



## COMMUNITY ASSET TRANSFER: ASSET TRANSFER REQUEST

### IMPORTANT NOTES

Eligible Community Transfer Bodies have a right to submit an Asset Transfer Request under Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act). However, there is no legal requirement that all requests must go through the process set out in the legislation where both parties are able to reach an agreement.

**If you wish to make a request under the Act then you must state this clearly in the box at the bottom of this page.** If you are in any doubt then please discuss this with the council's Asset Transfer Team before making your request.

You are strongly advised to contact the council's Asset Transfer Team by telephone on 01343 563915 or by email to [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk) to discuss your proposal prior to making a request.

All community bodies intending to make an Asset Transfer Request to Moray Council are encouraged to take advantage of our pre-application advice service beforehand. This can help improve outcomes and ensure that your request can be processed as quickly as possible through the most appropriate route.

Please complete all sections of this form as fully as possible (if a question is not applicable please mark with N/A) and, where possible, submit the form electronically to [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk).

This form and ALL supporting documents will be made available online for any interested person to read and comment on. Personal information will be blacked out before the form is made available.

**Do you wish your Asset Transfer Request to be considered under Part 5 of the Community Empowerment (Scotland) Act 2015?**

*(Please tick the relevant box)*

Yes    X

No

*An Asset Transfer Request can only be considered under the Act if it is made by an eligible Community Transfer Body as defined by the Act. Ticking 'No' will mean that your request will be considered outside of the Act.*

**Section A:****Information about the community organisation making the request**

<b>1. Details of community organisation</b>	
<b>Name of organisation</b>	Findochty Town Hall
<b>Registered address</b>	██████████ ██████████ ██████████
<b>Postcode</b>	██████████

<b>2. Organisation contact information</b>	
<b>Contact name</b>	██████████
<b>Position in organisation</b>	Chairman
<b>Postal address (inc postcode)</b> <i>If different from above</i>	██████████ ██████████ ██████████ ██████████
<b>Contact telephone no.</b>	██████████
<b>Contact email address</b>	████████████████████

<b>We agree that correspondence in relation to this advice request may be sent by email to the address given above. (tick to indicate agreement)</b>	<input checked="" type="checkbox"/>
<i>You can ask us to stop sending correspondence by email, or change the email address, by telling us at any time; please give 5 working days' notice.</i>	

<b>3. Please tick the corresponding box(es) below to confirm the type of organisation and its official number(s), where applicable:</b>		
Company and its company number...	<input type="checkbox"/>	
If the company is a registered charity, please also tick this box and provide its charity number...	<input type="checkbox"/>	
Scottish Charitable Incorporated Organisation (SCIO) and its charity number...	<input checked="" type="checkbox"/>	SC048650
Community Benefit Society (BenCom) and its registered number...	<input type="checkbox"/>	
Unincorporated organisation (no number)	<input type="checkbox"/>	<b>LEAVE BLANK</b>

**4. Please tick the corresponding box below to confirm which documents accompany this advice request:**

Constitution	✓
Articles of Association	
Registered Rules	
If the organisation does not have a written constitution, please tick this box.	

*Please note that a formal asset transfer request will only be considered from those community controlled bodies with a written constitution.*

**5. Has the organisation been individually designated as a Community Transfer Body by Scottish Ministers?**

Yes		Please note that this question relates only to those bodies referred to in section 77(2)(a) of the Community Empowerment (Scotland) Act 2015.
No		
Don't know		

**If yes, please give the title and date of the designation order:**

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**6. Does the organisation fall within a class of bodies which has been designated as Community Transfer Bodies by Scottish Ministers?**

Yes		Please note that this question relates only to those bodies referred to in section 77(2)(b) of the Community Empowerment (Scotland) Act 2015.
No		
Don't know		

**If yes, please give the class of bodies it falls within together with the title and date of the designation order:**

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**Section B:****Information about the land and rights in which you are interested**

- 1. You should provide a street address and/or grid reference and any name by which the land or building is known as. If you have identified the land via the Council's register of land, please enter the details we have listed.**

Name of Asset	Findochty Town Hall
Name Asset otherwise known by	
Asset Address	22 Station Road Findochty Buckie AB56 4PN
Grid Reference of Asset	57.697541 – 2.901610
Asset UPRN (Unique Property Reference) as listed on Council Register	000133001889

- 2. Please provide a sketch or drawing showing the boundaries of the land or building in which you are interested. If you are interested in part of a piece of land or building, please explain clearly your requirements in your answer to question 3 below.**

Sketch/drawing attached	<input type="checkbox"/>
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- 3. Please provide a description of the asset you are interested in. Your description should give enough information to clearly identify your requirements.**

The former Masonic and now Findochty Town Hall and an area around the building as shown in the current lease agreement plans.



**5. Please set out any other terms and conditions that you wish to apply to your proposals.**

*(This should include details of any responsibilities that you would wish the Council to retain, e.g. responsibilities under a proposed lease arrangement.)*

A large, empty rectangular box with a thin black border, intended for the user to write their response to question 5.

## **Section D: Reasons for Request**

### **1. Community Proposal**

Please set out the reasons for seeking an asset transfer and describe how the land or building is intended to be used.

*(This should explain the objectives of your project, why there is a need for it, any development or changes you plan to make to the asset, and any activities that will take place there.)*

The aim of Findochty Town Hall is to provide recreational facilities or organise recreational activities with the aim of improving the conditions of life for the people for whom the facilities or activities are mainly intended, and to involve members of the local community in providing such facilities and activities and also to maintain the fabric of the building and facilities therein. In doing so, it will encourage and develop a spirit of voluntary or other commitment by, or co-operation with, anyone willing to assist the organisation to achieve the purposes.

Findochty has few facilities to offer the community. Findochty Town Hall has been under-used in recent years, primarily due to the cost of hiring it. It is hoped that a more suitable pricing structure and improved décor and facilities may encourage former users to return.

There are no suitable or similar premises in the village which would fulfil the role the Hall currently plays as a location for funeral teas, coffee mornings, dances, etc.

Since taking over the running of the Hall, the facilities have been upgraded and improved and usage of the Hall has increased.

The Business Case outlines the intended future activities, events and outcomes in Section 4.

## **2. Benefits of the Proposal**

Please set out the benefits that you consider would arise if the proposed request were to be agreed.

*(This should explain how the project would benefit your community and others. Please refer to the Scottish Government Guidance document on how the Council will consider the benefits of the request.)*

Information on measurable benefits are outlined in the Business Case, Section 5, these include a reduction in social isolation as well as enhanced well-being through the provision of exercise classes and other activities.

### 3. Restrictions on use of the land

If there are any restrictions on the use or development of the land, please explain how your project would comply with these.

*(Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions.)*

### 4. Negative consequences

What negative consequences (if any) may occur if your request were to be agreed? How would you propose to minimise these?

*(You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.)*

There are no negative consequences of which we are aware should this request be agreed. However, to lose this facility would have quite a considerable impact on the local community.

## **5. Capacity to deliver**

Please show how your organisation would be able to manage the project and achieve your objectives.

*(This could include the skills and experience of organisation members, any track record of previous projects, whether you intend to use professional advisers, etc.)*

The Trustees have achieved KeyStone accreditation, which indicates that we have the management and organisation in place in order to achieve our objectives. There is further information in our Business Case, including information on the skill-sets of the Trustees.

**Section E:**  
**Level and nature of support**

Please provide details of the level and nature of any existing support from your community and describe any consultations carried out.

*(This could include information on the proportion of your community who are involved with the project, how you have engaged with your community beyond the members of your organisation. You should also show how you have engaged with any other communities that may be affected by your proposals.)*

Over one hundred members of the local community have signed up to be "Members of Findochty Town Hall", they and other volunteers continue to support the Hall, including carrying out work on the Hall to improve and enhance the facilities as well as helping out at activities and fund raising events. We also have letters of support from local organisations, these are appended to our Business Case.

## **Section F: Funding**

Please outline how you propose to fund the price or rent you are prepared to pay for the asset, and your proposed use of the asset.

*(You should show your calculations of the costs associated with the proposed transfer of the land or building and your future use of it, including any redevelopment, ongoing maintenance and the costs of your activities. All proposed income and investment should be identified, including volunteering and donations. If you intend to apply for grants or loans you should demonstrate that your proposals are eligible for the relevant scheme, according to the guidance available for applicants.)*

*Where a transfer at less than full market value is being sought, your business case should include a cash flow forecast covering the first full year of operation, together with an indicative budget for at least the following 2 years.)*

Financial information on our organisation can be found in Section 6 of our Business Case.

## Section G: Declarations

Two office bearers (board members, charity trustees or committee members) of the community organisation must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

**We, the undersigned on behalf of the community organisation as noted at Section A, make an asset transfer request as specified in this form.**

**We declare that the information provided in this form and any accompanying documents is accurate to the best of our knowledge.**

Name:	[REDACTED]		
Address:	[REDACTED] [REDACTED] [REDACTED]		
Position:	Chairman and Trustee		
Signature:	[REDACTED]	Date:	18 February 2020

Name:	[REDACTED]		
Address:	[REDACTED] [REDACTED] [REDACTED]		
Position:	Vice-Chair, Secretary and Trustee		
Signature:	[REDACTED]	Date:	18 February 2020

Please send the completed form, together with all accompanying plans and documentation, to:	
<b>By Post:</b>	<b>Asset Transfer Team</b> , Moray Council, High Street, Elgin IV30 1BX
<b>By Email:</b>	<a href="mailto:CAT@moray.gov.uk">CAT@moray.gov.uk</a>

**If you have any queries regarding the filling in of this form, please contact the Asset Transfer Team on telephone 01343 563915**

## Section G: Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this pre-application advice request: (please tick)

Constitution	✓
Articles of Association	
Registered Rules	
Financial Statements	
Business Case	✓
Sketch / drawing of asset	
Note of terms and conditions you wish to apply	

Please note any additional supporting documents not listed above:


## Useful Links

The following links provide sources of further information, advice or support for community bodies:

[Moray Council Community Asset Transfer](#)

[Moray Council Community Support Unit](#)

[Scottish Government Guidance for Community Transfer Bodies](#)

[Community Ownership Support Service \(COSS\)](#)

[Development Trust Association Scotland](#)

[Business Gateway Moray](#)

[Highlands and Islands Enterprise](#)

[tsiMoray](#)

## Office Use only:

Reference:	073
Date Received:	18/02/2020
Date Acknowledged:	18/02/2020
Validation Date:	18/02/2020



## FINDOCHTY TOWN HALL

### BUSINESS PLAN

18 February 2020

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18 February 2020

## **1 Executive Summary**

The name of the Organisation is Findochty Town Hall, it is a Scottish Charitable Incorporated Organisation (SCIO), charitable status granted 23 August 2018, charity number: SC048650. The Principal Office of the charity is [REDACTED].

The Project is "Findochty Town Hall".

The objective of the project is to provide recreational facilities or to organise recreational activities with the aim of improving the conditions of life for the people for whom the facilities or activities are mainly intended, and to involve members of the local community in providing such facilities and activities and also to maintain the fabric of the building and facilities therein.

Findochty<sup>1</sup> has few public facilities to offer the local population. In addition to the Town Hall, there is a Church Hall attached to the Church of Scotland and a school hall.

Some former activities for local residents had ceased due to the cost of hiring Findochty Town Hall during the tenure of Moray Council, which had increased the cost of hiring the Hall well above the cost of other local facilities. It is hoped that by providing the facilities at a reasonable price and providing new events and activities, the use of the Hall can be increased and the lives of the local community enhanced.

Findochty Town Hall has striven from the very start to engage with all strands of the local community and to find out what the community would like the Hall to provide in order to meet their needs. Consultations have been carried out on a regular basis.

Members have been encouraged to participate and have been kept informed on progress. The contribution of volunteers has benefited the community, the volunteers also derive benefits from their involvement. The Trustees hope to create better democratic participation and better outcomes for the community.

The five year plan attempts to forecast future growth to ensure that the Project is successful in covering costs, with the potential for building up reserves for any future requirements.

Main risks include failing in the CAT application or not succeeding in generating sufficient income to cover running costs. It is intended that taking specific actions will minimise any risks.

The Business Plan will give the Project the guidelines it needs in order to achieve its goals successfully.

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<sup>1</sup> "Findochty" means the village of Findochty, Moor of Scotstown, Moor of Findochty, Westerton, Bauds and Law Hillock (Ward 12 in Moray, as defined in the Findochty Community Council Constitution)

## 2 Organisation

The name of the Organisation is Findochty Town Hall, it is a Scottish Charitable Incorporated Organisation (SCIO), regulated by the Scottish Charity Regulator (OSCR), charitable status granted 23 August 2018, charity number: SC048650. The Principal Office of the charity [REDACTED].

The Organisation has been formed to benefit the community of Findochty, Moor of Scotstown, Moor of Findochty, Westerton, Bauds and Law Hillock (Ward 12) with the following purposes: to owning, maintaining and managing Findochty Town Hall in order to provide recreational facilities or organising recreational facilities with the aim of improving the conditions of life for the people for whom the facilities or activities are mainly intended. The SCIO has the power to do anything which is calculated to further its purposes or is conducive or incidental to doing so.

The Organisation is composed of Members (Ordinary Members and Junior Members) and Associates; and Charity Trustees, who are also Members.

Membership of the Organisation is open to residents in Ward 12 in Moray as defined in the Findochty Community Council Constitution. Ordinary Members are aged 16 and over; Junior Members are members of the community aged between 10 and 15, but are not eligible to serve as Charity Trustees.

Individuals become Members by written application to the Trustees, who have to approve the application according to the membership criteria. There is no subscription required to be an Ordinary Member or Junior Member. There is no liability for Members to pay any sums related to debts or liabilities of the Organisation. The Trustees keep a register of Members.

Individuals wishing to support the Purposes who are not members of the Community may become associates of the Organisation ("Associates"), they may attend and speak at General Meetings but not participate in such meetings for voting or quorum purposes. Individuals become Associates by submitting a written application to the Trustees.

The Organisation holds Board and General Meetings according to the Constitution, and an Annual General Meeting (AGM) once a year. The calling and running of meetings follow the rules laid down in the Constitution.

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The affairs, property and funds of the Organisation are directed and managed by the Board of Trustees, which sets the strategy and policy of the Organisation. The Board manages the day-to-day management of the Organisation, and holds regular meetings between each AGM, as often as necessary to despatch all business of the Organisation. It monitors the financial position of the Organisation and directs and manages the affairs and property, along with its activities.

The Trustee Board currently comprises five Charity Trustees who are also Ordinary Members of Findochty Town Hall, and a co-opted Trustee. There are two vacancies for Charity Trustees. The Trustees act in accordance with the requirements of the law and the rules of the Constitution. Subcommittees are set up as required.

### **3 The Project**

The Project is "Findochty Town Hall".

#### **The Past:**

Background: the Findochty community has a population of around 1250 (source: Moray Council)<sup>2</sup>. The village of Findochty was first mentioned around 1440, and historically was linked with various local families, most recently the Seafield family, with much of the village belonging to the Seafield Estates. Formerly a fishing village, in the 19<sup>th</sup> Century many of the fishing boats moved to the larger harbour at Buckie, but ship building flourished for some years during the first half of the 20<sup>th</sup> Century. Findochty has a primary school, a public house, a shop, a chemists/post office, and a regular bus service. Findochty is a Third Tier Settlement within Moray.

The Moray Community Planning Partnership's Community Profile of Findochty gives information on the age structure of the village. There is a larger proportion of the older age groups in Findochty than in Moray or Scotland as a whole. According to the 2011 census, 28.8% of the population was above the age of 60, with 17% of those aged 65 or older living on their own. Social isolation amongst the older residents is therefore an issue locally. 27% of households are over 64.

The Town Hall (formerly Masonic Hall) was built with money loaned by members of Lodge Bulwark in the 1920s to provide facilities for their members. The building does not have Listed status.

The then Masonic Hall was sold in 1946 to Findochty Town Council as a Town Hall so that members' loans could be repaid.

At the time of Local Government Reorganisation, the ownership of the Hall passed from Findochty Town Council to Moray District Council.

As part of the Moray Council 2018/2019 Financial Plan, a report was presented on 14 February 2018 recommending that all Public Halls within Moray would be closed or offered for Community Asset Transfer (CAT). This included the Hall at Findochty.

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This was adopted at the Moray Council meeting on Monday, 5 March 2018.

