

Supporting Notes For Aultbea Community Hall Meeting Wednesday 6th October 2021

Published 28 September 2021

Venue: Aultbea Church of Scotland (Opposite Isle View Nursing Home)

Doors Open 7.00pm Meeting Start Time 7.30pm

In response to requests from the community there is an option to attend the meeting on-line.

As the meeting will be both in person and on-line, we are asking people to register for the meeting. Registration will enable the group to follow social distancing measures and issue links to the on-line meeting and vote if one is required.

To attend the meeting please register before 9pm on Monday 4th October:

- On-line at <https://www.surveymonkey.co.uk/r/AultbeaCH>
- Call SLCVO on 01478 612921
- Email jo.ford@slcvo.org.uk

There will also be an opportunity for members of the community to attend a drop in session hosted by Skye and Lochalsh Council for Voluntary Organisations at Aultbea Church of Scotland between 3pm and 6pm on the afternoon of 6th October when a sealed vote can be submitted.

You can access all this information and supporting documents from the SLCVO website here <https://www.slcvo.org.uk/aultbeacommunityhall>

If you have any questions about the meeting please email Jo Ford, Chief Officer Skye and Lochalsh Council for Voluntary Organisations at jo.ford@slcvo.org.uk or call 01478 612921 before 9pm on Monday 4th October.

Objective and Structure of the Meeting on the 6th October 2021

The meeting on the 6th of October is a Special General Meeting to expediate the retirement of the current management committee, discuss with the community the options available and allow the community to decide the best course of action.

Jo Ford, Chief Officer of Skye and Lochalsh CVO, will facilitate the meeting which has been called in accordance with the parameters set out in the Deed of Trust.

In January 2021 the management committee of Aultbea Community Hall approached Skye and Lochalsh CVO asking for guidance about the groups assets and the implications to the management committee as the group is unincorporated. The management committee have worked with SLCVO and legal practitioners over the last nine months to identify what course of action the group can take and what options the community have.

The meeting on the 6th October 2021 has been arranged by the management committee to enable the community of Aultbea to decide what they want from the group. The meeting will start with a presentation about the groups situation by Skye and Lochalsh CVO who will give an overview of the following options the community are being asked to consider on the 6th October:

- New management committee members are co-opted to the group to support the development of the group and its assets on behalf of the community.
- The community vote for dissolution and resulting monies from the disposal of assets given for 'the benefit of the inhabitants of the District'.
- The community vote against dissolution, there are no new co-opted management committee members and the current committee retire.

After the presentation there will be an opportunity for questions from the community. If there are people wanting to be co-opted on to the management committee, they will be asked to give a brief overview of their experience and ideas to take the hall forward.

There will be an opportunity for comments from the community after which the existing management committee members will co-opt new committee members. A meeting of all committee members will be arranged to take place within four weeks, at which the agenda will include induction of co-opted committee members, change of bank account signatories and retirement of the current management committee.

If no new management committee members are co-opted to the group a vote for dissolution will take place. If the majority vote for dissolution the current management committee will take forward proceedings to wind-up the group. If the majority object to the dissolution of the group the current management committee will retire, leaving the group in abeyance.

Legal Structure of Aultbea Community Hall Group

The Aultbea Community Hall group is governed by a Deed of Trust which details the objects (aims) of the group, how the group is run and how monies arising from the letting or sale of assets are used.

- You can download a copy of the Deed of Trust from the SLCVO website
<https://www.slcvo.org.uk/aultbeacommunityhall>

In the Deed of Trust there are two main bodies of people identified:

- The Trustees who hold 'the hall and football or sports field for the use of the inhabitants of Aultbea and surrounding district'
- The Committee of Management (referred to as the management committee) who run the organisation in accordance with the Deed of Trust

Being governed by a Deed of Trust the group is not regulated by an external body but, is subject to various legislation, e.g. Trusts (Scotland) Acts 1921 and 1961.

As the group is unincorporated it does not have a separate legal identity to that of those running it who have personal liability for its debts and health and safety obligations. Leases/formal contracts have to be entered into in names of committee members and legal proceedings cannot be taken by the organisation but only by individuals representing it. Similarly, legal proceedings would be taken out against individuals rather than the organisation.

- More information about legal structures of groups can be found on the SCVO website <https://scvo.scot/support/setting-up-a-charity/decide-on-structure>

Membership of the group

The Deed of Trust vests to the management committee the general management and control of the trust's assets (community hall and football field). As well as the power to appoint new Trustees which cannot be less than three.

When established in 1960 the Deed of Trust made provision for 11 committee members to be elected at the first Annual General Meeting of which two were from the then existing Aultbea Badminton Club and Aultbea Parents Association.

At subsequent AGM's all committee members would retire and be eligible for re-election.

