



The proposed Portpatrick Community Development Trust

The FAQ's (*Frequently Asked Questions*)

What is the current position with Portpatrick Village Hall?

In November 2015 D&G Council called a public meeting to intimate that the Council sought interest from the Community for the management or asset transfer of the Village Hall. Portpatrick Community Council organised two further public meeting to discuss the Hall. (26th January 2016 and 29th March 2017) and these are reported on the PCC web site. The meeting of 29th March 2017 summarized the position.

- D&G Council called a public meeting on Wednesday 18 November 2015 to discuss future of the hall. D&G Council seek a standardised agreement; also, being used as a vehicle for a full asset transfer.
- 26th January 2016 PCC called public meeting to discuss the way forward.
- A small group of volunteers took on Hall keeper duties as a temporary arrangement from 1 July 2017.

What has happened now?

The operation of the agreement was reviewed by D&G Council every 6 months. At the last review in November 2018. D&G Council, intimated that this arrangement with Portpatrick is a special case and that other community halls are being transferred as management leases or asset transfers and that they would like to see the same situation with Portpatrick Hall as of early 2019.

In preparation for this review, the former Hall Group set up the corporate structure and registered a legal vehicle at Companies House (Registration number 611849) in readiness to form PCDT.

However the Articles of Association do not permit the founding directors to undertake any actions beyond seeking to recruit a quorum of members to formally establish the entity as a Community Development Trust.

This we did and were able to call a meeting of founding members on the 26th March 2019.

Two resolutions were unanimously agreed.

- To formally adopt the Articles of Association and so bring PCDT into being as a Community Development Trust.
- To form a Management Group and submit an Expression of Interest to Dumfries and Galloway Council with respect to Portpatrick Village Hall. A stage 1 EoI was submitted on 9th April 2019.

What have PCC done?

PCC initially sought support from 3rd sector D&G to help with community consultation and obtain professional help with the legal aspects of taking over the Hall, while protecting Community interest. This was too expensive. We then sought help from an independent consultant "Here for Growth" who

prepared a report. We also tried to get additional funds for public consultation, but this proved unsuccessful. PCC have also (unsuccessfully) sought engagement with the business community of Portpatrick.

What does “Here for Growth” report say?

It summarizes the available financial data and looks at the three options:

1. Do nothing
2. Make the current hall sustainable
3. Build a new hall

Option 1 requires no action but carries the risk that at the end of the current agreement, the hall group volunteers go their own way and the decision on what to do with the hall reverts to D&G Council. You can get a copy from PCC.

Option 2 & 3

Will require the establishment of an incorporated group to limit personal liability for a management lease or asset transfer. The Community Empowerment Act (Scotland) Act 2015 only allows for transfer to organisations incorporated in one of three ways - a company (legal basis of a Development Trust) , a SCIO (Scottish Charitable Incorporated Organisation), or a “BenCom”.

How do you make the Hall sustainable?

This refers, in the first instance, to its financial position. That is, the revenue from running the hall must be more than the cost of operation and maintenance. The business plan for the hall needs to achieve this irrespective of whether the existing hall is retained, or a new hall sought as any funding for a new hall would need to be supported by a sustainable revenue plan.

What about directly setting up a Community Organisation for dealing with the Hall?

The hall steering group sent out an enquiry to OSCR (the Scottish Charity Regulator) about the possibility of up a Community based organisation specifically for the hall but given the need for revenue and without a community development plan they directed us to “DTAS”. DTAS advised that a Company Limited by Guarantee was the most suitable vehicle, at this stage, as this could set up by a small group be a Community Trust or converted to a SCIO or other forms of organisation at a later stage. It would only be converted if the community members thought that appropriate. This in turn would depend on the level of community involvement, documented definition of community needs and community development plan and identification of the level of financial support required. This would need to be documented in a well-developed prospectus for a SCIO or indeed for a BenCom. As the existing hall group has neither the capacity nor capability to do this, we are working on the company model first and aim to attract community support before any other actions take place.

What is DTAS?