On Tuesday, 20 February 2018, a public meeting was held at Findochty Town Hall. Representatives from Moray Council explained the options to those who attended. Following the meeting, members of the local community agreed to form a Steering Group and to put together a CAT application to take over the ownership and running of the Hall.

As a result of work done by the Steering Group, Findochty Town Hall was formed and registered as a Scottish Charitable Incorporated Organisation (SCIO) on 23 August 2018 (SC048650).

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<sup>2</sup> <http://www.moray.gov.uk/downloads/file89282.pdf> Findochty & District Community Council Note of Inaugural Meeting held on Wednesday 2nd October 2013

## **The Present:**

The lease of the Hall was initially passed over to Findochty Community Council until charitable status was granted to Findochty Town Hall in August 2018.

Since the leasehold with Moray Council was agreed, Members of Findochty Town Hall (including Trustees) have carried out work on the building. This includes repairs to walls which were damp, repairing peeling paintwork, repainting the guttering outside and walls inside. The floors were deep-cleaned throughout, revealing the original colour of the linoleum in the corridor. The table in the Heritage room was cleaned, repaired, and re-covered. A book records the number of hours worked up until summer 2018. This totals over 670 hours. Further work has been carried out since then.

The toilets have been cleaned, decorated, and updated to provide fresh, clean facilities for users of the Hall. The kitchen has been cleaned, painted, the old sink unit replaced. At the same time, the asbestos-containing floor tiles have been sealed in. An efficient and energy saving dishwasher has been installed, the fridge and cooker have been replaced.

A considerable amount of value has been added to the building through the work which has been carried out and the new facilities which have been provided. Cleaning rotas have been organised, and Trustees have taken on specific roles in order to run the Hall efficiently and to maintain contact with the Members.

Trustees have put together documents in order to gain KeyStone accreditation which was awarded in December 2019, they have also attended events in order to widen their knowledge and expertise to enable them to understand the issues involved in making a success of the Project. Two Trustees visited similar halls elsewhere in Scotland to learn from their experiences in setting up and running halls.

Relevant paperwork and procedures related to health and safety and the daily running of the Hall have also been updated and are constantly reviewed.

The Trustees are instigating events to fulfil the priorities expressed by the local community following consultations, such as the pop-up café. They have also encouraged other activities, such as table tennis and exercise classes. These have helped to deal with issues around social isolation and have also provided much needed sporting and fitness opportunities within the village.

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During the winter period when the pop-up café does not operate, a "Thursday Club" has been organised so that the facilities (such as book-swap) are still available if required, but also so that people can come and play card or board games or work on handicraft projects together. This has also been attended by children from the local primary school in an initiative to encourage inter-generational activities in the village. It is hoped that the involvement of the children will not only help with social isolation issues, but give them some "ownership" of the building and their community.

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## **The Future:**

### **Project Objectives**

To provide recreational facilities or organise recreational activities with the aim of improving the conditions of life for the people for whom the facilities or activities are mainly intended.

To involve members of the local community in providing such facilities and activities and also to maintain the fabric of the building and facilities therein.

### **Proposed Programme for Delivery**

Within the timescale as set out by Moray Council and the Rules and Regulations applying to CAT applications, but certainly to ensure that the Project can achieve the financial obligations attached to the ownership and maintenance of the Hall.

### **Proposed Impacts/Benefits**

The proposal is to enhance the lives of the community of Findochty by providing facilities and activities otherwise not available locally. The benefits include social, economic, environmental, health and well-being for those involved in the activities and events (including volunteers) provided or promoted by Findochty Town Hall for members of the community.

### **Proposals for Management and Operation of the Assets**

Findochty Town Hall has set out details of its Organisation (see above).

Members of the community are involved in managing the building and facilities and in communicating within the community. This includes posting information publicly (in the Hall windows or local notice boards as well as a Facebook page), also communicating with Members of Findochty Town Hall by email, leaflets and word of mouth, and posting on social media.

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Members take on roles in order to maintain the fabric of the building and carry out statutory checks, for instance, Legionella and fire alarm tests. The results of such checks are recorded and available for scrutiny.

### **Plans and Costings**

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Following consultation, future plans include putting on or enabling events and activities for the local community.

Following visits to other long-established Halls and feedback from the community, lists of potential activities and events are being considered for implementation.

Current and future costings are given in the Five Year Plan (Section 6).

Following a meeting with [REDACTED] Moray Council on Monday, 22 April 2019, the Trustees were informed that the site of Findochty Town Hall was split into three sections. The existing lease only included the actual building and a one metre strip around it. This was situated in an area now identified as being "Common Good". The area to the west of this was owned by Moray Council through the Housing Revenue Account (HRA). The area next to the Station Road vehicular access was disputed, and possibly belonged to the Seafield Estates. Moray Council had access rights through this area but no upkeep responsibilities.

The Trustees were given several options of how to go forward with the CAT application following this new information.

The current lease could be extended, although after ten years there would need to be an application to the Sheriff's Court to allow for an extension.

The Trustees could request a change to the lease to include the Common Good area and apply for a ten year lease. This would require existing garage site leases to be terminated, and the views of the tenants sought. There would need to be a statutory public consultation regarding the Common Good and a petition to the Court for consent to dispose. An extension to the lease beyond ten years would require an application to the Sheriff's Court.

The Trustees could apply for transfer of title of the Common Good site or for the whole site. Both of these would require a statutory public consultation as above. The latter would also require consultation of all garage site tenants and local council house tenants, and the payment of the market value of the HRA interest.

The Trustees need to provide justification for any discount on the purchase price for either option. These would include demonstrating benefits in relation to economic development, regeneration, public health, social wellbeing among other aspects.

Following discussion, the Trustees agreed that their intention was to apply for CAT for the Common Good title, but restricted to the actual building and a small area around it. This would avoid issues regarding the existing leased garages, and also avoid liability for maintenance of the northern wall.

Other advantages of this decision would be that Findochty Town Hall would not have to try to raise the money to pay the market value of the HRA land and would not have any issues regarding the garage leases. It is understood that the existing garage leases currently compensate the Council for looking after the "common good" land, but it is hoped that the income from the phone mast (inside the common good area) will go into the common good fund to benefit the local community. The Trustees agreed for this reason not to request the area of the mast to be included in their common good application.

Findochty Town Hall and Moray Council also need to establish ownership of the area at the Station Road access to determine who is responsible for maintenance and repair. Trustees have been in contact with Seafield Estates regarding this matter.

A copy of the Site Plan showing the three divisions is included as Appendix 5.

## 4 Need and Demand

Findochty<sup>3</sup> has few public facilities to offer the local population. There is no community centre, the library was closed some years ago although the mobile library calls every six weeks.

The village has a public house, a caravan site, a shop and a post office/chemist combined, but no café facilities.

Some of the religious establishments in the village have facilities, as do the school, the bowls club and water sports club, but the general public has limited access to these.

There is a Church Hall attached to the Church of Scotland. This has a small kitchen and toilets, including a disabled toilet with disabled access.

This has in recent years been offered at a lesser cost than Findochty Town Hall, so that many groups which had previously used the Hall have transferred their activities there. The Church has various regular events at their hall, so during those periods, Findochty Town Hall would be the only option for other potential users. However, the Church Hall is not large enough to cope with large coffee mornings and similar events. There is also limited car parking.

The Salvation Army Hall is primarily restricted to their members. It has a kitchen and they do coffee mornings and soup and a sweet periodically, but it is not a large hall.

Findochty Primary School has a hall which is also used as a gym, and the PSG sometimes hold coffee mornings in the hall. However, it is not available for the type of events and activities which it is hoped to host in Findochty Town Hall. There is also limited car parking, and there could be other issues around members of the public using school facilities, including security and child protection.

Some former events have ceased due to the cost of hiring Findochty Town Hall during the tenure of Moray Council, which had increased the cost of hiring the Hall well above the cost of other local facilities. Other local halls are tied to the organisations which own them, so that the owners of these halls have priority in using them.

Findochty Town Hall has been under-used in recent years, primarily due to the cost of hiring it. It is hoped that a more suitable pricing structure and improved décor and facilities may encourage former users to return.

If the Hall were to close, this would be a severe loss to the community, as there are no suitable or similar premises in the village which would fulfil the role the Hall currently plays as a location for funeral teas, coffee mornings, dances, etc.

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<sup>3</sup> "Findochty" means the village of Findochty, Moor of Scotstown, Moor of Findochty, Westerton, Bauds and Law Hillock (Ward 12 in Moray, as defined in the Findochty Community Council Constitution)

The community has put forward suggestions on how they would like to see the Hall used in future.

The Trustees are considering proactive ways of providing the type of activities which members of the local community would like to see at the Hall.

Following a session with children from the primary school in 2018, a list was drawn up of activities and events which the children would like to have provided at the Hall. This is included in the Annex as Appendix 1. A list of requests following the Open Day on 23 February 2019 is included as Appendix 2.

Older members of the community have indicated that they would appreciate regular opportunities for social interaction.

Information on local heritage is another aspect which has been put forward by many of those interrogated, as well as the provision of refreshment facilities, particularly during the summer, for tourists and visitors to the village. The village lies on the popular Moray Coastal Trail, so could provide a useful refreshment and information stop for walkers as they pass through.

The trial of the “pop-up” café during the summer of 2019 has provided a much-needed opportunity for people to meet up in a pleasant setting. The sessions also have included the option to buy new books on mainly local subjects, but more popular was the option to bring in second hand books and swap them. The social aspects of this initiative fulfil the need to tackle isolation in older residents as well as involving members of the community as volunteers<sup>4</sup>. It provided a regular income for the Hall during its operation, as well as giving local residents the chance to investigate local history in the displays in the Heritage Room and the old photos and local paintings in the Seaview Room, which is the location of the café. The café was promoted via Facebook, local notice boards, and A boards outside the Hall’s two accesses and down at the harbour, to inform holiday makers at the caravan site.

A questionnaire was handed out to customers at the café during August 2019, the results of that consultation are included as Appendix 7. At this point, the café had been running for 13 sessions. Many of those who completed the questionnaires were regulars, some walked from Buckie every week to come to the café. The volunteers who provide the café services and those who contribute home bakes are mostly Members of Findochty Town Hall, they indicated that they benefit from their participation in this initiative as much as those who attend to enjoy the refreshments and social interaction.

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The Open Day consultation also indicated a desire for exercise classes. Following a “taster” session, regular classes of Scandinavian style exercise started on 22 August 2019 and continue to operate on Thursday mornings. Another, more dance-oriented exercise class, has now started on Monday evenings.

<sup>4</sup> From Moray Ten Year Plan: “In summary, from the evidence we have analysed, the main issues for Moray include:

- above average percentages of older people, particularly in the more rural and coastal areas which creates challenges in relation to service delivery and access and social isolation”

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Other events which have been indicated as desirable would be cinema showings and theatrical performances. A public entertainment licence has been granted and it is intended to join the Touring Network in order to provide plays and performances at the Hall if possible, although facilities at the Hall may need updating and improving.

Trustees have been considering ways of providing film shows by forming a Club or other ways of providing film shows without necessarily having to obtain expensive licences. One possibility could be to run a café or tuck shop and provide the film showing free of charge. A question on which type of film people would go and see was included in the winter social activities questionnaire.

Items are being sourced for heritage displays, and plans for pop-up cafes or regular coffee afternoons during the summer season were realised by 2 May 2019.

Individuals are being sought to help put on Youth Clubs or other activities so that children will have the option of after-school activities within the village. There has been a recent offer of help in leading and organising a Youth Club.

With the pop-up café closing over the winter period, regular visitors to the café were presented with another questionnaire to ask about activities when the café was closed. The Trustees wanted to open the Hall on a regular basis in order to give opportunities for the book-swap regulars. As a result of the questionnaires, it was agreed to form a "Thursday Club". This is an opportunity for anyone to drop in, there are board games, cards, dominoes, and people can come and do knitting, crochet or other handicrafts or just come and chat, help each other if necessary and share skills. The notice for the Thursday Club is attached as Appendix 8.

Following feedback from those who attend the Thursday Club, and wishing to continue the option of this kind of activity once the pop-up café resumes, it has been decided to transform the Middle Room in the Hall, put in more book cases to accommodate the amount of books we now have from the book-swap initiative, and provide seats and tables to give a quiet area for people to use throughout the year when the Hall is open for the Club or the café.

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## 5 Measuring and Monitoring Outcomes

The National Standards for Community Engagement states that community engagement needs to be effective and meet the needs and expectations of the community, it needs to be efficient, well-informed and properly planned. As part of the endeavours of the Trustees to comply with this, Findochty Town Hall achieved KeyStone accreditation in December 2019.

Findochty Town Hall has striven from the very start to engage with all strands of the local community and to find out what the community would like the Hall to provide in order to meet their needs. Groups have been involved at the earliest opportunity since the first public meeting in February 2018. Members have been encouraged to participate and have been kept informed on progress. It is hoped that this approach will lead to better democratic participation and better outcomes for the community.

Findochty Town Hall has considered the needs of those with protected characteristics, and attempted to include all members of the community by discussing all aspects of current and future provision at the Hall.

With the central location within the village, the facilities should be able to provide for all members of the community. Disabled access and disabled toilet facilities are provided. Risk assessments have been carried out to ensure that the building is safe for users and visitors and policies have been produced in order to safeguard users and comply with legislation. Policies are regularly reviewed to ensure they are fit for purpose.

The intention is to improve the lives of members of the community by providing the building and the facilities for recreational purposes. It is hoped that the provision of these facilities will improve the lives by offering options they would not otherwise have.

Indicators would need to be chosen which would enable the measurement of the impact and outcomes of the provision of the facilities.

The Moray Council Ten Year Plan<sup>5</sup>, through "Our Vision for Moray", wants to raise aspirations through expanded choices, improved livelihoods and wellbeing. Two of their four priorities are to build a better future for children and young people, and to empower and connect communities.

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Findochty Town Hall is striving to achieve these through the events it is trying to encourage, and by providing suitable facilities to hold these. Through the work leading up to the CAT application, members of Findochty Town Hall have been connecting with other local communities faced with similar issues and have been learning from them but also contributing the knowledge they have gained through their own experiences. To that end, participating in the CAT process has helped to connect local communities.

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<sup>5</sup> Moray Ten Year Plan: Local Outcomes Improvement Plan

The Ten Year Plan stresses the importance of solutions to be sustainable. In planning for the future, Findochty Town Hall is looking for the most sustainable solutions to issues, such as finding better ways of using and conserving energy, and providing better and more energy efficient equipment in the kitchen.

Less energy consumption is a measure of the success of the strategy, and is continually monitored, whilst other options for reducing costs and/or improving the Hall facilities are continually being considered. It is intended to achieve this through the recent successful application for funding from the Landfill Trust, which has led to funding being granted to replace the boiler with a more efficient one, and to replace the existing lighting with LED lights, which will use less electricity. A further project is to do re-pointing and install gutters, these will help to maintain the fabric of the building and stave off future issues with damp.

The Ten Year Plan refers to the above average percentages of older people in Moray, particularly in more rural and coastal areas, with the associated issues of access and social isolation.

Providing more regular opportunities to meet at the Hall, for instance, regular coffee afternoons during the summer, would help to alleviate this, and should be measurable by a decrease in the isolation felt by this group and making the village a happier place for them to live. The Thursday Club over the winter period, whilst not necessarily attracting large numbers of attendees, has been much appreciated by those who do attend, giving them an opportunity to chat with other members of the community in a relaxed and informal setting.

### **Measuring outcomes**

The most measurable outcome will be the increased use of the Hall and increased footfall. This has already been seen during the period when the pop-up café has been operating in the summer of 2019, so many people eventually turned up that “overspill” facilities had to be provided by putting extra tables in the other meeting rooms.

A reduction in energy usage and cost by the premises due to better energy use and more appropriate tariffs. Work has been undertaken to replace lights with more energy efficient ones. Having changed the energy tariffs once the lease had been transferred gave immediate benefits financially. The new boiler is more efficient and saves energy and cost, including maintenance costs.

A reduction in social isolation within the community, along with improved fitness for those attending exercise and sporting activities and more inter-generational activities.

Members and the community will be canvassed to see how their level of satisfaction with the Hall and facilities within the local community have been improved since the start of the Project.

## 6 Finances

### Background

At the time when the closure of Findochty Town Hall was announced by Moray Council, the income had not exceeded the outgoings for the previous three years.

Information from Moray Council on income and costs of running the Hall were passed on to the Steering Group ahead of their decision to form a Charity. The costs were based on the lowest cost of the previous three years, so that the actual costs were discovered to be more than quoted. The largest "loss" suffered by the Hall over the previous three years had been due to £13k of repairs to the Hall.

