

# **Tomintoul and Glenlivet Regeneration Project**

## **Creating a Community Development Trust for Tomintoul & Glenlivet - Note of Meeting**

**Date:** 12 March 2012

**Time:** 7pm

**Venue:** Richmond Memorial Hall, Tomintoul

### **Background**

This meeting followed on from the public meeting on [20<sup>th</sup> February](#) where the community came along to find out more about Community Development Trusts (CDTs). At that meeting there was general support for a Trust to be set up for the Tomintoul and Glenlivet area. The purpose of this meeting is to start the process of establishing a trust and to put in place a working group to take it forward.

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### **Progress Report**

A progress report on the Regeneration Project was given to provide a background to the meeting. Full details of the project, all documents, feedback reports and meeting notes can be found on the CNPA website at [www.cairngorms.co.uk/live-work/regeneration-project](http://www.cairngorms.co.uk/live-work/regeneration-project). Karen Derrick is a Community Development Officer for Voluntary Action Badenoch & Strathspey which is being funded to provide advice and support to the Tomintoul and Glenlivet communities in setting up a CDT.

### **Why have a Development Trust?**

Karen provided a brief overview of CDTs, what they are and how they work and there was some discussion, the key points are covered below:

- A CDT is a good mechanism for taking forward projects to help regenerate areas.
- CDTs can be both a community company and have charitable status providing the community with access to a range of funding.
- A CDT should utilise postcode areas as its boundary to enable it to undertake a community buyout of land or property should it wish to in the future. A CDT can cover a wide area and various examples and models exist which demonstrate this.
- A CDT must be led by the community who will be responsible for setting out the aims and objectives of their CDT and the types of activities they wish to take forward.
- A CDT can obtain funding to have a paid Development Officer in post to drive forward activity and provide support to the Board of Directors and membership. Potential

funding for an officer for Tomintoul and Glenlivet has already been identified for a three year period.

- A CDT can have a trading arm enabling them to obtain income to support projects. Income streams can vary and include anything from renewable energy projects to community transport. Identifying income streams would be a key role of a CDT Officer. It was noted that a CDT must be legally structured to ensure that any activity is complimentary to the area and not in competition to local business.
- It was noted that a previous experience locally with a Company Limited by Guarantee had led to a complex insurance problem relating to due diligence. This resulted in Directors potentially being liable for more than the £1 indicated. A CDT will need to set up correctly to guard against future issues.
- A CDT is not the only way to take forward projects, however, it has been identified as the best option. Other constituted community groups are not set up in such a way to take forward the types of activities that a CDT could undertake. CDTs are a well-tested option which public agencies and funders are supportive of. It provides a strong model for delivering projects and for any transfer of assets e.g. the school. An alternative option to a Company Ltd. by Guarantee would be a SCIO ([Scottish Charitable Incorporated Organisation](#)). The limitations of a SCIO are that it cannot also be a Company Ltd. by guarantee and therefore cannot have a trading arm therefore limiting potential funding options. In addition a SCIO could not undertake a community buyout. A Community Interest Company (CIC) was also suggested as a potential model, however, it was noted that this has a less democratic structure and would not provide the right form of legal framework required to deliver the projects identified.
- Legal and funding support is available to assist the communities in establishing a CDT.

### **What needs to be done to set up a Development Trust?**

A Development Trusts Association Scotland (DTAS) [booklet](#) about setting up development trusts was distributed for information. The DTAS website also contains a wealth of information on setting up Trusts and what they can achieve [www.dtascot.org.uk](http://www.dtascot.org.uk).

Karen provided a brief overview of what is required to set-up a CDT.

1. **Working Group** – A working group needs to be put in place to help guide the setting up of the CDT. This working group will need to represent both communities and a range of interests. The individuals on this group will not necessarily be the Directors of the CDT.
2. **Memorandum & Articles of Association** - A Memorandum and Articles of Association (Mem & Arts) will need to be established for the CDT. A standard Mem & Arts template for a CDT is available which has been tried and tested with other groups and which is legally robust. This template can be personalised to the communities to ensure it covers everything that a CDT in the area may wish to do, this will be the key role of the working group. The Mem & Arts will identify the aim and objectives of the

CDT, its activities, the number of directors, quorum requirements, membership, meetings etc.

3. **Incorporation of CDT as a Company and Registration as a Charity** - Once the Mem & Arts is confirmed it will be sent to Companies House for Incorporation and also to the Office of the Scottish Charity Regulator (OSCR) for admission to the charities register. These processes should only take a few weeks.
4. **Gathering Membership** – once the CDT is incorporated members will need to be gathered from the communities representing different areas and interests.
5. **Electing Directors** – once a membership base is in place the first meeting of the CDT will take place at which point a Board of Directors will be elected. This Board should incorporate a range of skills and interests. The Board of Directors does not have to be those people on the initial working group.
6. **Funding Applications for Development Officer** – once the Board is in place the CDT can formally apply to the public agencies for funding to recruit a development officer. This Officer would report directly to the Board and the members.

### **Setting up a Working Group**

Karen advised that the ideal number for a working group would be 6 to 8 people. There was some discussion on representation from the settlements and wider areas. It was agreed that there should be representation from both Community Association areas. Karen advised that the working group would not be a democratically elected group and that members would not become Directors unless they put themselves forward for election. It was noted that if people are to give up time to be on the working group they must be sure that the community would get behind it. A showing of hands indicated strong support that the community would support this process.

The following individuals put themselves forward to be involved in the Working Group:

1. David Anderson
2. Toby Wingfield Digby
3. Eleanor Mackintosh
4. Jacqui Horning
5. Mike Drury
6. Stuart Cockram

### **Next Steps**

The working group will meet with Karen to take forward the Mem & Arts. Updates on progress will be provided via email and on the website.

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