DTAS is a support organisation for development trusts. It provides advice and support to help groups of individuals form development trusts. Its web site says this:

“Development trusts are part of Scotland’s fastest growing regeneration network. They are diverse in nature: large and small, rural and urban, mainland and island based. What development trusts all share in common however is a determination to see their community or neighbourhood flourish, through community-led activity, partnership working and enterprise.”

DTAS advised that the correct order was to set up the company using their model articles of association so that these are defined. Then embark on recruiting interested members of the community as members. A Trust would be formed when the minimum numbers of members have joined together.

What is the minimum number of members to form a Trust?

This is defined in the articles of association. Following DTAS model it is 20 members of whom at least 15 must be full voting Members.

What do Development Trusts do?

A development trust is a community-owned and led organisation, working to combine community-led action with an enterprising approach to address and tackle local needs and issues. The aim of a development trust is to create social, economic and environmental renewal in a well-defined geographical area, creating wealth within that area and keeping it there. There are a wide range of potential funds for various forms of community development and social enterprise and across Scotland Community Trust get involved in all sorts of community projects including managing and owning community assets, community energy projects and working with Young people and disadvantaged groups.

What is the planned organisation (PCDT)?

Portpatrick Community Development Trust based on the registered company that is owned by the members who join it. It is a community-based organisation that exists solely for the benefit of the **Community** in which it operates. The company provides the legal basis for a Community Development Trust. The Trust's potential role is wide and includes the provision of social and community facilities, environmental, heritage and cultural improvements, youth development and support to local people, groups and businesses.

How is this controlled?

PCDT has a set of articles of association registered at Companies House (and on its web site) that define the way in which the proposed Trust shall operate and defines the proposed scope of the organisation and powers of the members and directors of the organisation. As noted above, the Trust is formed with a minimum of 20 members at least 15 of whom must be Full Members. Full members must be eligible to vote within the defined area of the Community. The Directors are elected by the members and answerable to the membership.

Why have the founding members of PCDT not laid out a timetable, or programme?

The Trust is not formed until it has the minimum quota of members. In the first instance the company is formed so that people can review the articles of association and decide if they wish to join or not. The speed of development and direction of any subsequent activity is then wholly dependent on the wishes of the members. The more members, the better the community representation to seek funding and initiate and develop projects, around one or more of the stated objectives.

Why do you think we need a Portpatrick Community Development Trust?

The founding members think that there are four reasons:

1. At this stage the hall group consider that the hall is at risk. If D&G Council in this current review cannot see any progress towards an entity as required by the agreement with PCC, then there is a risk that they may consider that after 3 years that a management lease or asset transfer to a viable Community group is unlikely and will then decide what their action

will be. Given that we have been told that there is no budget from 1st January 2019 then we consider the Village Hall remains at risk.

2. The existing hall group are volunteers and as such may stop volunteering and abandon the enterprise at any stage. In which case the responsibility (at least in the short term) reverts to the PCC. This would not be a stable situation nor desirable from the PCC's point of view.
3. Management of the hall, (even just servicing existing the service level agreement) is not a statutory function of a Community Council. Moreover, the Community Council itself is at risk and could be disestablished due to member resignations or other reasons. The PCC does however have a defined role as conduit between the community and D&G council.
4. In searching for funds to support public consultation and assistance with due diligence etc, for the Hall, the Hall Group became aware of many other potential opportunities for community enterprise and ways to bring in community development to support the Village Hall and to obtain professional support for a community development plan. None of these are available to a loose collection of volunteers under the present arrangement.

Why can't the PCC just do all this?

The capacity of the existing PCC is severely limited. The statutory purposes of Community Councils established under the Scheme are set out in Section 51(2) of the Local Government (Scotland) Act 1973 as follows:

"In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable".

The PCC meetings have a number of issues to deal with and the PCC meetings are an unsuitable vehicle for dealing with the complexity of piloting community ownership of a Hall or indeed developing any specific project. The PCC can however (within its capability and resources) promote community engagement and community ownership of assets **provided this does not conflict with its statutory purpose.**

Why can't PHCBS do this?

At the time the service level agreement was signed by PCC, PHCBS decided to focus on the toilets asset transfer and de-couple any discussions about village Hall from the proposal for PHCBS to take on the public toilets. (At that time there was a worry that D&G Council would try to couple both transfers together.) This does not mean that PHCBS will not be able to take on a role in future. Indeed, this may be the whole or part of the solution for the Hall should the community decide that this is the way forward.