In taking over the Hall, the Trustees have looked to see where savings on running costs can be made. It was immediately apparent that the electricity tariff was unsuitable for the circumstances of the Hall, and the electricity supplier was changed.

There are also savings which the Hall can make as a Charity, including charges for water, waste collection, and rates.

The charges which Moray Council levied on the Hall were the same as for other Halls in their ownership, regardless of the size, or facilities on offer. The charge for using Findochty Town Hall was, therefore, not necessarily reflective of the facilities provided, and local hirers had moved on to other, cheaper, locations for their events and activities.

In considering the five year financial plan for the Project, the costs of running the Hall must be weighed against the potential income.

### Running Costs

- 1 Costs include insurance for building, contents and public liability; gas; electricity; heating; council tax; water rates; regular testing eg PAT tests, legionella, fire and safety equipment.
  - 2 Consumables, cleaning items, toilet paper and soap.
  - 3 Maintenance and repair.
- 
- 4 Buying in skills required – either for maintaining the building or for providing activities.
  - 5 A contingency amount for emergencies as well as for future needs such as refurbishment, replacing broken or out of date items, etc.

### Income

- 1 Regular hirings (eg table tennis; exercise groups; community council meetings; meetings of the masonic lodge)

- 2 Regular events organised by the Trustees, such as coffee mornings or pop-up cafes
- 3 Occasional hirings (eg funeral teas, quizzes, dances) as well as being the local polling station in the event of elections
- 4 Fund raising events
- 5 Donations
- 6 Grant funding which could be applied for

### Planning for the future

It is important to ensure that the income generated by the Hall will cover the costs of running it. There also has to be a structure in place to deal with the finances. There is currently a bank account, a savings account for the “reserve” fund, and a petty cash float. The Trustees are given regular updates on the financial situation at every meeting, and discuss any specific issues, such as agreeing spending on items and how much to move into the contingency reserves.

When setting the rate for hiring the rooms, it is important to set this at a level which will attract hirers, but also to bear in mind the future needs of the building, and have an element towards creating reserves for future emergencies, major works, repairs, etc. Analysis of energy usage is carried out on a regular basis to ensure a fair price for the hire of the kitchen so that the price covers the cost of energy consumed.

Registration for Gift Aid will allow the maximisation of donations. Trustees are looking at registering for Gift Aid.

The intention is to continually improve the asset. The strategic vision of the five year plan is to create a community asset which can cover the costs of running and maintaining it, and provide outstanding activities and events which encompass the whole community.

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The financial plan is supported by balance sheets and income statements. These will be monitored over the five years and compared with projections, updated as required as the Project develops.

In order to achieve the goals of the strategic vision, it will also be important to tie in with the Moray Economic Strategy 2019 – 2029 and the forthcoming revision of this in the Corporate Plan for the years to 2024. In particular, it is essential that the Project ties in with any changes of demographics. Moray’s vision wishes to create:

“A place that is thriving because of an increasingly diverse economy and a growing population that celebrates success, and values both education and training.

A distinctive and ambitious place that generates opportunities for everyone which in turn helps to drive up average earnings, retain a balanced demographic, and encourage strong communities to flourish”.

Involving the local Primary School pupils in various events and activities should ensure that we will still have future “users” of the Hall, who will also have “ownership” of this building at the heart of their community.

Assets of Findochty Town Hall include the Town Hall building, all fixtures and fittings, furniture, furnishings, and “goodwill”.

The Treasurer (who is also a Member of Findochty Town Hall and a Trustee) maintains the books, including current balances, bank accounts and petty cash. The Treasurer also provides regular statements to the Trustee Board with regard to the finances as well as submitting reports to OSCR and presenting financial information to Members at the AGM. The Board considers the financial aspects of depreciation, the need to review costs and charges to reflect inflationary increases among other issues.

The costs of running the Hall, compared with Moray Council’s tenure, have already been reduced by negotiating a better energy deal and by updating the building, repairing and redecorating the building to produce a better maintained facility, more attractive for users to hire. The Board also considers ways of reducing standing costs including more efficient heating systems, and replacing items which are high energy users with ones which are more efficient.

Financial documents are countersigned and are scrutinised on a regular basis, but would be available to be audited if required.

## FINDOCHTY TOWN HALL: FIVE YEAR PLAN

### Costs

Running costs	Pre-July 2018	Year 1	Year 2	Year 3	Year 4	Year 5
Insurance	1277	929.22 <sup>6</sup>	1060	1080	1090	1100
Gas (inc heating)	2586	970.91	876	900	920	940
Electricity	614	1768.24	1700	1750	1800	1850
Telephone	405	0	0	0	0	0
Emergency lighting/fire <sup>7</sup>	283	350	350	360	360	370
Water rates <sup>8</sup>	595	495.92	600	0	0	0
Rates <sup>9</sup>	1008	0	0	0	0	0
Trade waste	520	0	0	0	0	0
PAT	45	20	20	25	25	30
Repairs/maintenance	13000	2435.41	2000	2000	2000	2000
Refurbishment		2311.59	2000	2000	2000	2000
Boiler service	800	260	180	190	200	200
Fire extinguisher service	180	120	120	120	125	125
Consumables:						
Cleaning		231.23	230	230	240	240
Tea, coffee, milk, sugar		32.60	33	35	35	40
Other purchases		675.93	500	500	500	500
Office supplies, print etc		519.16	450	450	450	500
Buying in skills						
Licences <sup>10</sup>	100	147	0	0	147	0
Memberships <sup>11</sup>		90	90	90	90	90
<b>Total</b>	<b>23371</b>	<b>11268.21</b>	<b>10121</b>	<b>9643</b>	<b>9896</b>	<b>9900</b>

- 1 As a registered charity, certain costs may be zero-rated and therefore reduce
- 2 The boiler was replaced January 2020, this has a six year warranty and requires an annual inspection. The new system no longer requires Legionella checks to be carried out.
- 3 Amounts for repairs/maintenance and refurbishment are estimated and may be higher or lower; any amount not spent can be carried over to the next year
- 4 Assumption has been made that costs are likely to increase in the future and they have been adjusted accordingly.
- 5 Future costs are estimates only

<sup>6</sup> Buildings, contents and public liability; includes insurance for Christmas Lights (stored on site)

<sup>7</sup> Emergency lighting, fire safety including checking and replacing sensors – twice yearly inspection

<sup>8</sup> Water rates should reduce to zero as we are a charity – currently being pursued

<sup>9</sup> Rates and trade waste zero as we are a charity

<sup>10</sup> Public Entertainment Licence is valid for three years

<sup>11</sup> Touring Network, £75 annually; Moray Halls Association £15 annually

Findochty Town Hall is a Scottish Charity, Number: SC048650 and is regulated by the Scottish Charity Regulator (OSCR)

## FIVE YEAR PLAN

### Income

Income	Pre-July 2018	Year 1 2018/9	Year 2 2019/20	Year 3 2020/1	Year 4 2021/2	Year 5 2022/3
Main Hall hire <sup>12</sup>		1940	2000	2000	2100	2150
Heritage Room hire <sup>13</sup>	-	75	80	80	85	90
Seaview Room hire <sup>14</sup>		65	70	70	80	85
Pop-up café	-	2927 <sup>15</sup>	2800	3000	3400	3500
Calendars		1226.60	1200	1250	1300	1350
Fund raising events		1634.74	1000	1300	1400	1500
Donations		1515.50	900	1050	1100	1150
Recycled clothing bin		500	500	550	550	600
Christmas Lights storage		400	400	410	410	420
Grant funding <sup>16</sup>		6272.50	13892	0	0	0
Bank account interest		0.06	0.10	0.15	0.20	0.25
Moray Council deficit funding (one-off)		1300	-	-	-	-
Total	(£1000+ loss)	16556.4	22842	9710	10425	10845

### Notes regarding income

- 1 Christmas Lights pay £175 twice a year and £50 once a year for insurance
- 2 Masons pay £94.50 for the year but also match this with a donation
- 3 Table tennis pays £40 per week for approximately 42 weeks
- 4 Exercise classes – two groups, weekly for approximately 50 weeks each
- 5 Donations include £450 from the quiz; future donations may be increased by applying Gift Aid.
- 6 Grant funding needs to be applied for and cannot be guaranteed as a future source of income so has not been included but is likely to be more than zero.
- 7 Income from room hire may increase as the building is used more

As a charity, any surplus from income after deducting expenditure (where this should be the case) is ploughed back into the Hall to improve, or provide additional, facilities, and to enhance activities and events for the Members and the community.

Financial years start in September (due to granting of charitable status in August)

### Assets:

- 1 Fixtures and fittings added since taking over: year 1: £4299; year 2: £5430 (total £9729)
- 2 Current account balance year 2: £5000
- 3 Reserve (savings) account: year 2: £4000

<sup>12</sup> Main Hall income includes quizzes, funerals and funeral teas, dances, coffee mornings, table tennis, exercise classes and polling station

<sup>13</sup> Mainly Community Council meetings

<sup>14</sup> Mainly masonic meetings

<sup>15</sup> Actual, from 29 sessions between 2 May 2019 and 28 November 2019

<sup>16</sup> Year 1: dishwasher and blinds; year 2: EB Scotland – for boiler, lighting and repointing

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## **Purchase of Findochty Town Hall from Moray Council through CAT**

Findochty Town Hall Trustees have considered whether to offer an amount of money in order to purchase the Hall, and if so, how much.

As a charity, Findochty Town Hall is reliant on donations, grants, funds, and any monies it can raise through hiring out the Hall in order to have an income, some of this will be required during the CAT process in order to pay for legal fees, as well as continuing to pay for the on-going costs of running and maintaining the Hall during this period.

In coming to a decision, Findochty Town Hall Trustees have taken into consideration the value that purchasing the Hall and providing the facilities and activities will add to the quality of life of the local community, and the negative impact it would have to lose this facility. Additionally, during the time Findochty Town Hall has been run by the Charity, the Trustees and Members have given of their time and expertise and added considerable value to the facilities and goodwill. As well as the amount of work carried out to redecorate and improve the kitchen facilities and the building generally, the regular checks, maintenance and cleaning of the building have contributed to increasing its value. It is now in much better repair than at the time of the granting of the lease, it is more welcoming and has better and more useable facilities.

Given the increased footfall in the Hall and the increased and increasing involvement of the local community, it has benefited the community far more than it did when still owned and run by Moray Council. The benefits can also be seen in improving the lives of those who participate in events and activities at the Hall, both as visitors and as volunteers providing services.

In consideration of the value which has been added to the Hall since taking over the lease through work carried out, hours contributed by volunteers and the instigation of activities and events which have led to increased use of the Hall and the reduction in issues of social isolation, ~~the Trustees have decided to offer no remuneration to~~ purchase the Hall. A list of improvements carried out and the amount of money spent (where known) is attached as Appendix 9.

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## 7 Risk Assessment

Risk	High/low impact	Likelihood	Mitigation
Findochty Town Hall does not have sufficient funds to pursue the CAT application (legal fees)	High	Medium	Continue to raise funds through hiring the Hall out and carrying out fundraising; apply for grants; continue to reduce running costs etc so that any funds are maximised; seek to minimise legal costs
The CAT application is refused	High	Low	Ensure that the correct procedures are followed in making the CAT application, and ensure that what is applied for is suitable for the available resources and funds. Put together a good business case and convince Moray Council that Findochty Town Hall is a suitable organisation to run the building
The income is not sufficient to cover the running costs	High	Medium	Ensure the facilities are of a suitable nature to attract hirers, at a price which is affordable to the community and potential users. Actively look for activities and events to put on which fulfil the demands and needs of the local community.
The Trustees are unable to run the Project	High	Medium	Seek help where needed throughout the process. Attend training sessions when possible and where appropriate. Ensure there are the requisite number of Trustees and share the load of organisation, providing and asking for help and support where required.
The community does not support the Project	High	Low	Involve the community and the Members on a regular basis through meetings, information, Open Days and regular consultations and feedback regarding use of the facilities. Involve the primary school
Issues with the structure or fabric of the building	High	Medium	Regular monitoring, and making repairs and maintenance to the building and facilities when necessary. Regular payment of surplus income into a contingency fund to cover potential cost of repairs.

These actions should help to minimise any potential risks.

Findochty Town Hall is a Scottish Charity, Number: SC048650 and is regulated by the Scottish Charity Regulator (OSCR)

## Appendix 1

### Suggestions from Findochty Primary School consultation:

Social events

Discos and dances

Over-60s party

Fund raising events

Plays

Ceilidhs

Messy play

Heritage centre

Museum

Tuck shop

Learning centre for adults

Bakery and cooking lessons

Computer centre

Social centre

Community hub

Formal events

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Gallery for local artists

Garden centre

Cinema

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Pop up café

Appendix 2

Findochty Town Hall Open Day, Saturday, 23 February 2019: feedback from post-its

Item (further comments)	How many requests?
Cinema (monthly?) (film night?) (regular basis?)	9
Exercise class (daytime)	7
Coffee shop (for visitors and locals)	6
Pre-loved library	4
Badminton	3
Drama group (amateur dramatics)	3
Yoga	3
Youth club (young people's group)	2
Craft classes	1
Dances/discos/tea dances/ceilidhs	1
Findochty Scottish Man's Shed	1
Heritage room	1
Knit group	1
Low impact exercises	1
Over-50s club for Finechty folk	1
Short tennis	1
Snooker	1
Table tennis	1
Tennis	1
Toddler group	1
Zumba class	1

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## Appendix 3

### Local Support

Members of the community are invited to become "Members of Findochty Town Hall". As at 3 February 2020 there are 106 Members, of whom 4 are Associate Members. Numbers continue to grow as members of the community sign up in support of the Hall.

Coffee mornings and similar events are well attended. The pop-up café regularly attracts forty to fifty or more customers. Many regular users of Hall events give donations to the funds as well as paying their entry fee.

Several members of the local community have donated items for the Heritage Room, pictures for the walls, etc

Additionally, the following organisations have provided support to Findochty Town Hall over the past year:

Findochty Water Sports Club

Findochty Gala Committee

Christmas Lights

Masons (Lodge Bulwark)

Buckie Heritage

Church of Scotland

Methodist Church

Over-60s

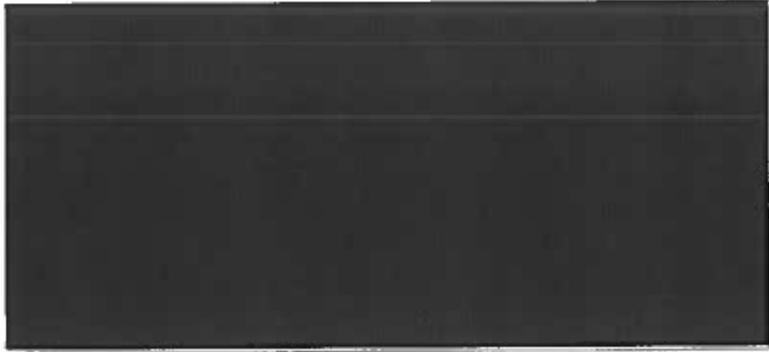
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Good Companions (group linked to Methodist Church)

CP Subsea

Many of those involved in these organisations are also Members of Findochty Town Hall and participate in events, also acting as volunteers eg for the pop-up café.

Attached are letters of support from the Councillors of Buckie Ward; the Findochty Community Council; the Lodge Bulwark; and the Findochty Over-60s Club.



Our Ref: EDOC-341-975-TE/mmt

19 December 2019

To whom it may concern

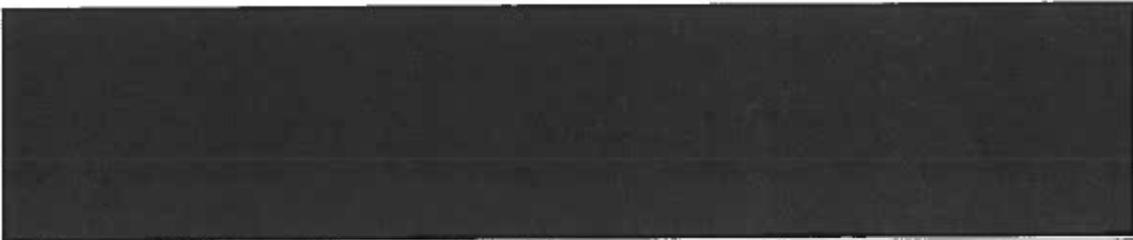
As local councillors for the Buckie Ward we recognise and appreciate the dedication and hard work that members of the Findochty Town Hall committee have put into the local hall. The group formed following a decision by Moray Council to offer community asset transfers (CAT) of the town halls under its ownership back in 2017. With the full backing of the community the group have gone from strength to strength. Working alongside the Moray Council community support unit to guide the CAT process the group have also undertaken full redecoration of the hall, upgrading of lights and equipment and already run several groups which attract wide community support including the very popular pop up café.

