31st July 2003 is ahead of schedule to meet the targets set for its second year.

**Role of Supporters Direct in Scotland**

The aim of the organisation is to help people "who wish to play a responsible part in the life of the football club they support" and we offer support, advice and information to groups of football supporters.

All models used and recommended are based on democratic, mutual and not-for-profit principles. Legitimate objectives will include:

- **Influence** - the formation and running of representative bodies for supporters.

- **Ownership** - the acquisition of shares in the football club to pool the voting power of individual supporters to further the aims and objects of the Supporters’ Trust.

- **Representation** - securing the democratic election of supporters’ representatives to the Boards of Directors of individual football clubs.

**Criteria for eligibility**

To qualify for the assistance of Supporters Direct, supporters groups must be;

- **Democratic** in their structures and in the way they run their affairs,
- **Open** to all fans to join, at an affordable cost, and,
- Broadly **Representative** of supporters.
Breakdown by League and Division

Breakdown by Club Company and Trust Type – where Trusts exist

Scotland in Context

- 101 Trusts throughout the United Kingdom
- Around 56 Trusts in PL and FL in England = 61% (56/92)
- Scotland has 20 in SPL and SFL = 47% (20/42)