In the event of a committee member dying, resigning or leaving the district the committee have the power to fill that vacancy until the next AGM.

Current Membership of the Group

In May 2018 the Aultbea Hall management committee consisted of seven local groups and businesses (Croft Fresh Café, Aultbea Baby & Toddlers, Bualnaluib Primary, Table Tennis & Short Tennis, Family Sports, Wester Ross Photography Group and Indoor Bowls), five office bearers and four members of the community.

In November 2018 there were a number of community meeting looking at the options for the hall however, a building report from Eastwood and Partners Consulting Engineers on the 22 October 2018 identified a number of structural and safety issues which resulted in the closure of the main hall and in August 2019 the whole building was closed. At this time the majority of committee members stepped down apart from the three current office bearers.

The Covid-19 pandemic in early 2020 had a major impact on the Aultbea community and activities of the group were put on hold. However early 2021 the group started to look again at options for the group and its legal structure.

They sought advice from a couple of legal practitioners who confirmed that as there were no current Trustees the management committee would be de facto Trustees and that as the group is unincorporated the three committee members have personal liabilities for the groups debts and obligations.

A decision has been made by the current management committee to retire from the group however, they have been working with Skye and Lochalsh CVO and legal practitioners to identify what options the community have, wanting to not leave the group and community without a way forward.

Key Notes

1. If people want to become members of the management committee on the night of the 6th October there will be no requirement for a vote to dissolve the group. However, those standing must be aware that they will be taking on personal liability for any financial and health and safety obligations of the group. Leases/formal contracts will have to be entered into in names of committee members and legal proceedings cannot be taken by the group but only by individuals representing it. Similarly, legal proceedings would be taken out against individuals rather than the group. There are insurance policies that may give protection against this and it is recommended that anyone considering becoming a committee member should seek independent advice about insurance.

More information about unincorporated groups and trusts can be found on the SCVO website:

- <https://scvo.scot/support/setting-up-a-charity/decide-on-structure/voluntary-or-unincorporated-association>
 - <https://scvo.scot/support/setting-up-a-charity/decide-on-structure/trust>
2. If a new management committee want to set-up a group with a more appropriate legal structure that can lock the assets in community ownership. The process of dissolution and community vote, as prescribed in the Deed of Trust, will have to be followed.
 3. If there is a requirement to dissolve the group, the Trust Deed states that any monies arising from the let or sale of the trusts subjects (i.e. the hall building and football field) shall be approved by the Committee and be held in trust for charitable purposes and the objects of the group. The current Committee believe the process for distributing and funds should be democratic and community led. They have no intention to decide on the distribution of fund themselves. They will work with SLCVO and the community to allocate the funds by one of two methods:
 - Participatory budgeting, a democratic process in which the community decide directly how to allocate the funds you can read more about this on the PB Scotland website <https://pbscotland.scot/what-is-pb>
 - Working in partnership with a third party organisation such as Foundation Scotland who help groups distribute funds see <https://www.foundationscotland.org.uk/set-up-fund/helping-charities-with-their-giving>
 4. Valuation has not been sought on the trust's assets, this would be part of the dissolution process if required.

5. The Aultbea Community Hall is a separate organisation to the Aultbea Regeneration Company who were incorporated on the 18th December 2008 to work 'towards the delivery of a new fit-for-purpose community hall'.

The current committee members of Aultbea Community Hall are not the Directors of ARC.

In 2002 the voluntary group Aultbea New Hall Steering Group, was set up to look at building a new community hall. This group was supported by community fundraising activities through the group Aultbea Fun Day.

The Aultbea New Hall Steering Group was closed in December 2008 and activities transferred to the incorporated group Aultbea Regeneration Company, company number SC352697 and charity number SC040471. The last accounts submitted to Companies House for year end March 2021 show the company's total funds as £125,196 with £60,463 being cash in the bank.

You can find out more about the Aultbea Regeneration Company aims and financial status on:

- The ARC website <https://www.aultbea.org/index.html>
- Companies House website <https://find-and-update.company-information.service.gov.uk/company/SC352697>
- The Scottish Charity Register <https://www.oscr.org.uk/about-charities/search-the-register/charity-details?number=40471>

6. The voluntary group Aultbea Fun Day was set up as a fundraising group in 2000. This is a separate group to the Aultbea Community Hall.

The current committee members of Aultbea Community Hall are not committee members of Aultbea Fun Day.

The Aultbea Fun Day, being an independent voluntary group, has its own bank account and for over 20 years has carried out fundraising activities to the benefit of many groups in the community including:

- Aultbea New Hall Steering Group
- The 2005 Tsunami Appeal
- Aultbea Fire Service for fireworks display
- Aultbea Community Council
- Highland Hospice
- Gairloch & District Pipe Band
- Aultbea Regeneration Company

The Aultbea Fun Day group in 2002 made a donation to the Aultbea Hall of £3,000. This was given to the Aultbea New Hall Steering Group in 2003 along with a donation of £10,693.56 by the then current Aultbea Community Hall management committee. Aultbea Hall has not received any further donations from the Aultbea Fun Day Group.