The group have an ambitious vision for the hall which we fully support and encourage. Already we are noticing many positives from the hall being under local community ownership including helping reduce social isolation, being a focal point for all ages and helping improve local health and wellbeing.

In order to continue on their journey the town hall committee has made this grant application. We wish to highlight to the deciding panel our full support and belief that should the grant be awarded it will provide long lasting community benefit to the village of Findochty.

If we can provide any further support for their application please do not hesitate to get in touch.

Yours sincerely



Be at the **heart** of  
**your** community



2nd Sept. 2019

To whomever it concerns,

We (Findochty Community Council) as representatives of the local community, give our full backing to the Findochty Town Hall Group in any applications for funding or any projects which will assist or enhance the group, building and its surroundings which are a hub for our growing community.

Since the hall was taken on by the group, we have been truly amazed at the efforts of the volunteers, which have helped built a renewed strength and passion into our village.

Yours Faithfully





20/5/18

Findochty Town Hall

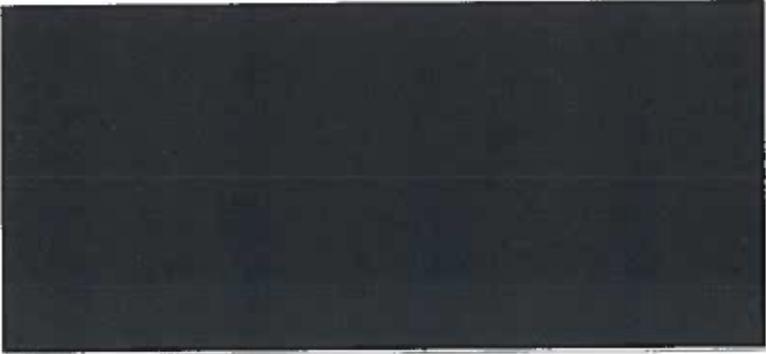
I refer to your letter dated 4<sup>th</sup> May 2018 asking on behalf of the Findochty Town Hall Improvement Group for a donation from Lodge Bulwark in order to help keep the Hall open and functioning.

Your letter was read at our last meeting on the 12<sup>th</sup> May 2018 and the brethren were totally supportive of the work of the Town Hall Improvement Group.

Accordingly it was agreed that a donation of two hundred and fifty pounds be made provided that the group proceed with obtaining a lease for the Findochty Town Hall.

Lodge Bulwark wishes the Group every success in its application for a Community Asset Transfer.

Yours sincerely





To whom it may concern.

I write as leader of the over 60's group who use the Findochty Town Hall for fund raising events and organise a yearly Christmas Party for those residents of the village who are over 60.

The over 60's Group are extremely pleased that the Findochty Town Hall has achieved charitable status and is now aiming to take over the Hall by way of a Community Asset Transfer.

Since the Hall has been run by the Town Hall Group it is pleasing to see the substantial improvements and redecoration which has been carried out and it is now much more welcoming for those using the building.

The pop up café which is run on a weekly basis has gone from strength to strength and it is encouraging to see older residents of the village using it on a weekly basis as a meeting place.

Yours faithfully,



## Appendix 4

### Consultation

#### Formal consultation:

February 2018 – leaflets to all households, followed by a public meeting

February 2019 Open Day – feedback from visitors (Appendix 2)

August 2019: Pop-up Café questionnaire (report, Appendix 7)

November 2019: social activities questionnaire (Thursday Club notice, Appendix 8)

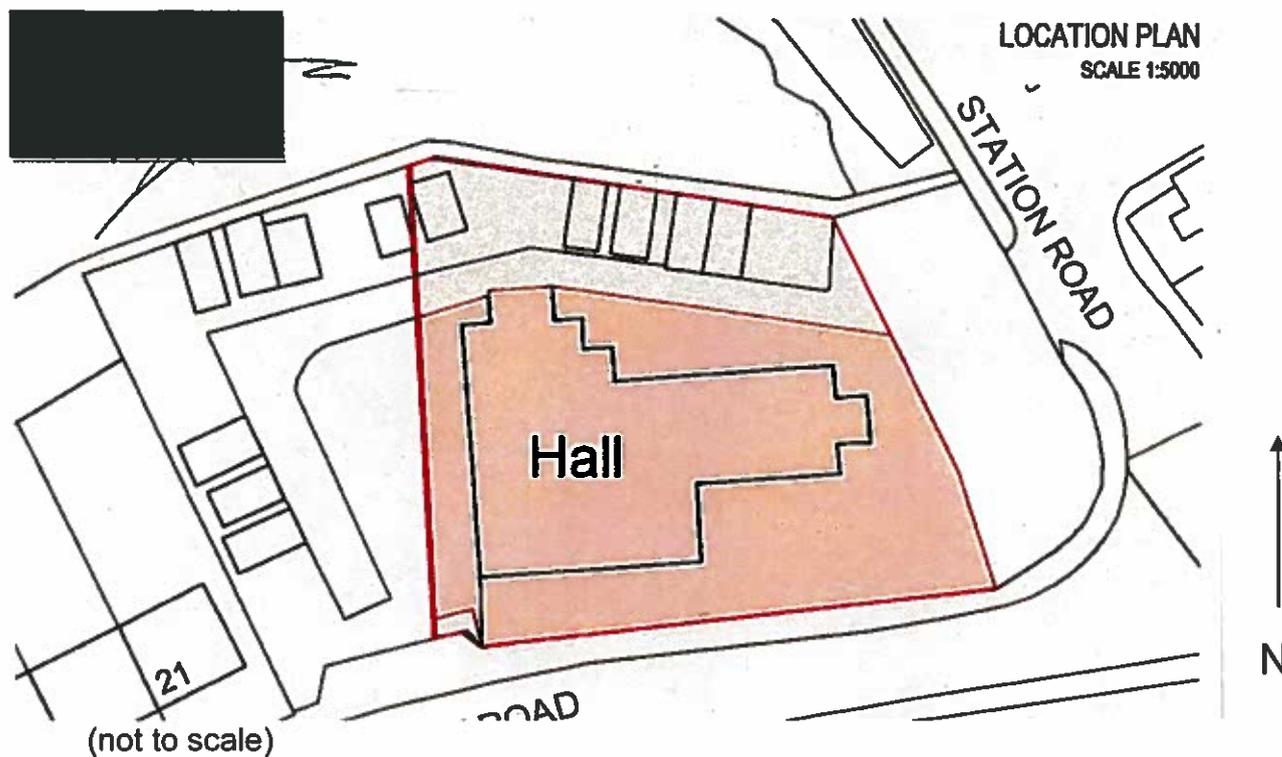
#### Informal consultation:

The Primary School was asked to provide feedback on what activities and events the children would like to see at the Hall (Appendix 1)

Hall users and members of the local community provide informal feedback on a regular basis, face-to-face, via Facebook and at events at the Hall

All feedback is passed on to be discussed at Trustee meetings

Appendix 5 – Site plan



(Plan originally provided by Moray Council)

Common Good land is outlined in red

Dark pink is the area currently leased

The phone mast is in the “cut out” area next to Seaview Road, which would normally be included in the “Common Good” land

Appendix 6 - Trustee biographies

[Redacted] (Chairman)

[Redacted]

[Redacted] (Secretary and Vice-Chair)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] (Treasurer)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

## Appendix 7: Feedback from Pop-up Café - summary

### Findochty Town Hall: Pop-Up Café Questionnaire, Thursday, 8 August 2019

The pop-up café opened on Thursday, 2 May 2019. Having initially planned to open between 1.30pm to 4.00pm, it was apparent on the first day that customers didn't start to arrive till around 2.00pm, so the timing was revised to operate between 2.00pm and 4.00pm. To advertise that the café is open, there are "A" boards outside the two street entrances to the Town Hall site, also a board down at the harbour (near the White Mannie). The café is also advertised on Facebook's Findochty Town Hall page, as well as via a notice in the window of the Hall.

Of a potential 15 sessions since the beginning of May to the date of the questionnaire, two were cancelled because of funeral teas. Therefore there have been 13 sessions of the pop-up café since it commenced, including the day of the questionnaire consultation.

The café is serviced by volunteers who take the money, serve drinks at tables, clear the tables, etc, and the cakes, pancakes and home bakes are provided by local bakers free of charge.

There are also new books available to buy, profits going to Findochty Town Hall, and there is a book swap facility. Visitors can bring in books to swap, or if they have no books to swap, can take books and give a donation. The Heritage Room is open for visitors to browse.

On Thursday, 8 August 2019, forms were handed out to visitors and volunteers to complete, the questions having been discussed and agreed with the Trustees at their meeting on Monday, 5 August 2019.

The form also provided the information that Findochty Town Hall was applying for a CAT transfer as well as indicating where information could be found on becoming a Member of Findochty Town Hall.

### Results

Sixty-seven forms were completed and returned. Not all boxes for all questions had been ticked, so the totals don't always add up. Of the sixty-seven, nine were attending for the first time, three of these from Findochty. Twenty-seven had attended between 2 and 5 times. Thirty-one had attended more than 6 times (46%). Some of these had come from outside Findochty. Twenty-five ticked to say that they did not live in Findochty although not all indicated where they had come from. Those who did included visitors from Portsoy, Portessie, Portknockie, Spey Bay, and at least five from Buckie.

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Fifty-nine said they were happy with the opening times (April to October, Thursdays, 2 till 4). Those who were "not happy" mainly indicated they would prefer the café to be open more often, including over the winter, possibly once a month during that period.

Fifty-six said the price of £2 was "right". Those who disagreed mainly stated that it was too cheap.

Asking about the current selling of new books and asking whether there should be other items for sale, and if so, what, seventeen said "yes" but not all expressed an opinion on what else might be offered for sale. Thirty-one said "no". There were other suggestions.

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The question regarding the book swap and whether the heritage room had been visited, twenty-seven said they had used the book swap, and thirty-four had visited the heritage room. Twenty-one said they had done neither.

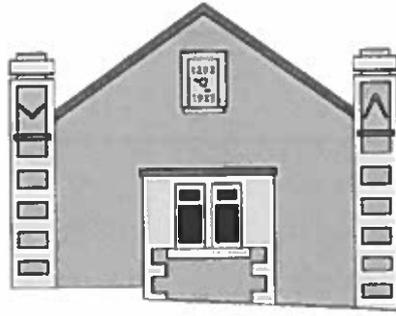
There was a section for general comments, which could be continued on the back of the form, and several people took advantage of this.

The general feedback from the questionnaires indicates that the pop-café attracts not just local residents, but also people from the wider local area and provides an opportunity for social interaction. There were no questions on the form on this occasion regarding the age of customers, but they have been observed to range from babies to senior citizens, although the senior citizens probably predominate.

The benefits with regard to dealing with social isolation were recognised in the comments, and the work done by the volunteers and the home bakers was much appreciated.

It would be useful to take on board some of the suggestions with regard to items which could be sold to raise funds for the Hall, although the success of the book swap means that the space in the Seaview Room may need to be reconfigured in order to accommodate the books and the sales areas if the decision is made to continue with selling items.

It is very pleasing to note that we have a loyal and appreciative customer base!



## FINDOCHTY TOWN HALL

Welcome to the Thursday Club!

Over the Winter period, while the pop-up café is having a well-deserved break, we will be opening the Seaview Room up on a regular basis.

The "Thursday Club" will be open to everyone - we will provide board games (or bring your own!) - also cards and dominoes. Bring your own knitting, crochet, etc if you wish, or bring a book to swap or to read.

We will have our first session on Thursday, 5 December 2019, between 1.30 pm and 3.30 pm, and after a break for the General Election, building works and Christmas, we will resume on Thursday, 2 January 2020 and hopefully run on a weekly basis till the pop-up café opens again at the end of March.

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It will not be a café, no cakes or buns, but there will be tea and coffee provided.

We look forward to welcoming you to a relaxing afternoon in a comfortable and friendly environment.

Appendix 9

Improvements to Findochty Town Hall to February 2020

Date	Description	Cost
Sep/Oct 18	Paint to outside doors, fascias, rhones and downpipes.	
Sep-18	Encapsulation of asbestos below old worktops in kitchen	£180.00
Aug-18	New dishwasher, fridge, cooker and blinds.	£4,299.89
Oct-18	Kitchen refurbishment, incl new worktops, sink stand and draining boards.	£2,311.59
Nov 18 - Feb 19	Redecoration to ladies, gents and disabled toilets, Heritage Room and Middle Room.	
Jan-19	Re-covering of Council Table.	
Jan-19	Photos £40 and framing of all photos/mirrors £2835.89	£2,875.89
Jan-19	Staining and varnishing of Council table.	
Feb/Mar 19	Remove L&P in Seaview Room North wall, reframe and plasterboard both walls. Redecorate whole room.	
Apr-19	Redecoration to main hall walls.	
Nov-19	New fascia boards, rhones and downpipes on North & East walls.	£352.50
Nov-19	Cleaning cobbles and car park.	
Dec-19	Pick, point and repair North wall of Seaview Room.	£2,052.00
Dec-19	New LED lighting throughout the building.	£3,085.20
Jan-20	New CH boiler incl removal of old copper hot water tank and header tanks.	£6,811.25
Jan-20	New carpet in Seaview Room.	£300.00
Feb-20	Pick, point and repair East side of building.	£1,128.00
Feb-20	New book cases.	£165.00
Feb-20	New window blinds in Seaview Room.	£280.00
Aug 2018-2020	Paint, wood, plasterboard & materials used since August 2018	£2,054.00
Sep-19	Repairs to lower external kitchen wall	
Sep-19	Sealing of flat roof above Seaview Room	£50.00
Feb-20	Make good ceiling in Seaview Room, Middle Room, Heritage Room following installation of LED lighting.	
		<u>£25,945.32</u>

Costs included where known

670 hours for painting and maintenance of Hall up to end of 2019

Ron has identified 720 hours on Hall related work

Cleaning of Hall - 2 hours weekly since 16th September 2019

Other work (eg paperwork, putting together KeyStone documents, health and safety, publicity, PR, Facebook, etc) not included in costings

Findochty Town Hall is a Scottish Charity, Number: SC048650 and is regulated by the Scottish Charity Regulator (OSCR)

**CONSTITUTION OF**

**FINDOCHTY TOWN HALL**

**SC048650**

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# CONSTITUTION OF

## FINDOCHTY TOWN HALL

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Charities and Trustee Investment (Scotland) Act 2005

**Constitution  
of  
FINDOCHTY TOWN HALL**

In this constitution, the following definitions apply throughout:

- **"2005 Act"** means the Charities and Trustee Investment (Scotland) Act 2005 and every statutory modification and re-enactment thereof for the time being in force.
- **"AGM"** means an Annual General Meeting.
- **"Board"** means the Board of Charity Trustees.
- **"Charity"** means a body entered in the Scottish Charity Register as defined under section 106 of Charities and Trustee Investment (Scotland) Act 2005.
- **"Charity Trustees"** means the persons having the general control and management of the Organisation.
- **"Clauses"** means any clause.
- **"Clear days"**, in relation to notice of a meeting, means a period excluding the day when notice is given and the day of the meeting.
- **"Community"** has the meaning given in clause 4.
- **"GM"** means a General Meeting.
- **"Group"** means those other organisations (incorporated or not) that are not this organisation.
- **"Individual"** means a human/person.
- **"Members"** means those individuals and groups who have joined this organisation.
- **"Organisation"** means the SCIO whose constitution this is.
- **"OSCR"** means the Office of the Scottish Charity Regulator
- **"Property"** means any property, assets or rights, heritable or moveable, wherever situated in the world.
- **"SCIO"** means Scottish Charitable Incorporated Organisation.
- **"them"** and **"their"** refer to individuals or groups (either he, she or they).

Words in the singular include the plural and words in the plural include the singular.

These Clauses supersede any model clauses. Any words or expressions defined in the 2005 Act shall, if not inconsistent with the subject or context, bear the same meanings in the Clauses.

The Schedule to these Clauses is deemed to form an integral part of these Clauses.

