

Applecross Community Council

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www.applecrosscommunity.org.uk

Minutes of Meeting 8th January 2008 (Unapproved)

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

In attendance: Lorne MacLeod and 26 members of the public.

Apologies: Councillors Audrey Sinclair and Jean Urquhart, PC McKinnon

1. Approval of Minutes

The minutes from the meeting on 11th December were approved. Proposed Ewen Gillies, seconded Ruaridh Cameron.

2. Filling Station

Murdo welcomed Lorne MacLeod to the meeting. Lorne is a chartered accountant who has been asked by HIE to advise the community on the options for the filling station.

Lorne then addressed the meeting.

- In Applecross the turnover at the filling station over the last 3 years has been between £70,000 and £90,000, with a gross profit margin of 4-5%. Costs to be covered include insurance, operator's licence, electricity and payment to the shop owner to run it. It is clear that forming a community company to run the filling station is not an easy option; it is possible that fundraising will be required at times to keep it going.
- Margins at rural filling stations in the Highlands and Islands are always small. Lorne has examined the accounts of several, including some owned by communities. These are usually linked with another business and run together. Some of the filling stations elsewhere have a lower turnover but are managing to break even.
- It is possible for Community Companies to attract enhanced grants to help with the costs of replacing tanks and pumps. The Rural Petrol Stations scheme is funded by the Scottish government and will pay 50% of the costs. (A private company would also be entitled to this assistance). The LEC would be able to provide another 45% of the costs (which would not be available to a private company). Communities often offer the first tankful of fuel as their contribution to the costs. The cost of a new filling station on Gigha was £150,000.
- Volunteers will be required to do the necessary administration, though it is possible that the shop will do the day to day administration which would help.
- HIE is willing to fund a technical study which would assess the present condition of the filling station and estimate the costs of upgrading. Advice on the feasibility of installing automatic pumps would also be provided.
- It would be up to the community company to work out how the relationship with the shop owner would work. The company would enter into a contract with him.

- A community company offers protection for the individuals involved as liability is limited to £1 for each member of the company. In exceptional circumstances the directors may be more liable, for example if fraud or gross negligence is committed.
- The Land Reform Act (Scotland) 2003 allows community companies to register an interest in land. When this is done the property owner has to let the company know if the property comes on to the market and give it time to decide if it is interested in bidding for the property. The company is entitled to ask for a six month period to produce funding to buy the property.
- A minimum of twenty members is required to start a community company.
- The next step would be to set up a steering group to consider the wording of the Memorandum and Articles of Association. This group could act as directors until the membership had been established and then members would elect directors from the membership to represent them.
- A model Memorandum and Articles of Association is available from the Community Land Unit (on the HIE website).
- Membership would be limited to those living within a defined postcode area. Anyone on the electoral roll would be eligible to become a member. It is also possible to have associate members who live outwith the area. They are not entitled to vote, but may be helpful with fundraising.
- The directors would be responsible for setting the price of fuel at a level which would allow the filling station to be viable.

Questions

Would members of the community on the electoral roll automatically become members of the community company?

Not usually. Normally directors consider applications for membership.

If there was a breach of Health and Safety legislation, would the directors be liable?

Insurance would cover this. An annual Health and Safety risk assessment would be carried out and this would be recorded in the minutes of the company.

Would it be possible to get support from petrol companies?

This is unlikely.

Are there any other options?

Another existing local business may consider taking the filling station on; this seems unlikely to happen.

Would it be possible to amalgamate the company which runs the fisherman's pier with the community company running the filling station? This would allow savings to be made, for example in accountant's fees.

It may be possible. The advantages and disadvantages would have to be examined, and the details of the way the company running the pier was set up to see if amalgamation was permitted.

What about Community Interest Companies?

This is a new legal format for organisations operating for public benefit. CICs don't have rights under the Land Reform Act.