7. The Scottish Charitable Incorporated Organisation Aultbea Community Hub, charity number SC049741 is a separate group to the Aultbea Community Hall however, it was set-up to ensure the activities that took place in the closed Aultbea Community Hall had an umbrella group, with its own legal identity, that could arrange venues and ensure all the association governance and legislative requirements to host activities were met.

The Aultbea Community Hub became a registered charity and incorporated organisation on the 18th November 2019. Its charitable purposes are:

- The advancement of citizenship or community development
- The advancement of the arts, heritage, culture or science
- The provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended

The Aultbea Community Hall committee members are trustees of this group.

The last accounts submitted to OSCR, the Scottish Charity Regulator, for year end 31 December 2020 show the charities total funds as £5,542.30

You can find out more about the Aultbea Community Hub aims and financial status on the Scottish Charity register <https://www.oscr.org.uk/about-charities/search-the-register/charity-details?number=49741>

8. The voluntary group 3 Lochs Cinema was set up in 2018 to provide a community cinema for recreational activities and advance the social needs, health, and well-being of the community living in the parish of Gairloch.

One of the Aultbea Community Hall management committee members is a volunteer of the 3 Lochs Cinema group which has 24 members.

The group worked in partnership with Aultbea Community Hall committee to run film shows and in 2018 the Aultbea Community Hall committee applied to National Lottery Awards for All to help the group obtain funding for equipment.

Since the closure of Aultbea Community Hall the group have worked with the Aultbea Community Hub who, manage the financial transactions of the group as well as providing operational support services such as insurance.

You can view the Aultbea Community Hub accounts on the Scottish Charity Regulator website <https://www.oscr.org.uk/about-charities/search-the-register/charity-details?number=49741> where all transactions relating to 3 Lochs Cinema are referenced as Cinema Shows:

- Cinema income 2019 =£659.00 Cinema expenditure 2019 =£476.34
- Cinema income 2020 = £0.00 Cinema Expenditure 2020 = £99.60

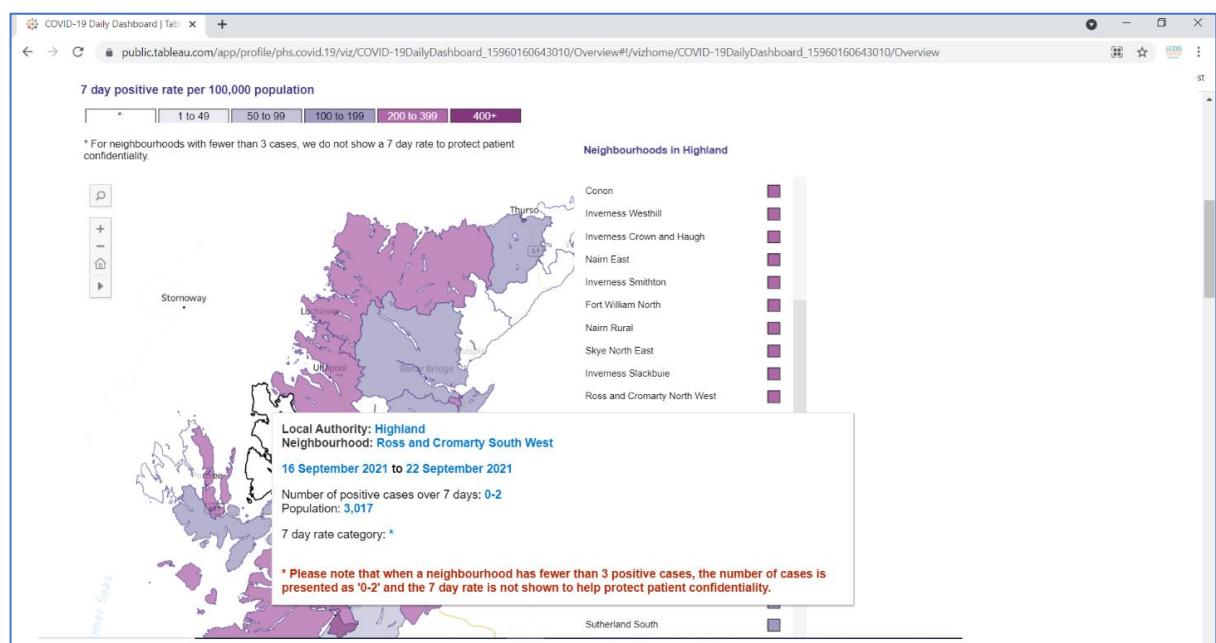
9. There has been interest by four members of the public to stand as committee members. Anyone from the area can stand to become a new committee member on the evening of the 6th October. Those who want to stand will be asked to introduce themselves to meeting participants and briefly say what they would like to see for the hall. If you are interested in standing please email jo.ford@slcvo.org.uk