	<b>NAME</b>
1	The name of the organisation is <b>FINDOCHTY TOWN HALL</b> .
2	The Organisation will, upon registration, be a Scottish Charitable Incorporated Organisation (SCIO).
	<b>REGISTERED OFFICE</b>
3	The principal office of the organisation will be in Scotland (and must remain in Scotland).
	<b>DEFINITION OF COMMUNITY AND PURPOSES</b>
4	The Organisation has been formed to benefit the community of Findochty, Moor of Scotstown, Moor of Findochty, Westerton, Bauds and Law Hillock (Ward 12)
4.1	With the following purpose: Providing recreational facilities or organising recreational activities with the aim of improving the conditions of life for the people for whom the facilities or activities are mainly intended.
	<b>POWERS</b>
5	The SCIO has power to do anything which is calculated to further its purposes or is conducive or incidental to doing so. In particular, (but without limiting the range of powers available under the 2005 Act), the SCIO has power:
5.1	to encourage and develop a spirit of voluntary or other commitment by, or co-operation with, individuals, unincorporated associations, societies, federations, partnerships, corporate bodies, agencies, undertakings, local authorities, unions, co-operatives, trusts and others and any groups or groupings thereof willing to assist the Organisation to achieve the Purposes;
5.2	to promote and carry out research, surveys and investigations and to promote, develop and manage initiatives, projects and programmes;
5.3	to provide advice, consultancy, training, tuition, expertise and assistance;
5.4	to prepare, organise, promote and implement training courses, exhibitions, lectures, seminars, conferences, events and workshops, to collect, collate, disseminate and exchange information and to prepare, produce, edit, publish, exhibit and distribute clauses, pamphlets, books and other publications, tapes, motion and still pictures, music and drama and other materials, all in any medium;
5.5	to purchase, take on lease, hire, or otherwise acquire any property suitable for the organisation;

5.6	to construct, convert, improve, develop, conserve, maintain, alter and demolish any buildings or erections whether of a permanent or temporary nature, and manage and operate (or arrange for the professional or other appropriate management and operation of) the organisation's property;
5.7	to sell, let, hire, license, give in exchange and otherwise dispose of all or any part of the property of the organisation;
5.8	to establish and administer a building fund or funds or guarantee fund or funds or endowment fund or funds;
5.9	to employ, contract with, train and pay such staff (whether employed or self-employed) as are considered appropriate for the proper conduct of the activities of the organisation;
5.10	to take such steps as may be deemed appropriate for the purposes of raising funds for the activities of the organisation;
5.11	to accept subscriptions, grants, donations, gifts, legacies and endowments of all kinds, either absolutely, conditionally or in trust;
5.12	to borrow or raise money for the Purposes and to give security in support of any such borrowings by the organisation and/or in support of any obligations undertaken by the organisation;
5.13	to set aside funds not immediately required as a reserve or for specific purposes;
5.14	to invest any funds which are not immediately required for the activities of the organisation in such investments as may be considered appropriate, which may be held in the name of a nominee organisation under the instructions of the Board of Trustees, and to dispose of, and vary, such investments;
5.15	to make grants or loans of money and to give guarantees;
5.16	to establish, manage and/or support any other charity, and to make donations for any charitable purpose falling within the purposes;
5.17	to establish, operate and administer and/or otherwise acquire any separate trading organisation or association, whether charitable or not;
5.18	to enter into any arrangement with any organisation, government or authority which may be advantageous for the purposes of the activities of the organisation and to enter into any arrangement for co-operation, mutual assistance, or sharing profit with any charitable organisation;
5.19	to enter into contracts to provide services to or on behalf of others;
5.20	to effect insurance of all kinds (which may include indemnity insurance in respect of Trustees and employees);
5.21	to oppose, or object to, any application or proceedings which may prejudice the

	interests of the organisation;
5.22	to pay the costs of forming the organisation and its subsequent development;
5.23	to carry out the Purposes as principal, agent, contractor, trustee or in any other capacity.
	<b>GENERAL STRUCTURE OF THE ORGANISATION</b>
6	The organisation is composed of:
6.1	<b>Members</b> (composed of Ordinary Members and Junior Members
6.2	<b>Associates</b> ; and
6.3	Charity Trustees (composed of Elected Charity Trustees, Appointed Charity Trustees; and Co-Opted Charity Trustees, following the first GM).
	<b>MEMBERSHIP</b>
7	The members of the organisation shall consist of those individuals who made the application for registration of the organisation and such other individuals and groups as are admitted to membership under the following clauses.
8	The organisation shall have not fewer than 20 members at any time.
8.1	In the event that the number of members falls below 20 the Board may conduct only essential business other than taking steps to ensure the admission of sufficient Ordinary Members to achieve the minimum number.
9	Membership of the organisation is open to residents of Ward 12 in Moray as defined in the Findochty Community Council Constitution
9.1	Individuals aged 16 or over who are members of the Community ("Ordinary Members").
9.2	Individuals aged between 10 and 15 who are members of the Community ("Junior Members") (such Members not being eligible to serve as Charity Trustees).
9.3	If an individual ceases to fulfil the criteria within clause 9.1 or 9.2, that Individual must inform the Organisation. The Organisation may choose to reclassify a Junior Member as an Ordinary Member.
	<b>APPLICATION FOR MEMBERSHIP</b>
10	No Individual may become a Member unless that Individual has submitted a written application for membership in the form prescribed by the Charity Trustees and the Charity Trustees have approved the application.
10.1	The Charity Trustees shall consider applications for membership promptly. The Charity Trustees shall assess each application to determine whether the applicant

	meets the criteria for becoming an Ordinary Member or Junior Member.
11	Membership of the organisation may not be transferred by a member.
	<b>MEMBERSHIP SUBSCRIPTIONS</b>
12	Members shall not be required to pay a membership subscription but may make a donation.
12.1	Annual subscriptions (if any) shall be set by Members at the AGM. Different rates may be set for Ordinary Members and Junior Members.
12.2	Any Individual who ceases to be a Member shall not be entitled to a refund of their membership subscription if applicable.
	<b>RE-REGISTRATION OF MEMBERS</b>
13	The Board may, at any time, issue notices to the members requiring them to confirm that they wish to remain as members allowing them a period of 28 days (running from the date of issue of the notice) to provide that confirmation to the Board.
13.1	If a member fails to provide confirmation to the Board (in writing or by e-mail) that they wish to remain as a member of the Organisation before the expiry of the 28-day period referred to in clause 13, the Board may expel them from the membership.
13.2	A notice under clause 13 will not be valid unless it refers specifically to the consequences (under clause 13.1) of failing to provide confirmation within the 28-day period.
	<b>LIABILITY OF MEMBERS</b>
14	The members of the organisation have no liability to pay any sums to help to meet the debts (or other liabilities) of the organisation if it is wound up; accordingly, if the organisation is unable to meet its debts, the members will not be held responsible.
15	The members and Charity Trustees have certain legal duties under the Charities and Trustee Investment (Scotland) Act 2005; and clause 14 does not exclude (or limit) any personal liabilities they might incur if they are in breach of those duties or in breach of other legal obligations or duties that apply to them personally.
	<b>CESSATION OF MEMBERSHIP</b>
16	A member shall cease to be a member if:
16.1	that Member sends a written notice of resignation to the registered office of the Organisation; they will cease to be a member as from the time when the notice is received by the organisation;
16.2	that Member has failed to respond to any re-registration request under clause 13;
16.3	a resolution that that Member be expelled (where that Member's conduct, in their/its capacity as a Member, has been detrimental to the effective functioning of the

	Organisation) is passed by special resolution at a GM (notice of which shall state: (a) the full text of the resolution proposed; and (b) the grounds on which it is proposed) at which the Member is entitled to be heard;
16.4	in the case of an Individual, that Individual has died (membership of the Organisation not being transferable);
16.5	in the case of a group, that group goes into receivership or liquidation, or is dissolved or otherwise ceases to exist (membership of the Organisation not being transferable);
16.6	where the Member is a Charity Trustee of the Organisation, that Member has failed to comply with the code of conduct for Trustees in a manner which would result in them ceasing to be a Trustee and a member.
	<b>REGISTER OF MEMBERS</b>
17	The Board must keep a register of members, setting out for each current member: <ul style="list-style-type: none"> <li>a) their full name;</li> <li>b) their address; and</li> <li>c) the date on which they were registered as a member of the organisation.</li> </ul>
17.1	For each former member the register must set out, for at least six years from the date on which they ceased to be a member: <ul style="list-style-type: none"> <li>a) their name; and</li> <li>b) the date on which they ceased to be a member.</li> </ul>
17.2	The Board must ensure that the register of members is updated within 28 days of receiving notice of any change.
17.3	If a member or Charity Trustee of the Organisation requests a copy of the register of members, the Board must ensure that a copy is supplied to them within 28 days, providing the request is reasonable. If the request is made by a member (rather than a Charity Trustee), the Board may provide a copy which has the addresses blanked out.
	<b>ASSOCIATES</b>
18	Individuals wishing to support the Purposes who are not members of the Community may become associates of the Organisation ("Associates"). Associates may attend and speak at GMs but may not participate in such meetings for voting or quorum purposes.
18.1	No Individual may become an Associate unless that Individual has submitted a written application to become an Associate in the form prescribed by the Charity Trustees and the Charity Trustees have approved the application.
18.2	The Charity Trustees shall consider applications for associateship promptly. The Charity Trustees shall assess each application to determine whether the applicant meets the criteria for becoming an Associate.

19	<p>The Charity Trustees shall cause a register of associates to be maintained containing:</p> <ul style="list-style-type: none"> <li>(a) the name and address of each Associate;</li> <li>(b) the date on which each Individual was registered as an Associate; and</li> <li>(c) the date at which any Individual or Organisation ceased to be an Associate.</li> </ul>
20	An Associate shall cease to be an Associate if:
20.1	that Associate sends a written notice of resignation to the Organisation;
20.2	that Associate becomes a member of the Community;
20.3	a resolution that that Associate be expelled from being an Associate (where that Associate's conduct, in their capacity as Associate, has been detrimental to the effective functioning of the Organisation) is passed by special resolution at a GM (notice of which shall state: (a) the full text of the resolution proposed; and (b) the grounds on which it is proposed) at which the Associate is entitled to be heard);
20.4	<p>in the case of an Individual:</p> <ul style="list-style-type: none"> <li>(a) that Individual becomes insolvent or apparently insolvent or makes any arrangement with their creditors; or</li> <li>(b) that Individual has died</li> </ul>
<b>GENERAL MEETINGS (Meetings of the Members)</b>	
21	The Board may call a GM at any time and must call a GM within 28 days of a valid requisition. To be valid, such requisition must be signed by at least 5% of the Members, must clearly state the purposes of the meeting, and must be delivered to the registered office of the Organisation. The requisition may consist of several documents in like form each signed by one or more of the Members.
<b>Annual General Meeting</b>	
22	The Board shall convene one GM a year as an AGM. An AGM need not be held during the calendar year during which the Organisation is incorporated, provided an AGM is held within 15 months of the date of incorporation. Thereafter, not more than 15 months shall elapse between one AGM and the next.
22.1	<p>The business of each AGM shall include:</p> <ul style="list-style-type: none"> <li>(a) a report by the Chairperson on the activities of the Organisation;</li> <li>(b) the election of Elected Charity Trustees;</li> <li>(c) the fixing of subscriptions;</li> <li>(d) consideration of the accounts of the Organisation;</li> <li>(e) a report of the auditor if applicable; and</li> <li>(f) the appointment of the auditor if applicable.</li> </ul>

	<b>Notice of General Meetings</b>
23	Subject to the terms of clause 67, notice of a GM shall be given as follows:
23.1	At least 14 Clear Days' notice must be given of any GM.
23.2	The notice must specify the place, date and time of the GM, the general nature of business to be dealt with at the meeting; and <ul style="list-style-type: none"> <li>(a) in the case of a resolution to alter the constitution, must set out the exact terms of the proposed alteration(s); and</li> <li>(b) in the case of any special resolution (as defined in clause 30) must set out the exact terms of the resolution.</li> </ul>
23.3	Notice of every members' meeting must be given to all the members of the organisation, and to all the Charity Trustees; but the accidental omission to give notice to one or more members will not invalidate the proceedings at the meeting.
	<b>CHAIRPERSON OF GENERAL MEETINGS</b>
24	<ul style="list-style-type: none"> <li>(a) The Chairperson of the organisation shall act as Chairperson of each GM.</li> <li>(b) If the Chairperson is not present or willing to do so the Vice-Chairperson of the organisation shall act as Chairperson of the GM.</li> <li>(c) If neither the Chairperson nor the Vice-Chairperson is present or willing to act as Chairperson of the GM within 15 minutes after the time at which it was due to start, the Charity Trustees present shall elect from among themselves one of the Elected Charity Trustees who will act as Chairperson of that GM.</li> </ul>
	<b>QUORUM AT GENERAL MEETINGS</b>
25	The quorum for a GM shall be the greater of: <ul style="list-style-type: none"> <li>(a) eleven Members; or</li> <li>(b) 10% of the Members,</li> </ul> present in person. No business shall be dealt with at any GM unless a quorum is present.
25.1	If a quorum is not present within 15 minutes after the time at which the GM was due to start (or if, during a GM, a quorum ceases to be present) the GM shall be adjourned until such time, date and place as may be fixed by the Chairperson of the GM.
25.2	The Board may make arrangements in advance of a GM to allow members to fully participate remotely, so long as all those participating in the meeting can communicate with each other; and all Members may vote during the meeting. A Member participating remotely by such means shall be deemed to be present in person at the GM.

<b>VOTING AT GENERAL MEETINGS</b>	
26	The Chairperson of the meeting shall endeavour to achieve consensus wherever possible but, if necessary, questions arising shall be decided by being put to the vote.
26.1	Each Member shall have one vote, to be exercised in person by a show of hands
26.2	A secret ballot may be demanded by: <ul style="list-style-type: none"> <li>(a) the chairperson of the GM; or</li> <li>(b) at least two Members present at the GM,</li> </ul> before a show of hands and must be taken immediately and in such manner as the chairperson of the GM directs. The result of a secret ballot shall be declared at that GM.
27	In the event of an equal number of votes for and against any resolution, the Chairperson of the meeting shall have a vote in their capacity as a member of the organisation.
<b>Resolutions</b>	
28	At any GM an Ordinary Resolution put to the vote of the meeting may be passed by a simple majority of the Members voting in person.
29	Certain resolutions must be passed as Special Resolutions, including resolutions: <ul style="list-style-type: none"> <li>a) to alter the name of the Organisation; or</li> <li>b) to amend the Purposes; or</li> <li>c) to amend these Clauses; or</li> <li>d) to wind up the Organisation in terms of clause 70.</li> </ul> At any GM a Special Resolution put to the vote of the meeting may be passed by not less than two thirds of the Members voting in person.
30	Ordinary and Special Resolutions may be passed in writing, rather than at a General Meeting, and shall have effect as if they had been passed at a GM, provided the terms of this Clause are followed.
31.1	An Ordinary Resolution may be passed in writing if signed by a simple majority of all the Members.
31.2	A Special Resolution to wind up the Organisation may be passed in writing if signed by all the Members.
31.3	Any other Special Resolution may be passed in writing if signed by not less than two thirds of all the Members.