Post Meeting Note: Sandra Holmes of the Community Land Unit later advised that CICs can also register an interest under the Land Reform Act.

Would a community company be able to register as a charity?

It is most unlikely that this would be permitted by the Charity Commissioners because the company would be trading. However this should not cause any problems as grant givers normally look favourably on community companies. A community company would be unlikely to pay tax or rates.

How easy would it be to set up a community company?

HIE would cover the legal fees. The process could be completed reasonably quickly. Lorne would be able to advise the steering group on the terms of the Memorandum and Articles of Association.

Ewen proposed that a community company limited by guarantee should be set up and the Community Council should transfer the assets to it. Alison seconded this. All other members agreed.

Murdo stated that he would like everybody on the electoral roll to automatically become a member. He also emphasised that care must be taken to limit the power of the directors. The community company would need to be supported by the whole community.

A steering group was then formed to progress setting up a community company. This group agreed to meet on 10th January.

3. Matters Arising

There were no matters arising from the meeting on 11th December. No-one had a copy of the 13th November minutes so this will be dealt with at the next Community Council meeting.

4. Treasurers report

The balance in the Community Council account on 28th December was £5,403.

The balance in the Filling Station account was £306.

The balance in the Filling Station savings account was £3,000 plus interest.

5. Correspondence

- 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. Murdo has passed this letter to Sue Grocock who is secretary of the Parent's Council, in the hope that the parents will have more influence.
- Traffic recording equipment at the school showed an average speed of 23-24 mph, with the highest recorded speed being 41 mph. The average daily flow of vehicles was 257. The Highland Council plans to create a 30mph zone from the telephone exchange to Aonachan, with a 20 mph zone within that on either side of the school.
- 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. Mr Yuill stated that he could not recall any previous discussion on the introduction of a 20 mph speed limit on the Street.
- The next Ward Forum will be in Kyle on 19th January 11am-1.30pm. Murdo and Gerry plan to attend. A Wester Ross Alliance meeting will take place straight after.

- Lorna Lumsden has written to thank any members of the community who nominated her for an MBE for 'services to the community of Applecross'. She has heard from the Bumblebee Conservation Society which is considering setting up a bumble bee reintroduction project in Applecross.

6. Affordable Housing

The Highland Small Communities Housing Trust is holding a surgery in Applecross on 16th January. Anyone who has housing needs is urged to contact HSCHT to lodge an interest as they have a lot of useful advice and information available. Registering a need with HSCHT and the Highland Council is the means by which housing needs are assessed, so it is important to do so.

The housing sub committee has been established and will receive feed back from the HSCHT surgery.

7. AOB

Barriers on the Bealach: The serious accident on the Bealach the previous evening shows an urgent need for more barriers, especially on the Applecross side of the hill. Alison will write to the Highland Council.

Community Council Website: Murdo suggested that contact details for community councillors should be included on the Community Council website. Ewen and Alison do not want their e-mail addresses to be published on the World Wide Web. There is a facility on the site which enables anyone who wishes to, to contact the secretary of the Community Council by e-mail, without revealing the councillor's own e-mail address. Murdo believed that as contact details for Community Councillors are given on the Highland Council website, it would make no difference adding them to our own website.

Post Meeting Note: The Highland Council website gives only names and addresses of Community Council office bearers, not phone numbers or e-mail addresses.

Dry Stone Dyke: The dry stone dyke between the PO and the Inn has been restored. Ornamental trees to be planted on 'the Green' will be delivered in the spring.

Wester Ross Website: Alison has met with Douglas Gibson who is co-ordinating the setting up of a Wester Ross website. This project is not yet fully funded, but looks likely to go ahead.

Date of Next Meeting: 12th February at 7.30pm.

Addendum

It became clear at the Steering Group Meeting on 10th January that at least two members of the Community Council had not understood that the proposal made by Ewen related to a Community Company formed under the Land Reform Act. They believed that they were voting about the formation of an unspecified type of community company.