Is the proposed Development Trust just going to take over the hall then?

The short answer is no. PCDT has been formed with a wide range of objectives. In the first instance the founding members must work to obtain the minimum number of members: **no other activity is permitted until that happens.** A Community Trust is a democratic organisation and the **members** must decide on development priorities. Among the objectives to be put before the members are:

- a) To promote community ownership of Portpatrick Community Hall and other buildings, to provide facilities for childcare, community learning, healthy living initiatives, educational and

cultural activities, training activities, leisure pursuits and accommodation for community groups.”

b) To promote community ownership of community energy projects, community land and associated assets for the benefit of the Community.

c) To promote or assist in the promotion of galas, festivals and community events for the benefit of the Community, visitors and the public in general.

d) Secure the maximum amount of external funding to achieve objectives.

e) Work with and assist other organisations in Portpatrick and District.

What does “Promotion of Community Ownership of the Hall” in the above mean?

Simply that “promotion of ownership”. It is possible that the solution is that PCDT takes on asset transfer and ends up owning the hall on behalf of the community, **but we are a long way from that.**

As a Community Development Trust we may be able to secure funding to employ professional assistance for due diligence and to develop robust business plan, something beyond the resources or capacity of the existing hall group. We will also be able to promote gala, festivals and community events based in the hall to attract more revenue to the hall. **In the short term we would also be able to take on a short-term management lease of the hall to formalise the existing arrangement** with a wider membership base **if this proved necessary to avoid closure.** This would require a viable financial plan.

PCDT as a formally constituted entity would also be able to obtain funding / support for a wide range of other community-based enterprises or activities and be able to secure professional assistance for robust community consultation - **if that is what the members resolved to do.**

Why didn't the Hall Group do more Community Consultation in the past 18months of the service level agreement?

This is a good question. In the first instance it is unreasonable to expect the volunteers of the small Hall Group to embark on an open-ended consultation exercise without support. This would need to have been in addition to all the other activities the Group are doing to service the agreement such as: setting up the booking system; manning the hall; cleaning; painting and setting up and **organising the community cinema.**

Secondly, there is very little to say until the group had something to put on the table. We are only now just at the stage of forming the underlying company, (and laying out an initial set of objectives) and inviting community support.

Why didn't the PCC itself do more Community Consultation about the Hall in the 18months of the service level agreement?

For similar reasons. The PCC has limited capacity and resources and must deal with its statutory functions. The other sub-groups of the PCC have other priorities such as repairs, communications and planning, festivities, grant funds and planters. Secondly, anytime the hall was on the agenda the same questions would be asked concerning the practicalities of full asset transfer many of which are still not resolved and there was nothing to say. When the hall group suggested that a Trust was the way forward the PCC resolved to have a public meeting in January 2019.

If the Company is already formed, and we go with the PCDT idea are we stuck with the founding directors?

Again, the short answer is no. The directors of a community-based company are elected by its members. The founding directors are just that, those who have founded the company. Their role is to define the objectives and provide a vehicle for members of the community to join. **The founding directors do not have any more say than any other members.** At the first general meeting of members (under the articles of association at least three of the existing five founding directors must stand down, **although they are eligible for re-election**), with similar rules for each AGM.

Although the articles of association of the PCDT allows for up to 18 months before the first AGM, the founding directors have **all** resolved to stand down for re-election at the first general meeting of members.

When will this first general meeting of members be?

We do not have a date for it. It will be after the initial public invitation for application for membership (if the minimum number of members is achieved) and before any decision on how the PCDT may proceed with respect to the hall.

What if the minimum membership numbers are not achieved?

PCDT remains a dormant company and can take no actions.

Why should I join PCDT?

Joining as a member of PCDT is a way of influencing and supporting PCDT aims and work – to make Portpatrick and the surrounding area a better place for residents, business and visitors alike.

As a Full member you will have:

- Information about the Trust's activities
- Opportunities to influence what is being planned
- Opportunities to contribute to the events and projects
- Vote at Trust General Meetings
- Opportunity to elect or be elected as a Director of the PCDT

All types of member are welcome to attend General Meetings

Full members

- are ordinarily resident in the **Community**
- are registered to vote at a local government election in a polling district that includes the **Community**.
- support the objectives and activities of the company.