31.4	Written resolutions must be sent to all Members at the same time (the "Circulation Date") in hard copy (posted or hand-delivered) or electronic form (faxed or e-mailed), or by means of a website.
31.5	Written resolutions must be accompanied by a statement informing the Member: <ul style="list-style-type: none"> <li>(a) how to signify agreement to the resolution;</li> <li>(b) how to return the signed resolution to the Organisation (in hard copy (posted or hand-delivered) or electronic form (faxed or e-mailed));</li> <li>(c) the date by which the resolution must be passed if it is not to lapse (that is, the date which is 28 days after the Circulation Date); and</li> <li>(d) that they will not be deemed to have agreed to the resolution if they fail to reply.</li> </ul>
31.6	A written resolution may consist of several documents in the same form, each signed by or on behalf of one or more Members.
31.7	Once a Member has signed and returned a written resolution in agreement thereto, that Members' agreement is irrevocable.
31.8	The Members may require the Organisation to circulate a written resolution.
31.8.1	The resolution must be requested by at least 5% of the Members. Requests must be in hard copy (posted or hand-delivered) or electronic form (faxed or e-mailed), must identify the resolution and may be accompanied by a statement not exceeding 1,000 words which the Organisation will also be required to circulate.
31.8.2	The Board may reject the resolution but must provide reasons for doing so to the members requesting the resolution.
31.8.3	If accepted, the Organisation must circulate the resolution and any accompanying statement within 21 days and may require the requesting Members to cover the expenses it incurs circulating the resolution.
	<b>MEETING ADJOURNMENT</b>
32	The Chairperson of the GM may, with the consent of a majority of the Members voting in person, adjourn the General Meeting to such time, date and place as the Chairperson may determine.
	<b>ORGANISATION MANAGEMENT</b>

33	The affairs, property and funds of the organisation shall be directed and managed by a Board of Charity Trustees. The Board:
33.1	shall set the strategy and policy of the Organisation;
33.2	shall, where no employees or managers are appointed, be responsible for the day-to-day management of the Organisation;
33.3	shall hold regular meetings between each AGM, meeting as often as necessary to despatch all business of the Organisation;
33.4	shall monitor the financial position of the Organisation;
33.5	shall direct and manage the affairs and Property of the Organisation;
33.6	shall generally control and supervise the activities of the Organisation;
33.7	may, on behalf of the Organisation, do all acts which may be performed by the Organisation (other than those required to be performed by the Members at a GM);
33.8	may exercise the powers of the Organisation; and
33.9	may not also be paid employees of the Organisation.
	<b>INTERIM BOARD</b>
34	Upon incorporation of the organisation, the individuals who signed the Charity Trustee declaration forms which accompanied the application for incorporation of the organisation shall be deemed to have been appointed by the members as Charity Trustees with effect from the date of incorporation of the Organisation.
34.1	The Interim Board shall retire at the first GM, which shall be held as soon as practicable following incorporation but shall remain eligible for re-election (the period of office between the date of incorporation and the date of the first GM not being regarded as a "term of office" for the purposes of clause 24.6).
	<b>COMPOSITION OF THE BOARD OF CHARITY TRUSTEES</b>
35	The number of Charity Trustees shall be not less than three and the total number of Charity Trustees shall not be more than seven.
	<b>APPOINTMENT OF CHARITY TRUSTEES</b>
36	From and after the first General Meeting of the organisation, the Board shall comprise the following individual persons (a majority of whom shall always be Elected Charity Trustees):

36.1	up to 7 (minimum of 3) individual persons elected as Charity Trustees by the Members in accordance with clause 37 ("the Elected Charity Trustees"), who must themselves be Ordinary Members; and
36.2	Employees of the organisation may not be nominated as or become Charity Trustees.
	<b>ELECTED CHARITY TRUSTEES</b>
37	At the first General Meeting of the Organisation, the Members shall elect up to seven (minimum of three) individual Ordinary Members as Elected Charity Trustees.
37.1	Elected Charity Trustees must be nominated in writing by at least two Members. Such nominations must contain confirmation from the nominee that they are willing to act as an Elected Charity Trustee and must be delivered to the registered office of the Organisation at least seven days before the GM.
37.2	Each Member has one vote for each vacancy in the Elected Charity Trustees on the Board.
37.3	Provided the first GM is not also the first AGM, there shall be no changes in the Charity Trustees at the first AGM (except to fill any vacancies left following the first GM or caused by retirements since the first GM).
37.4	At the second and subsequent AGMs, one-third of the Elected Charity Trustees (rounding upwards if this is not a whole number) shall retire from office at the close or adjournment of that meeting.
37.5	A retiring Charity Trustee shall be eligible for re-election for a further term of office (ie one year) until a maximum of five consecutive terms of office (five years) have been served. A retiring Charity Trustee shall not be eligible for re-election after serving for five consecutive terms of office until a period of one year in which they have not been a Charity Trustee has passed.
37.6	The Elected Charity Trustee(s) to retire at an AGM shall be those who have been longest in office since their election/re-election (unless other Elected Charity Trustee(s) have agreed to retire at that AGM). As between Individuals who were appointed as Elected Charity Trustees on the same date, the Elected Charity Trustee(s) to retire shall be agreed between the Individuals appointed on the same date or determined by lot.
	<b>CO-OPTED CHARITY TRUSTEES</b>
38	Subject to clause 36, the Charity Trustees may appoint Individuals as Charity Trustees to ensure a spread of skills and experience within the Board ("Co-opted Charity Trustees") and may remove a Co-opted Charity Trustee at any time.
38.1	A Co-opted Charity Trustee shall retire at the AGM following their appointment unless re-appointed by the Charity Trustees.
38.2	A Co-opted Charity Trustee can be removed from office at any time by a simple majority of the Board.

38.3	For the avoidance of doubt, a Co-opted Charity Trustee may participate fully in at all Board meetings which they attend and is eligible to vote at them.
	<b>VACANCY</b>
39	The Board may from time to time fill any casual vacancy arising as a result of the retiral (or deemed retiral for any reason) of any Elected Charity Trustee from or after the date of such retiral or deemed retiral until the next AGM.
	<b>CHARITY TRUSTEES – GENERAL DUTIES</b>
40	Each of the Charity Trustees has a duty, in exercising functions as a Charity Trustee, to act in the interests of the organisation; and, in particular, must:
40.1	seek, in good faith, to ensure that the organisation acts in a manner which is in accordance with its purposes;
40.2	act with the care and diligence which it is reasonable to expect of a person who is managing the affairs of another person;
40.3	in circumstances giving rise to the possibility of a conflict of interest between the organisation and any other party, put the interests of the organisation before that of the other party; where any other duty prevents them from doing so, disclose the conflicting interest to the organisation and refrain from participating in any deliberation or decision of the other Charity Trustees with regard to the matter in question;
40.4	ensure that the organisation complies with any direction, requirement, notice or duty imposed under or by virtue of the Charities and Trustee Investment (Scotland) Act 2005.
41	In addition to the duties outlined in clause 40, all of the Charity Trustees must take such steps as are reasonably practicable for the purpose of ensuring:
41.1	that any breach of any of those duties by a Charity Trustee is corrected by the Charity Trustee concerned and not repeated; and
41.2	that any Charity Trustee who has been in serious and persistent breach of those duties is removed as a Charity Trustee.
42	Provided they have declared their interest - and have not voted on the question of whether or not the organisation should enter into the arrangement - a Charity Trustee will not be debarred from entering into an arrangement with the group in which they have a personal interest; and (subject to clause 62 and to the provisions relating to remuneration for services contained in the Charities and Trustee Investment (Scotland) Act 2005), they may retain any personal benefit which arises from that arrangement.
43	No Charity Trustee may serve as an employee (full time or part time) of the organisation; and no Charity Trustee may be given any remuneration by the organisation for carrying out their duties as a Charity Trustee.

44	The Charity Trustees may be paid all travelling and other expenses reasonably incurred by them in connection with carrying out their duties; this may include expenses relating to their attendance at meetings.
	<b>CODE OF CONDUCT FOR CHARITY TRUSTEES</b>
45	Each of the Charity Trustees shall comply with the code of conduct (incorporating detailed rules on conflict of interest) prescribed by the Board from time to time.
45.1	The code of conduct shall be supplemental to the provisions relating to the conduct of Charity Trustees contained in this constitution and the duties imposed on Charity Trustees under the Charities and Trustee Investment (Scotland) Act 2005; and all relevant provisions of this constitution shall be interpreted and applied in accordance with the provisions of the code of conduct in force from time to time.
	<b>REGISTER OF CHARITY TRUSTEES</b>
46	The Board must keep a register of Charity Trustees, setting out for each current Charity Trustee: <ul style="list-style-type: none"> <li>a) the name of the Charity Trustee;</li> <li>b) the address of the Charity Trustee;</li> <li>c) the date on which they were appointed as a Charity Trustee; and</li> <li>d) any office held by them in the organisation.</li> </ul>
46.1	Where a Charity Trustee is not an individual the register must also contain: <ul style="list-style-type: none"> <li>a) Any other name by which the Charity Trustee is known;</li> <li>b) the principal contact for the Charity Trustee;</li> <li>c) any number assigned to it in the Scottish Charity Register (if it is a charity); and</li> <li>d) any number with which it is registered as a company, if it is a company.</li> </ul>
46.2	Where the Charity Trustee is appointed by OSCR under section 70A of the 2005 Act it must be recorded in the register.
46.3	For each former Charity Trustee the register must set out, for at least 6 years from the date on which they ceased to be a Charity Trustee: <ul style="list-style-type: none"> <li>a) the name of the Charity Trustee;</li> <li>b) any office held by the Charity Trustee in the Organisation; and</li> <li>c) the date on which they ceased to be a Charity Trustee.</li> </ul>
46.4	The Board must ensure that the register of Charity Trustees is updated within 28 days of receiving notice of any change.
46.5	If any person requests a copy of the register of Charity Trustees, the Board must ensure that a copy is supplied to them within 28 days, providing the request is reasonable; if the request is made by a person who is not a Charity Trustee of the Organisation, the Board may provide a copy which has the name and address of any

	of the Charity Trustees blanked out. The name of a Charity Trustee may only be blanked out if the Organisation is satisfied that including that information is likely to jeopardise the safety or security of any person or premises.
	<b>TERMINATION OF CHARITY TRUSTEES OFFICE</b>
47	A Charity Trustee will automatically cease to hold office if:
47.1	they give the Organisation a notice of resignation, signed by them;
47.2	they become an employee of the Organisation;
47.3	in the case of a Charity Trustee elected under clause 37) they cease to be a member of the Organisation;
47.4	in the case of a Charity Trustee appointed under clause 38) they cease to be a member of the appointing group;
47.5	in the case of a Charity Trustee co-opted under clause 39) the Board under clause 38.2 vote to end the appointment;
47.6	they become disqualified from being a Charity Trustee under the Charities and Trustee Investment (Scotland) Act 2005;
47.7	they are absent (without good reason, in the opinion of the Board) from more than three consecutive meetings of the Board - but only if the Board resolves to remove them from office;
47.8	they become incapable for medical reasons of carrying out their duties as a Charity Trustee - but only if that has continued (or is expected to continue) for a period of more than six months;
47.9	they are removed from office by resolution of the Board on the grounds that they are considered to have committed a material breach of the code of conduct for Charity Trustees (as referred to in clauses 46);
47.10	they are removed from office by resolution of the Board on the grounds that they are considered to have been in serious or persistent breach of their duties under section 66(1) or (2) of the 2005 Act;
47.11	they become prohibited from being a Charity Trustee by virtue of section 69(2) of the 2005 Act
47.12	they commit any offence under section 53 of the 2005 Act.
48	Clauses 47.9 and 47.10 apply only if the following conditions are met:

48.1	the Charity Trustee who is subject of the resolution is given reasonable prior written notice of the grounds upon which the resolution for removal is to be proposed;
48.2	the Charity Trustee concerned is given the opportunity to address the meeting at which the resolution is proposed prior to the resolution being put to a vote; and
48.3	at least two thirds of the Charity Trustees then in office vote in favour of the resolution.
	<b>CHAIRPERSON AND VICE-CHAIRPERSON</b>
49	The Board shall meet as soon as practicable meeting immediately after each AGM or following the resignation of the existing Chairperson/Vice-Chairperson to appoint: (a) an Elected Charity Trustee to chair Board meetings and GMs (the "Chairperson"), and (b) an Elected Charity Trustee to chair Board meetings and GMs in the event that the Chairperson is not present and willing to do so (the "Vice Chairperson").
49.1	In the event that: (a) the Chairperson is not present and willing to act within 15 minutes of the time at which the GM/Board meeting is due to start, or no Chairperson is currently appointed; and the Charity Trustees present must appoint an Elected Charity Trustee to chair the GM/Board meeting.
	<b>BOARD MEETINGS</b>
50	The quorum for Board meetings shall be not less than 4 of all the Trustees, a majority of whom are Elected Charity Trustees. No business shall be dealt with at a Board meeting unless such a quorum is present.
50.1	A Charity Trustee shall not be counted in the quorum at a meeting (or at least the relevant part thereof) in relation to a resolution on which, whether because of personal interest or otherwise, they are not entitled to vote.
50.2	The Board may make any arrangements in advance of any Board meeting to allow members to fully participate in such meetings so long as all those participating in the meeting can clearly comprehend each other; a member participating in any such means other than in person shall be deemed to be present in person at the Board meeting.
51	7 Clear Days' notice in writing shall be given of any meeting of the Board at which a decision in relation to any of the matters referred to in clause 30 is to be made, which notice shall be accompanied by an agenda and any papers relevant to the matter to be decided.
51.1	All other Board meetings shall require not less than 7 days' prior notice, unless all Charity Trustees agree unanimously in writing to dispense with such notice on any specific occasion.

51.2	On the request of a Charity Trustee the Chairperson shall summon a meeting of the Board by notice served upon all Charity Trustees, to take place at a reasonably convenient time and date.
52	No alteration of the Clauses and no direction given by Special Resolution shall invalidate any prior act of the Board which would have been valid if that alteration had not been made or that direction had not been given.
53	The Board may act notwithstanding any vacancy in it, but where the number of Charity Trustees falls below the minimum number specified in clause 35, it may not conduct any business other than to appoint sufficient Charity Trustees to match or exceed that minimum.
54	The Board may invite or allow any person to attend and speak, but not to vote, at any meeting of the Board or of its sub-committees.
55	The Board may from time to time promulgate, review and amend any Ancillary Regulations, Guidelines and/or Policies, subordinate at all times to these Clauses, as it deems necessary and appropriate to provide additional explanation, guidance and governance to members/Charity Trustees.
<b>VOTING AT BOARD MEETINGS</b>	
56	The Chairperson of the Board meeting shall endeavour to achieve consensus wherever possible but, if necessary, questions arising shall be decided by being put to the vote,
56.1	Each Charity Trustee present (and who is eligible to vote) has one vote. In the event of an equal number of votes for and against any resolution at a Board meeting, the Chairperson of the meeting shall have a casting vote as well as a deliberative vote.
56.2	A resolution in writing shall be as valid and effectual as if it had been passed at a meeting of the Board or of a sub-committee. A resolution may consist of one or several documents in the same form each signed by one or more Charity Trustees or members of any relative sub-committee as appropriate.
<b>SUB-COMMITTEES</b>	
57	The Board may delegate any of its powers to sub-committees, each consisting of not less than one Charity Trustee and such other person or persons as it thinks fit or which it delegates to the committee to appoint.
57.1	Any sub-committee so formed shall, in the exercise of the powers so delegated, conform to any remit and regulations imposed on it by the Board. The meetings and proceedings of any such sub-committee shall be governed by the provisions of these Clauses for regulating the meetings and proceedings of the Board so far as applicable and so far as they are not superseded by any regulations made by the Board.

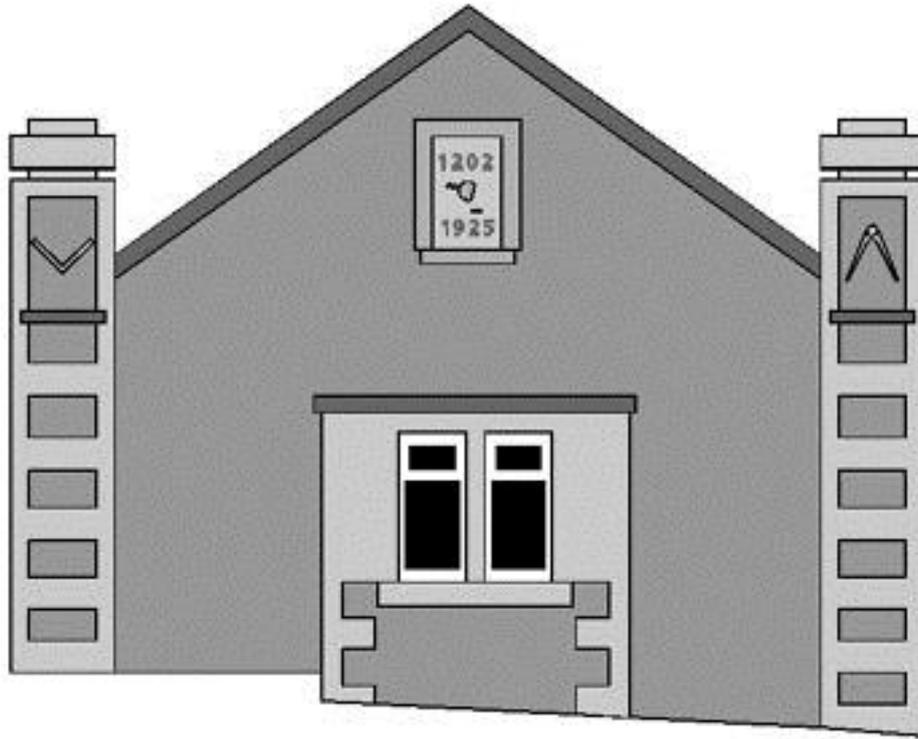
57.2	Each sub-committee shall ensure the regular and prompt circulation of, the minutes of its meetings to all Charity Trustees.
	<b>CONSTRAINTS ON PAYMENTS/BENEFITS TO MEMBERS AND CHARITY TRUSTEES</b>
58	The income and property of the Organisation shall be applied solely towards promoting the Purposes and do not belong to the members. Any surplus income or assets of the Organisation are to be applied for the benefit of the Community.
59	No part of the income or property of the Organisation shall be paid or transferred (directly or indirectly) to the members of the Organisation, or to any other individual, whether by way of dividend, bonus or otherwise, except in the circumstances provided for in clause 60.
60	No benefit (whether in money or in kind) shall be given by the Organisation to any member or Charity Trustee except the possibility of:
60.1	repayment of out-of-pocket expenses (subject to prior agreement by the Board);
60.2	reasonable remuneration in return for specific services actually rendered to the Organisation (in the case of a Charity Trustee such services must not be of a management nature normally carried out by a Trustee of an Organisation)
60.3	payment of interest at a rate not exceeding the commercial rate on money lent to the Organisation;
60.4	payment of rent at a rate not exceeding the open market rent for property let to the Organisation;
60.5	the purchase of property from any member or Charity Trustee provided that such purchase is at or below market value;
60.6	payment by way of any indemnity, where appropriate in accordance with clause 94.
61	Where any payment is made under clause 61, the terms of clause 63 must be observed.
	<b>PERSONAL INTERESTS &amp; CONFLICTS OF INTEREST</b>
62	Whenever a Charity Trustee finds that there is a personal interest, as defined in sub-clauses 62.3 and 62.4, they have a duty to declare this to the Board meeting in question.
62.1	A Charity trustee must not vote at a Board meeting (or) at a meeting of a sub-committee) on any resolution which relates to a matter in which they has a personal interest or duty which conflicts (or may conflict) with the interests of the SCIO.

