

Applecross Community Council

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www.applecrosscommunity.org.uk

Minutes of Meeting 11th December 2007 (Unapproved)

Present: Ruaridh Cameron, Ishbel Ferguson, Murdo Finlayson, Ewen Gillies, Alison Macleod

In attendance: Audrey Sinclair, Highland Councillor and 66 members of the public.

Apologies: Gerry McPartlin

A public meeting to discuss the fuel problem in Applecross replaced the normal Community Council meeting.

Present Situation

The pumps, tank and pipework belong to Applecross Community Council; the land on which they sit belongs to the Highland Council on a 60 year lease agreement, starting 1994, to the former Applecross and Shieldaig Community Council. As things stand the Community Council members are legally responsible for any liabilities which arise as a result of problems at the filling station.

This includes the cost of decommissioning if the need for this arises. The filling station must therefore be transferred to a company with limited liability as soon as possible.

The filling station is run by Dudley Barnes at the Applecross shop, who does not have the funds to put fuel in the tanks. He does not want to continue with the present arrangement, as he feels the filling station does not bring in sufficient income to justify the time he spends on it. His operator's licence expires at the end of December. His insurance for the filling station ends in July.

The Community Council has £3 000 in a filling station account which could in theory be used to buy fuel as a stop gap measure. However the council has been advised that if it buys fuel it would be seen to be operating the filling station. As the council does not have an operator's licence or insurance for the filling station the money cannot be used in this way.

'Mothballing' action will require to be taken to ensure the safety of the tanks if they are empty for very long.

Advice

The Community Council has asked Highland Council, the Community Council solicitor and HIE for advice. HIE has appointed a consultant, Lorne MacLeod, to look at the situation. Lorne advises that an HIE grant is likely to be available to establish a company which could take over the filling station. HIE would consider funding a technical survey which would examine the present condition of the filling station, give advice on whether new pumps and/or tanks are needed and how much these might cost, and on whether it would be possible to install pumps which could be operated by

card. If new pumps are needed it seems likely that most of the cost would be covered by grants. Grants covering running costs would not be available.

Options

A company limited by guarantee must be created to take over the filling station to remove the liability from the Community Council. It would then be up to this company to decide if and how to operate the filling station.

There are three options available for the type of company which could take on the filling station:

- A regular company limited by either share or guarantee
- Community Interest Company

A CIC is a new type of company, designed for social enterprises that want to use their profits and assets for the public good. CICs are easy to set up, with all the flexibility and certainty of the company form, but with some special features to ensure they are working for the benefit of the community. A CIC cannot be a registered charity. CICs are governed by the CIC regulator.

For more information: <http://www.cicregulator.gov.uk/faq.shtml#two>

- Community Company

A Community Company is formed under the requirements of the Land Reform (Scotland) Act 2003. Community Companies are governed by the Scottish government. The company would require at least 20 members living in the community, and would elect a board of directors from the membership to run the company. The company would be limited by guarantee. The purpose of the company could be made quite broad so that there would be scope to use it for other things. The legislation allows the company to register an interest in buying land or other property.

For more information:

http://www.opsi.gov.uk/legislation/scotland/acts2003/asp_20030002_en_1

Any company set up to run the pumps would face the same questions:

- Would the filling station be viable?
- Where would the funds to buy the first supply of fuel come from?
- Would sufficient people be willing to take on the voluntary work required to run a company?

Members of the public were then invited to discuss the situation, with the following results:

- More information is needed as to the viability of the filling station and the types of companies which might operate it. Lorne MacLeod is reporting back to the Community Council in the near

future, and it was suggested that he could do this at the next Community Council meeting on Tuesday, January 8th.

Post Meeting Note: Lorne is able to attend this meeting.

- Dudley indicated that he would be willing to operate the filling station on behalf of a community company for £1,500 per annum.
- The majority of those at the meeting indicated that they would like to look further at the option of forming a Community Company.
- Many of those present indicated that they would be willing to advance Dudley funds to buy a tank of fuel, to provide a short term solution to the problem. This is not an option which has been suggested or recommended by the Community Council. It is entirely up to the individuals who decide to do this to discuss with Dudley how the arrangement will work.

The Community Council then held a short administrative meeting.

1. Approval of Minutes

The minutes of the previous meeting on 13th November were approved (proposed Ruaridh, seconded Ewen.) The minutes will appear in the next issue of the 'An Carranach.' The October minutes didn't appear because the editor's address was missed when they were distributed, and the November minutes were not approved in time to meet the printing deadline.

2. Treasurers report

No report as Gerry was absent.

3. Correspondence

- Reply from Jim Yuill re signage and traffic calming measures in The Street. A member of staff will come to Applecross to discuss signage in the New Year. There are no plans for traffic calming measures or a 20mph limit in The Street.
- Reply from Theresa Kemp re the warning signs at the primary school, which did not offer any hope that they are going to be installed in the near future. Ewen suggested inquiring about borrowing temporary flashing lights from the Council in the meantime.