Associate Members

Associate membership is open to individuals who are not ordinarily resident in the Community and to organisations and businesses that support the objectives and activities of the company.

Junior Membership

Junior members are individuals aged between 12 and 15 who support the objects and activities of the Company. (Junior members do not need to be resident in the Community).

Annual Subscription

Members and Associate members shall be required to pay an annual membership subscription; For this first year the current amount of the annual membership subscription is set at £5.00. (Five Pounds).

Subscriptions are payable on or before the 1st April each year. Future years will be a matter for the members. If you join now the first subscription will be payable by 1st April 2019 and cover you to April 2020.

Why do you have an annual subscription?

The founders of PCDT wish an active membership. There are various models by having an annual subscription, rather than a lifetime subscription as some other Trust do, we think that this will help promote active membership. In addition, by law we need to keep an up to date register of members and be able to communicate with them. By having an annual subscription, the membership is refreshed each year and will ensure that the Directors current at that time, will have to work to actively communicate with **all** the members. The members may vote to change this arrangement.

As a member how much would I be expected to do?

As little or as much as you wish. At the very least we would hope that you will receive information about the Trust's activities and make your views known, support the objectives of the Trust and vote at AGM's.

We would welcome anyone (in any class of membership) who really wants to get involved in shaping the direction of the Trust, initiating and contributing to community projects and taking on a Director's role. PCDT has been formed as a community-based organisation and we very much want it to be that.

Why is full membership limited to those who are eligible to vote in a defined postcode area?

As a rural development organisation, we could potentially take advantage of the Community "Right to Buy" Legislation. To comply with that legislation, we must define the "Community of Portpatrick and surrounding areas" precisely using postcodes. While this area can be changed by a future board resolution, an initial definition had to be developed.

Post Code DG9 with the following suffixes:

OLX, OLY, OLZ, ONA, ONB, OND, ONE, ORR, ORS, ORT, 8AN, 8DN, 8JH, 8JJ, 8JL, 8JN, 8JP, 8JQ, 8JR, 8JS, 8JT, 8JU, 8JW, 8JX, 8JY, 8JZ, 8LA, 8LB, 8LD, 8LE, 8LF, 8LG, 8LH, 8LJ, 8LN, 8LQ, 8LR, 8SU, 8SX, 8SY, 8SZ, 8TA, 8TB, 8TD, 8TE, 8TF, 8TH, 8TJ, 8TL, 8TN, 8TP, 8TQ, 8TR, 8TS, 8TT, 8TW, 8TX, 8TY, 8TZ, 8UA, 8UB, 9AA, 9AB, 9AD, 9AE, 9AF, 9AG, 9AH, 9AJ, 9AL, 9AN, 9AP, 9AQ, 9BG, 9BH, 9BJ, 9BL, 9BN, 9BP, 9BQ, 9BS, 9BT, 9BU, 9BW, 9EA, 9EB, 9ED, 9EE, 9EF, 9EG, 9EH, 9EN, 9EQ

How were these postcodes picked?

These postcodes represent a geographic area approximately centred on Portpatrick but extending beyond the defined Community Council area. It does not include the settlements of Lochans, Stoneykirk, Kirkmaiden or Leswalt as these settlements may have their own arrangements. However, the founding members considered that the smaller residential areas surrounding Portpatrick should be included, (See image below). These include the caravan sites, Colfin to the East and extending north along the coast, taking in Larbrax Bay and south to Port 'O' Spittal, and Knockinaam Lodge. These areas use Portpatrick as their natural centre and coastal, environmental, rural or energy projects may extend along these areas of the coast.

Organisations and people outwith the defined postcode area and who support the objectives generally or who wish to become involved with a project may of course join as Associate members.

How do I apply?

Fill in the application form (copies available from pcdt.scot or the members below) and send it to info@pcdt.scot or give it to any of the members below.

Who are the founding members?

These are recorded at Companies House and are:

Tommy Monteith, Gordon McKee, Heather Telford, John Ansell, David Telford.