62.2	<p>It will be up to the Chairperson of the meeting in question to determine:</p> <ul style="list-style-type: none"> <li>(a) whether the potential or real conflict simply be noted in the Minutes of any relevant meeting, or</li> <li>(b) whether the Charity Trustee in question, whilst being permitted to remain in the meeting in question, must not partake in discussions or decisions relating to such matter, or</li> <li>(c) whether the Charity Trustee in question should be required to be absent during that particular element of the meeting. Where a Charity Trustee leaves, or is required to leave, the meeting they no longer form part of the quorum for that meeting.</li> </ul>
62.3	<p>An interest held by an individual who is "connected" with the Charity trustee under section 68(2) of the Charities and Trustee Investment (Scotland) Act 2005 (husband/wife, partner, child, parent, brother/sister etc) shall be deemed to be held by that Charity trustee;</p>
62.4	<p>A Charity trustee will be deemed to have a personal interest in relation to a particular matter if a body in relation to which they are an employee, director, member of the management committee, officer or elected representative has an interest in that matter.</p>
62.5	<p>The Board shall determine from time to time what interests shall be relevant interests and shall ensure that a Register of Notices of Relevant Interests is maintained, which shall be open for inspection by both the Board and members of the Organisation and, with the express prior written approval of the Charity Trustee or employee concerned, by members of the public.</p>
<b>FINANCES &amp; ACCOUNTS</b>	
63	<p>The Board shall determine:</p>
63.1	<p>which banks or building societies the bank accounts of the Organisation shall be opened with;</p>
63.2	<p>how bank accounts shall be maintained and operated; and</p>
63.3	<p>how cheques and other negotiable instruments, and receipts for monies paid to the Organisation, shall be signed, drawn, accepted, endorsed or otherwise executed.</p>
64	<p>The Board shall cause accounting records to be kept for the Organisation in accordance with the requirements of the 2005 Act and other relevant legislation.</p>

64.1	The accounting records shall be maintained by the Treasurer (if there is one) and overseen by the Principal Officer (if there is one), or otherwise by, or as determined by, the Board. Such records shall be kept at such place or places as the Board thinks fit and shall always be open to the inspection of the Trustees.
64.2	The Board must prepare annual accounts, complying with all relevant statutory requirements, and must ensure the accounts are examined or audited, as appropriate, by a qualified examiner or auditor.
64.3	At each AGM, the Board shall provide the members with a copy of the accounts for the period since the last preceding accounting reference date (or, in the case of the first account, since the incorporation of the Organisation). The accounts shall be accompanied by proper reports of the Board.
64.4	Copies of such accounts shall, not less than 21 clear days before the date of the General Meeting, be delivered or sent to all members, Charity Trustees, the Office Bearers and the auditor, or otherwise be available for inspection on the website or other location of the Organisation (with all members, Charity Trustees, the Organisation Secretary and the auditor being made aware that they are so available for inspection there).
	<b>NOTICES</b>
65	The Organisation may serve a notice on a Member in hard copy (addressed to the address given for that Member in the register of members and posted or hand-delivered) or electronic form (faxed or e-mailed). A notice is deemed to have been served on the day following the day on which it is hand-delivered, posted faxed or e-mailed.
66	The Organisation may communicate with a Member by electronic means (including fax and e-mail) unless the Member has requested that communications from the Organisation be sent in hard copy. The Organisation may publish notifications by means of a website provided the Organisation has advised Members of this and taken reasonable steps to notify Members who have informed the Organisation that they do not have internet access.
	<b>RECORDS OF MEETINGS</b>
67	The Board shall cause minutes to be made of all appointments of officers made by it and of the proceedings of all General Meetings and of all Board meetings and of sub-committees, including the names of those present, and all business transacted at such meetings and any such minutes of any meeting, if purporting to be signed after approval, either by the Chairperson of such meeting, or by the Chairperson of the next succeeding meeting, shall be sufficient evidence without any further proof of the facts therein stated.

	<b>INDEMNITY</b>
68	Subject to the terms of the 2005 Act and without prejudice to any other indemnity, the Charity Trustees, or member of any sub-committee, the Organisation Office Bearers and all employees of the Organisation may be indemnified out of the funds of the Organisation against any loss or liability (including the costs of defending successfully any court proceedings) which he, she or they may incur or sustain, in connection with or on behalf of the Organisation.
	<b>ALTERATION TO THE CLAUSES</b>
69	Subject to the terms of this clause, this constitution may be altered by a Special Resolution of the members passed in accordance with clause 30 or 31.3
69.1	Any changes to the purposes set out in clause 4 are subject to written consent being obtained from OSCR (and its successors) in terms of section 16 of the Charities and Trustee Investment (Scotland) Act 2005
69.2	The Board must notify OSCR (and its successors) of any changes to the constitution not relating to the purposes, in terms of section 17 of The Charities and Trustee Investment (Scotland) Act 2005
	<b>DISSOLUTION</b>
70	The Organisation may be wound up or dissolved only on the passing of a Special Resolution for that purpose in accordance with clauses 30 and 31.4, and subject to written consent being obtained from OSCR.
70.1	If, on the winding-up of the Organisation, any property or assets remains after satisfaction of all its debts and liabilities, such property shall be given or transferred to such other community body or bodies or charitable group, which has purposes which resemble closely the purposes of the Organisation, as may be: <ul style="list-style-type: none"> <li>(a) determined by not less than two thirds of the Ordinary Members of the Organisation voting in person at a General Meeting called specifically (but not necessarily exclusively) for the purpose; and</li> <li>(b) approved by OSCR (and its successors).</li> </ul>

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## **FINDOCHTY TOWN HALL**

### **CAT BUSINESS PLAN**

### **SUPPLEMENTARY SUBMISSION: COVID-19**

26 July 2020

Findochty Town Hall is a Scottish Charity, Number: SC048650 and is regulated by the Scottish Charity Regulator (OSCR)

## Background

Findochty Town Hall is a Scottish Charitable Incorporated Organisation (SCIO), charitable status granted 23 August 2018, charity number: SC048650. The Principal Office of the charity is 22 Station Road, Findochty, Buckie, AB56 4PN.

The objective of the charity is to provide or organise recreational facilities with the aim of improving the conditions of life for the people for whom the facilities or activities are mainly intended, namely to benefit the community of Findochty, Moor of Scotstown, Moor of Findochty, Westerton, Bauds and Law Hillock (Ward 12) and to involve members of the local community in providing such facilities and activities as well as to maintain the fabric of the building and facilities therein.

To this end, a Community Asset Transfer (CAT) application was submitted to Moray Council on 18 February 2020. The closure date of the consultation for the CAT application was to be 24 April 2020. However, following the declaration of a Covid-19 pandemic and a UK-wide lockdown on 23 March 2020, the closure date of the consultation period would now be during the period of lockdown, at a time when council offices had shut down non-essential services, including CAT-related. At the time of providing this supplemental submission, therefore, the CAT process has not been completed. Correspondence from Moray Council indicates a new date of 28 July 2020 for Findochty Town Hall to respond to representations received regarding the application. At time of writing, it appears that there has been one response, in support of the CAT application.

Prior to the nation-wide declaration of lockdown, the Trustees at a meeting held on 18 March 2020 had already agreed to suspend all activities and events at the Hall, even though they were aware that this might cause some inconvenience and resentment. However, given the age profile of many users of the Hall and the wider community (including the volunteers who service the activities) and that many may be within the vulnerable and shielding categories, it was felt necessary to do this in order to protect the community. There is a larger proportion of the older age groups in Findochty than in Moray or Scotland as a whole.

Members of Findochty Town Hall were updated on the situation and notices put up in the Hall windows for information.

## Activities and Events

Before the lockdown, the following activities and events were being organised at the Hall:

During the summer, a weekly pop-up café in the Seaview Room  
During the winter, a weekly “Thursday Club” for the community

On a monthly basis, committee meetings for the Community Council, the Gala Committee and the Town Hall Trustees.

On a weekly basis, Swedish exercise sessions; gymnastic dancing; and table tennis (other than school holidays)  
Coffee mornings as required – both for the Hall and outside bodies, usually as charity fundraisers

Over-60s party

Events for the Gala including dances

Burns Night and Hogmanay events

Funerals and funeral teas

Wedding receptions and wedding anniversary celebrations

Provision of a Heritage Room with items of local interest

Book swap available when the Hall is open eg during the pop-up café and Thursday Club

Private parties and functions

Other activities as required – eg local polling station

The Hall is also available, if required, as a nominated refuge in case of emergencies

### Current situation

It was obvious that there would be no activities or events whilst the lockdown and two metre distancing rules were in place. With no income from events and activities, Trustees made application for grants to cover the ongoing operating costs of the building.

All activities and events have been cancelled, but the fabric of the Hall and its amenities continue to be improved. Shortly before the lockdown, the Hall purchased new tables including some extra high for wheelchair users, and padded, comfortable chairs, together with new trolleys to transport the tables so that they can be more easily stored and set up as required. These items were acquired with the aid of a grant from The Gordon and Ena Baxter Foundation as well as a significant contribution from Findochty Town Hall funds.

Members and Trustees have continued their updating and improvement of facilities during the lockdown. The paintwork in the Hall has been refreshed whilst maintaining social distancing, with face masks and gloves being worn and hand sanitisers provided. The Hall will have been completely repainted by the end of July 2020. Following this refurbishment, the premises will be deep cleaned ready for reopening when that occurs.

Statutory testing continues to be carried out as required and grants have been successfully applied for to ensure that ongoing costs can be met. Further work to

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replace the gas boiler and water tank is planned for the near future and will improve sustainability and efficiency and reduce our carbon footprint. All work is carried out according to Scottish government and Moray council guidelines.

Trustees maintain contact via email and have been considering ways forward once lockdown restrictions are lifted.

It is hoped that the council will shortly remove items it owns from the cellars. This is in order to provide storage for the old tables and chairs which were replaced, these have been retained to be used by the community as and when required.

### Financial update

An application was made to the Third Sector Resilience Fund on 14 April 2020. This resulted in an award of £1,050 on 30 April 2020.

A further application was made to the Scottish Government Small Business Fund in May, which resulted in an award of £10,000.

The current account stands at £4,150, the reserve account stands at £14,950.

Until the Hall is able to generate income to cover the ongoing running costs through the resumption of activities and events, this reserve should enable the Hall to continue to survive the lockdown financially. With the Hall currently not being used, the energy bills will be reduced to the basic standing charges as little energy is being used, with other costs similarly reduced.

The tables covering the five year plan for Findochty Town Hall have been updated to reflect the impact of Covid-19 and have been attached as Appendix 1. It should be noted that lighting throughout the Hall has been replaced with low energy lighting, leading to significantly reduced running costs. The heating system has also been replaced, with significant savings to the gas bill.

It should be noted that even with reduced income, there should be sufficient funds to cover the costs of running and maintaining the Hall in the short and longer term.

### Future Plans

It was anticipated that no further activities or events would be able to take place at the Hall until Phase 3 or later of the Scottish Government's Recovery Plan.

Regular Health and Safety Risk Assessments have been carried out at the Hall annually, in addition to this, a Covid-19 specific risk assessment has been carried out. This is attached as Appendix 3.

This risk assessment has been put together regarding reopening of the Hall, but before the Hall reopens for any kind of activity or event, the risks will be reassessed. The risk assessment looks at how to deal with the implications of social distancing, through-flow of people in the building and how to implement a one-way system or a "one in, one out" solution to cope with pinch points or narrow corridors, and other

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ways in which to keep both users and volunteers safe. Cleaning, and provision of hand sanitisers, routines to adopt, method statements to ensure best practice, and safe operation of the building and facilities have been taken into account.

Advice is regularly sought from the Government website and other sources as required, including guidance from Moray Council and from the Health and Safety Executive (HSE) website. An example Privacy Statement is included as an annex to this document (Appendix 2), this would be displayed if contact details are required on reopening the Hall for events. Information and guidelines will be prominently displayed throughout the Hall, including the FACTS guidelines.

In order to re-start some community activities such as the pop-up café, keeping in mind that the attendees are often those from the vulnerable and shielding groups, these may have to take place in the main Hall, where there is more space and it will be possible to place tables to enable people to keep at least one metre apart, with the use of screens between tables and at service points, using face masks and visors, and hand sanitisers available on entering and exiting the premises. Scottish government guidance on reopening customer toilets will need to be followed, such as replacing reusable towels with disposable ones and cleaning of hard surfaces with disinfectant on access/entry.

Holding such events over a period of a few months later on in 2020, perhaps from September to November inclusive, would allow the Hall to generate some income towards providing for its own costs rather than relying on the reserves. It would also allow members of the community to emerge from the social isolation which has been imposed on them and to re-engage with family, friends and neighbours. The Trustees are very aware that many of the users of the Hall are in the older age group and many will have spent the lockdown period in isolation with limited contact with others.

Other (such as sporting) events may not be possible until the relaxation of more restrictions during Phase 3, such as the lifting of restrictions on gyms on 31 July 2020. Table tennis, gymnastic and fitness classes which have previously been carried out in the Hall will need to be reviewed, risk assessed, and method statements put together in co-operation with those running these activities. Attendees may have to arrive at the Hall wearing the clothing they need for the activities, without the option of changing rooms, and be prepared to wear masks when circulating around the building.

Functions such as funerals, funeral teas, church services and coffee mornings will need to be discussed and plans put together as to how these can be carried out with minimal risk to all those involved. It may be that some events will not be possible until total lifting of restrictions nation-wide since they will involve larger gatherings, mainly of people in the more vulnerable age profile.

The CAT application will need to be decided at some point in the future, as will the issue of "Common Good" land, which will need some consultation and will be decided at the Sherriff's Court. It will be necessary to extend the lease for the Hall until these issues have been resolved. There is agreement from Moray Council that the lease can be extended on a month by month basis as required.

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## Appendix 1: FINDOCHTY TOWN HALL: FIVE YEAR PLAN

### Costs (Updated to reflect impact of Covid-19)

Figures for Years 2, 3 and 4 have been adjusted to take account of reduced costs and reduced income (in case of a second wave of infection and the need for a longer closure). Other information is essentially the same or updated where newer figures are available. Income for Year 2 includes pre-Covid bookings, and there may still be some income in Years 2, 3 and 4 from post-Covid bookings, also from the sale of calendars for 2022 and the Gala.