Questions from the Community submitted to Skye and Lochalsh CVO and Aultbea Community Hall Committee as of Sunday 26th September

1. There has been a request for the group to provide information about the group's financial status.
 - A copy of the most recent financial statement on the SLCVO website <https://www.slcvo.org.uk/aultbeacommunityhall>
2. A request for a list of assets from the last 5 years has been requested.
 - Assets listed in the Deed of Trust are the Aultbea Community Hall and Football Playing Field, this has not changed since the Deed of Trust was drawn-up in in 1960
 - There is general equipment associated with the hall however, an itemised list has never been kept by the organisation.
3. A question has been asked about ownership of cinema equipment that was purchased with funds from the National Lottery.
 - See Key Notes point 8
4. Restricting the voting age to 18 has been questioned
 - The voting age stated in the Deed of Trust is 18 and over therefore, the management committee have to abide by this. However if any young people want to express their views they can meet with Skye and Lochalsh CVO between 3pm and 6pm on the 6th October at Aultbea Church of Scotland or email jo.ford@slcvo.org.uk by 9pm on Monday 4th October who will collate their comments for presentation at the meeting.
5. The legitimacy of the notice period, methods of promoting the meeting and accuracy of the information presented have been questioned.
 - The Deed of Trust states that a notice of a meeting for dissolution is not less than 14 days. The notice was published in line with this.
 - The Deed of Trust determines where the dissolution notice should be advertised. The group have met this by promoting the meeting in the Gairloch and District Times, placing posters at the Aultbea Community Hall and local post office as well as placing a social media post.
 - The contact details of the management committee was in the article in the Gairloch and District Times. The contact details in the poster was for Skye and Lochalsh CVO who are

facilitating the meeting and collating community response. The Deed of Trust does not specify the content of the notice apart from it contains a copy of the Resolution.

6. Concerns have been raised around covid infection risks, the size of the venue and the fact that the venue has no internet.
 - The Aultbea Community Hall management committee are following current Scottish Government guidelines which state “there are no limits on the number of people or households you can meet at home and in public places, and you no longer need to stay 2 metres apart from others” see the Scottish Government website for more information <https://www.gov.scot/publications/coronavirus-covid-19-staying-safe-and-protecting-others/>
 - You can see infection rate figures from the Public Health Scotland’s Covid Daily Dashboard https://public.tableau.com/app/profile/phs.covid.19/viz/COVID-19DailyDashboard_15960160643010/Overview#!vizhome/COVID-19DailyDashboard_15960160643010/Overview
 - At the time of producing this document (Sunday 26 September 2021) the latest figures for Ross and Cromarty South West show infection rates of fewer than 3.



- The committee have carried out a risk assessment on the location and will put recommended measures in place to reduce risk, such as face coverings, hand sanitizers, ventilation and a safe distance between households.
- There will be an opportunity for people to join the meeting virtually and the committee are working to access Wi-Fi in the premises that evening

- There will be an opportunity for members of the community to attend a drop in session hosted by Skye and Lochalsh CVO in the afternoon of 6th October at Aultbea Church of Scotland between 3pm and 6pm when a sealed vote can be handed in.
7. Concerns have been raised that there are no alternative ways to vote and the meeting clashed with other activities.
- The date of the meeting was dictated by the availability of Skye and Lochalsh CVO.
 - The Deed of Trust specifies that the committee shall in the consideration of Resolutions 'call a meeting of the inhabitants of the age of eighteen years and upwards in the said District'. The meeting has been called in accordance with this and options to:
 - Attend and vote in person on the night at Aultbea Church of Scotland
 - Attend by Zoom and vote on-line
 - Hand in a sealed vote in the afternoon of the 6th October to the independent facilitator Skye and Lochalsh CVOhave been put in place to give people three different ways to vote if a dissolution vote is required.
8. Comments have been made to the Aultbea Community Council that there are more options than presented in the public meeting notice
- The meeting on the 6th October 2021 is a Special Genal Meeting about the governance of the group as the management committee want to retire. The options presented relate to this. There may be other options for the future development of the group however this meeting is to decide on the governance of the group for which these are the only options.

If you have further questions to the group please submit them to Jo Ford by 9pm Monday 4th October at jo.ford@slcvo.org.uk.

To register for the meeting on the 6th October 2021:

- Go to <https://www.surveymonkey.co.uk/r/AultbeaCH>
- Call SLCVO on 01478 612921
- Email jo.ford@slcvo.org.uk

SLCVO Skye and Lochalsh Council
for Voluntary Organisations

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