

GLENMORISTON MILLENNIUM HALL MANAGEMENT COMMITTEE
MINUTES OF MEETING
HELD ON WEDNESDAY, 29 OCTOBER 2008

Present : Agnes Bell, Alan Draper, Norman Hill, Carol Hunter, Clare Levings, Patrick Ungless and Barbara Withers

1. Apologies

Trish Archibald, Cherry Duncan, David Gillies, Errol Levings, Kirsteen MacKenzie and Hugh Watt

2. Minutes of last Meeting held on Thursday, 25 September 2008

Proposed by Clare.
Seconded by Alan.

3. Actions Arising from Previous Meeting

- a. *Public Toilet Facilities* – Still no comeback following on from correspondence with a Frank Clark and Gary Urquart from the Council. Still in hand and ongoing.
- b. *Fire Resistance Round Oil Tank* – Done. **Errol**
- c. *Fire Damper for Kitchen Fan* – Alan Smart has been contacted and he will be carrying out work shortly.
- d. *Inspections* – In hand. **Errol**
- e. *Recycling Bins* – FAIR report sent. Waiting on Council to get back. **Errol**
- f. *Landscaping* – Ongoing.
- g. *Licencing and Charity Regulations* – Pat talked at length on this subject. Please separate Annex. **Trish**

4. Secretary's Report

Commercial Lets – 1 x Highland Council and 4 x NHS.
Local Lets – 2 x Heritage Talks (Great Glen Way and RNLI).
Free Lets – Kirk, GLEN (Tim Kliphuis) and Heritage Committee.

Compliance Form sent to Highland Council on 9 October. No word about any visits yet.

First Accident Form filled in on 16 October. One of the Scottish dancers slipped breaking her humerus. Clare and Cherry put the form in the filing cabinet.

5. **Treasurer's Report**

Self explanatory as per attached. Year End accounts finished. Waiting for Independent Examination.

6. **Caretaker's Report**

Nothing to report.

7. **Any Other Business**

- The Salvation Army will be attending the Carol Service.
- Wednesday, 15 April – Recording of 'Take the Floor' (Radio Scotland) definitely taking place.
- Barbara Murray has requested loan of our soup kettles for Fort Augustus Senior Citizen's Party on Saturday, 13 December. As they have had them for the last 2 years Cherry said ok.
- Clare asked whether more kettles could be purchased for the kitchen. Thanks to Alan who kindly donated one. On the subject, Clare was wondering whether perhaps a group could be got together to decide on future catering stock. Committee agreed that this would be a good idea. **Clare** to organise.

8. **Date of Next Meeting** – Friday, 28 November at 1900 followed by the AGM at 1930.

LICENCING AND CHARITY REGULATIONS

Licencing

At present the Hall has made applications for Occasional Permissions under the 1976 Licencing Regulations which grants up to 4 licences per annum. From August 2009, the transitional period will cease and applications for Occasional Licences will be made under the 2005 Regulations which grants up to 12 licences per year. The 2005 application process is more stringent. Licences are granted to representatives of Voluntary Organisations for events arising from the activities of the Organisation only. A condition is that the representative named on the licence must be present at the event.

This means that the Hall Committee can only obtain licences for its “own” events and not on behalf of hirers of the Hall, who must apply themselves. As licences are granted only to constituted Voluntary Organisations a private individual cannot obtain a licence, unless they also hold a Personal Licence. If a member of the Hall Committee obtained a Personal Licence then they could apply for licences for third parties as the condition regarding “events arising from” the activities of a Voluntary Organisation does not apply to a Personal Licence holder.

The Glenmoriston Millennium Hall

- In 1998 Glenmoriston Estates made the land available for the Glenmoriston Millennium Hall and established a Trust Deed. The Trust Deed sets out conditions for continued use of the land.
- Under the terms of the Trust Deed, day to day management of the Hall is delegated to a Management Committee. The scope and powers of the Management Committee is set out in the Hall Constitution.
- The objectives for use of the land and by implication any building thereon as set out in the Trust Deed are to provide ‘physical and mental training and recreation, social moral and intellectual development through the medium of reading and recreation rooms,

library, lectures, classes, recreations and entertainments or for such other purposes as may be found expedient by the inhabitants of Invermoriston and surrounding district....’

- The Hall Constitution states that any income generated by the Hall should be used for furthering the objects of the Hall and for no other purpose.

Charity Regulations

- Charitable status is granted to organisations that have objectives in accordance with a list of charitable objectives criteria. Under Charity Legislation (2005), Charity Trustees must act in a way that furthers their own Charitable objectives and no others.
- There are currently 17 Charitable Purposes listed in the OSCR Guidance - ‘Meeting the Charity Test’. Those printed in bold hereunder are the ones that the Hall lists on its Return. Without further reference to the paperwork, it is not known which ones were used when the IR recognised the Hall as a Charity.

1. The prevention or relief of poverty.
2. The advancement of education.
3. The advancement of religion.
4. The advancement of health.
5. The saving of lives.
6. **The advancement of citizenship or community development (including rural or urban regeneration and the promotion of civic responsibility, volunteering, the voluntary sector or the effectiveness or efficiency of charities).**
7. **The advancement of the arts, heritage, culture or science.**
8. **The advancement of public participation in sport (and ‘sport’ means sport which involves physical skill and exertion).**
9. **The provision of recreational facilities, or the organization of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended, and only in relation to recreational facilities or activities which are (i) primarily intended for persons who have need of them by reason of their age, ill-health, disability, financial hardship or other disadvantage, or (ii) available to members of the public at large or to male or female members of the public at large.**

10. The advancement of human rights, conflict resolution or reconciliation.
11. The promotion of religious or racial harmony.
12. The promotion of equality and diversity.
13. The advancement of environmental protection or improvement.
14. The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage (including relief given by the provision of accommodation or care).
15. The advancement of animal welfare.
- 16. Any other purpose that may reasonably be regarded as analogous to any of the preceding purposes (and the advancement of any philosophical belief (whether or not involving belief in a god) is analogous to the purpose set out above).**
- 17. Beneficiaries (Charity Purposes).**

SCVO Guidance – Charities Constraints

Difficulties can sometime arise when a charity wishes to support a non-charitable community project. The charity who wishes to provide support to the non-charitable community project must be able to demonstrate that doing so furthers its own charitable purposes.

This does not mean that the community project has to either be a charity or have a purpose that would be considered charitable if it were a charity. Obviously many voluntary organizations or community groups do have purposes which probably would be deemed charitable if they applied for charity status (and that might make it easier for ‘donor charities’ to decide to whom to give money) but it is not necessarily a legal requirement.

Summary

The above means that hall funds may only be used in a way that satisfies both the requirements of the Trust Deed and the Charity Regulations. In so far as the Hall’s objectives can be summarised as promotion of benefit to the community, the Hall would be able, in theory, under the Charity Regulations to provide funding to another Community Group with the same objectives. But, the Committee would have to be able to demonstrate that it had taken steps necessary to ensure that any funding was properly used and accounted for.