Running costs	Pre-July 2018	Year 1	2019/20 Year 2	2020/21 Year 3	2021/2022 Year 4	Year 5
Insurance	1277	929.22 <sup>1</sup>	1060	1155	1200	1300
Gas (inc heating)	2586	970.91	300	600	920	940
Electricity	614	1768.24	500	800	800	800
Telephone	405	0	0	0	0	0
Emergency lighting/fire <sup>2</sup>	283	350	250	250	250	370
Water rates <sup>3</sup>	595	495.92	300	0	0	0
Rates <sup>4</sup>	1008	0	0	0	0	0
Trade waste	520	0	0	0	0	0
PAT	45	20	20	25	25	30
Repairs/maintenance	13000	2435.41	1000	1000	1000	1000
Refurbishment		2311.59	1000	1000	1000	1000
Boiler service	800	260	0	190	200	200
Fire extinguisher service	180	120	120	120	125	125
Consumables:			0	0	0	0
Cleaning		231.23	230	230	240	240
Tea, coffee, milk, sugar		32.60	20	35	35	40
Other purchases		675.93	250	300	500	500
Office supplies, print etc		519.16	200	250	450	500
Buying in skills			0	0	0	0
Licences <sup>5</sup>	100	147	0	0	147	0
Memberships <sup>6</sup>		90	90	90	90	90
<b>Total</b>	<b>23371</b>	<b>11268.21</b>	<b>5340</b>	<b>6045</b>	<b>6982</b>	<b>7135</b>

- 1 As a registered charity, certain costs may be zero-rated and therefore reduce
- 2 The boiler was replaced January 2020, this has a six year warranty and requires an annual inspection.
- 3 Amounts for repairs/maintenance and refurbishment are estimated and may be higher or lower; any amount not spent can be carried over to the next year
- 4 Assumption has been made that costs are likely to increase in the future and they have been adjusted accordingly.
- 5 Future costs are estimates only

<sup>1</sup> Buildings, contents and public liability; includes insurance for Christmas Lights (stored on site)

<sup>2</sup> Emergency lighting, fire safety including checking and replacing sensors – twice yearly inspection

<sup>3</sup> Water rates should reduce to zero as we are a charity – currently being pursued

<sup>4</sup> Rates and trade waste zero as we are a charity

<sup>5</sup> Public Entertainment Licence is valid for three years

<sup>6</sup> Touring Network, £75 annually; Moray Halls Association £15 annually

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## FIVE YEAR PLAN

### Income

Income	Pre-July 2018	Year 1 2018/9	Year 2 2019/20	Year 3 2020/1	Year 4 2021/2	Year 5 2022/3
Main Hall hire <sup>7</sup>		1940	750	750	750	2150
Heritage Room hire <sup>8</sup>	-	75	80	80	85	90
Seaview Room hire <sup>9</sup>		65	70	70	80	85
Pop-up café	-	2927 <sup>10</sup>	900	1800	1800	3500
Calendars		1226.60	1200	0	1200	1350
Fund raising events		1634.74	700	700	700	1500
Donations		1515.50	900	1050	1100	1150
Recycled clothing bin		500	500	550	550	600
Christmas Lights storage		400	400	410	410	420
Grant funding <sup>11</sup>		6272.50	13892	0	0	0
Bank account interest		0.06	0.10	0.15	0.20	0.25
Moray Council deficit funding (one-off)		1300	0	0	0	-
Total	(£1000+ loss)	16556.4	19392.1	5410.15	6675.2	10845

#### Notes regarding income

- 1 Christmas Lights pay £175 twice a year and £50 once a year for insurance
- 2 Masons pay £94.50 for the year but also match this with a donation
- 3 Table tennis pays £40 per week for approximately 42 weeks
- 4 Exercise classes – two groups, weekly for approximately 50 weeks each
- 5 Donations include £450 from the quiz; future donations may be increased by applying Gift Aid.
- 6 Grant funding needs to be applied for and cannot be guaranteed as a future source of income so has not been included but is likely to be more than zero.
- 7 Income from room hire may increase as the building is used more
- 8 If there is little or no income during the lockdown period, it may be possible to raise funds from the community through crowd-funding in order to ensure we can pay running costs

As a charity, any surplus from income after deducting expenditure (where this should be the case) is ploughed back into the Hall to improve, or provide additional, facilities, and to enhance activities and events for the Members and the community. Financial years start in September (due to granting of charitable status in August)

#### Assets (updated July 2020):

- 1 Fixtures and fittings added since taking over: total £9,729
- 2 Current account balance: £4,150
- 3 Reserve (savings) account: £14,950

It should be noted that even with a reduced income, the costs of running the Hall should still be adequately covered.

<sup>7</sup> Main Hall income includes quizzes, funerals and funeral teas, dances, coffee mornings, table tennis, exercise classes and polling station

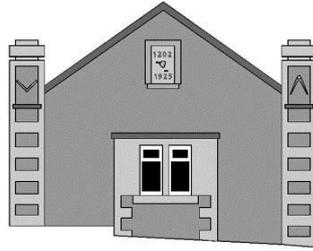
<sup>8</sup> Mainly Community Council meetings

<sup>9</sup> Mainly masonic meetings

<sup>10</sup> Actual, from 29 sessions between 2 May 2019 and 28 November 2019

<sup>11</sup> Year 1: dishwasher and blinds; year 2: EB Scotland – for boiler, lighting and repointing

## Appendix 2:



### FINDOCHTY TOWN HALL

## Collection of Personal Data - Privacy Notice

### Introduction

For the health and safety of the customers and volunteers in these premises, we are recording the name and contact details of everyone who enters to support NHS Scotland's Test and Protect. This information will be used to enable NHS Scotland to contact you should you have been in the premises around the same time as someone who has tested positive for coronavirus. Contacting people who might have been exposed to the virus is an important step in stopping the spread.

### Reasons for data collection

As stated above, the purpose for which we are processing your personal data is to assist with NHS Scotland's Test and Protect strategy in relation to the coronavirus public health epidemic. This will involve the gathering and, when necessary, the sharing of information with NHS Scotland as the responsible body for Test and Protect. Your data will not be used for any other purpose.

In order to assist in the containment of the virus, we will only share your data when it is requested directly by NHS Scotland. This will only be in the unlikely event there is a cluster of coronavirus cases linked to the venue. Information will be transferred securely to NHS National Services Scotland who will use the data to contact trace those who were in the establishment at the same time as the positive case, and will provide guidance and support to those who may be advised to self-isolate.

Read further information on the NHS Scotland Test and Protect strategy on the NHS website at:

[www.informationgovernance.scot.nhs.uk/use-of-your-data-for-track-trace-isolate-tti/](http://www.informationgovernance.scot.nhs.uk/use-of-your-data-for-track-trace-isolate-tti/)

### Type of data collected

Along with the date and time of your arrival and departure, we will collect the following personal data if applicable:

- your name; and
- contact telephone number

If you do not have a telephone number, you have the option to provide:

- a postal address; or
- an email address

Customer health information will not be requested or stored.

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## **Lawful basis for collecting this data**

Under data protection law, GDPR Article 6(1), we have a number of lawful bases that allow us to collect and process personal information. In this case, the lawful basis for processing your data is 'legitimate interests'.

Broadly speaking 'legitimate interests' means that we can process your personal information if we have a genuine and legitimate reason and we are not harming any of your rights and interests. Our legitimate reason for processing your data is to assist with NHS Scotland's Test and Protect strategy in relation to the coronavirus public health epidemic. Before sharing any information we will carefully consider and balance any potential impact on you and your rights.

## **Data retention period**

Your personal data will be retained only for the purposes stated in this privacy notice and will be held by us for no more than 3 weeks (21 days). All personal data will be held and disposed of in a safe and secure manner.

## **Your rights**

As defined in the data protection law, GDPR Article(s) 12-23, you have the following rights:

- the right to be informed about the collection and use of your personal data. This is outlined above.
- the right to erasure. If at any point within the 21 days after your visit you decide you'd like us to delete the personal data you provided, please advise us and we will delete all information related to you.
- the right to object to us processing your personal data. If you do so, we will delete all the personal data we hold in relation to you
- the right to rectification. If the information held is in any way incorrect, you can contact the data controller and request that the information be rectified.

In certain circumstances exemptions to these rights may apply. Further information is available on the Information Commissioner's Office website at:

[www.ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/exemptions/](http://www.ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/exemptions/)

## **Complaint procedure**

If you consider that your personal data has been misused or mishandled by us, you can raise this with the data controller. In this instance, the data controller is the Chair of the Trustees of Findochty Town Hall. If you remain dissatisfied you can make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at:

Post: Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Telephone: 0303 123 1113 Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

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### Appendix 3: Findochty Town Hall – Covid-19 Risk Assessment

For the purposes of this risk assessment, the Hall would be defined as a “Medium” establishment (250m<sup>2</sup> to 2500m<sup>2</sup>) as described in the Scottish Government’s “Coronavirus (COVID-19): tourism and hospitality sector guidance.”<sup>12</sup> The guidance states that, regardless of the size of the establishment, where there are five employees, a full risk assessment is required to be written down. Findochty Town Hall has no employees but this risk assessment will hopefully provide clarity on potential risks and how to avoid them. **Any decision to reopen the Hall or reinstate any event will be taken by the Trustees, taking this risk assessment into consideration but also any further developments which may apply by that date.**

What are the hazards/risks?	What action can be taken?	Action by whom/when?	Comments
Lack of physical distancing: signage and marking	Paint or tape on floor to indicate 2 metre distance Signage to indicate hygiene and distancing points. Display FACTS guidance Comply with Scottish government guidance on reopening public or customer toilets	Trustees/Members before reopening premises	Concern about difficulties in seeing markings/signage by the vision impaired or others with mobility or other needs.  The main corridors are between 1 metre and 1.2 metres wide, it is not possible to implement a “one way” system to access eg toilets whilst keeping to 2 metre rule. A “one in, one out” system could be considered
Lack of physical distancing: capacity	Decide on the maximum number of people who can be in the building at any one time and still safely follow the 2 metre distancing guidelines. This needs to take account of pinch points such as layout of tables and chairs	Trustees/Members before reopening premises	Concern about how to limit potential visitors, which may lead to issues around queue management (see below). It would be difficult to use the smaller rooms other than for very small meetings and still meet social distancing criteria, so only the main Hall could be used more generally.
Lack of physical distancing: volunteers and visitors/customers/users	Introduction of one way system at entry and exit points. Stagger arrival and departure times. Try to use more than one entry/exit point. Review layouts to allow people to be more distant from each other	Trustees/Members before reopening premises	It would not be possible to do a one way system given the corridor width. An entry/exit system using more than one entry/exit would involve steps, so not possible for disabled users. A “one in, one out” system would be possible with the wearing of masks and a suitable way of enforcement.

<sup>12</sup> <https://www.gov.scot/publications/coronavirus-covid-19-tourism-and-hospitality-sector-guidance/> accessed 22 July 2020

What are the hazards/risks?	What action can be taken?	Action by whom/when?	Comments
Lack of physical distancing: queue management	Need to ensure there is physical distancing within any queue, such as marking out 2 metres; an area needs to be provided where people can queue, preferably outdoors	Trustees/Members before reopening premises	The only outdoor space is the car park, there may be issues around people queueing there, given that it is access for the garages, as well as the uneven surfaces (slip, trip hazard). Also, not good in inclement weather. Restricting numbers would reduce need for queuing.
Lack of physical distancing: adapting services	Change layouts to allow physical distancing; face to face and physical contact services must be discontinued. Screens provided if possible and relevant.	Trustees/Members before reopening premises	Services currently provided include exercise classes, table tennis, group activities of various kinds. These all require close proximity, the one metre exemption would require to be applied, with the wearing of masks wherever possible and participants asked to get changed before attending at the Hall.
Enforcement of suitable hygiene	Use of cards/contactless rather than cash. Reduce potential hand contact or contact with hard surfaces. Reminders and signage regarding hygiene and hand washing. Provision of hand sanitisers at appropriate points. Only over-counter option provided rather than self-service. Toilets need to be used safely and within the guidance.	Trustees/Members before reopening premises	Most activities where money is involved would not be possible with using card or contactless. No such terminal is available at the Hall. With a one-way system, toilets could not be accessed whilst ensuring suitable distancing. If using a "one in, one out" system, it would require signage, the wearing of masks in the corridor and toilet, suitable cleaning materials provided and cleaning regime instigated, with the facilities regularly monitored.
Issues around cleaning	All areas to be kept clean, hard surfaces and pinch points to be monitored and cleaned routinely. Waste removed and personal belongings taken off site eg water bottles, etc	Trustees/Members before reopening premises	Cleaners are volunteers, many within the vulnerable and/or shielding groups. The fewer people who use the Hall, the less risk to those having to provide the cleaning services. If necessary, professional cleaners might have to be employed.
Other means of transmission	Reduce potential transmission by use of screens; provide hand sanitisers and hand washing facilities. Increase ventilation where safe to do so.	Trustees/Members before reopening premises	The Hall currently has no suitable screens. It may be possible to provide screens between tables and at service points, with visors for serving staff in addition to gloves already being worn and tongs being used; food in display cases for hygiene

What are the hazards/risks?	What action can be taken?	Action by whom/when?	Comments
Lack of communication – this could impact on Members, Trustees, volunteers users	Make the risk assessment available and review on a regular basis. Provide written or verbal communication on the latest guidelines inside and outside the establishment. Ensure everyone is updated on routines and guidance on using facilities.	Trustees/Members before reopening premises	The risk assessment can be posted on the notice board in the Hall and in the window of the Hall so that it can be available and sent out by email if required and/or requested
Safety of volunteers and group leaders	Try to avoid face to face meetings, meet remotely or correspond via phone or email. Stagger break times where appropriate. Be clear on what action should be taken in the case of any incidents. Use a grouping system to keep specific pairs or groups of volunteers together. Consider contingency plans.	Trustees/Members before reopening premises	This would need to be considered again when the facilities are eventually reopened, depending on Government restrictions, guidance and time lines and depending on what events and activities might be involved.
Data privacy	Ensure visitors/users provide contact information, and keep such information in a safe and secure manner	Trustees, users and volunteers as required at events	Visitors/users to write names and contact details on paper slips and put into a sealed container, kept securely off-site by named person for three weeks and then destroyed if not needed for Test and Protect

Should Findochty Town Hall wish to consider applying for a one metre exemption in order to run activities and events at the Hall, there are further risks and actions to consider. There are several issues around reopening the Hall within current guidelines which make it difficult to do so safely until we have been able to incorporate requisite signage, markings, screens, method statements, rules for using the Hall, and the provision of hand sanitisers. These would be provided if and when the reopening of the Hall is considered. It is the intention of the Trustees that the Hall will not reopen at the moment but when a decision has been taken to reopen the Hall or reinstate events, the Trustees would anyway ensure it can meet any guidelines set out by the local authority and the Scottish government.

This risk assessment has been carried out remotely by Pamela Ross (Secretary and Trustee with Health and Safety Responsibility) on 26 July 2020, and has been agreed by the Trustee Board of Findochty Town Hall.

**Office Use only:**

<b>Asset Ref</b>	02/00357/ASS
<b>Name CTB</b>	FTH
<b>ATR Ref</b>	CAT/073/ATR

**ASSET TRANSFER REQUEST****NOTICE OF ASSET TRANSFER REQUEST  
Representation Submissions / CTB Feedback**

Part 5 of the Community Empowerment (Scotland) Act 2015 sets out that people are to be made aware that an asset transfer request has been submitted. Notification has been published via the [Moray Council website](#), advertised via Moray Council social media sites, notification to any tenant/owner/occupier of said asset and notification at the site of the asset. These notifications explain how representation can be submitted.

When representation is received in response to these notices, the Moray Council must send copies to the community transfer body for comment/feedback. Details of which can be found below. In order to comply with data protection requirements, any personal information will be 'blacked out' from these documents before submission to you.

<b>Date of Representation period (20 working days):</b>	28/02/20 – 24/04/20
<b>Number of Representation(s) received:</b>	1

<b>Date collated Representations sent to CTB:</b>	29/06/20
<b>Deadline for CTB submitting comments to CAT: (20 working days)</b>	28/07/20
<b>Date CTB comments received:</b>	

All comments/feedback received will be published via the Moray Council website for public information.

If the CTB feel they are unable to meet the comment/feedback deadline; they should contact the CAT team to discuss.

1	23/04/20	<p>I write in support of the community asset transfer application which has been made by the Findochty Town Hall Group. I am completely in favour of the Hall being passed over to the Community. In the short time the Group has been running the Hall the changes carried out within the premises have been substantial and it is now a pleasure to go into the building.</p> <p><i>CTB Response Here</i></p>
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