

Udny Community Council Special Meeting

7th June 2023

Venue – The Medan Centre, Pitmedden

Present:

Claire Woodward (CW) - Interim Secretary, Matt Kaye (MK) – Treasurer, Gina Noble (GN) – Interim Vice Chair, Gary Bruce (GB), Sue Heberton (SH).

Apologies

George Duncan (GD), Mike McDonald (MM).

MINUTES	ACTION	DUE/STATUS
<p>GN welcomed everyone.</p> <p>CW, MK, and I have had to call this special meeting following advice from our area managers, for our community council.</p> <p>As interim vice-chair, GN will initially chair the meeting but then, with everyone's agreement, CW will take over as chair during the remainder of this meeting, to enable GN to scribe.</p> <p>Any objections? – No objections.</p> <p>It was intended that the first portion of this meeting was to be a private section for UCC members only. This was to enable us to inform you of issues that have been rumbling on in the background for a few months. However, following an email we all received this afternoon from MM, which he has asked to be added to these minutes, we now need to add all sections to the minutes. This is to ensure continuity of facts and transparency between UCC and the public.</p> <p>Email received from MM, 12.56pm – 07/06/23.</p> <p><i>My apologies I am away on the afternoon on the 7th and won't be back in time for the meeting.</i></p>		

Because I can't make the meeting, I would like this email included in the meeting minutes.

GN, I note that you have been having discussions regarding URG as a subgroup to UCC. I am disappointed that neither I nor Phil Coventry (PC) as leads of URG have not been part of or included in these discussions. It would have been appreciated if you had kept us informed of the outcome of your discussions then appropriate action could have been put in place immediately.

This has left both PC and I feeling very unsupported, as any feedback re-guidance etc. would have been helpful, as this endeavour has been and still is very much a learning process for all of us.

When setting up URG, discussions and direction were discussed with the then chair and secretary as to how we set up and move forward.

As with any new venture it has been very time consuming, apologies if we have made mistakes or omissions along the way. We have done our best to keep all Council members informed of our progress in our efforts to establish a resilience group for our community and have always welcomed comments.

Clarification was requested by a UCC member on 26th May regarding what points would be on the Agenda; "URG management moving forward" I have not seen any reply to this request, with no clarification on the Agenda I am unable to put forward any helpful or constructive comments for tonight's meeting.

I look forward to hearing the outcome of tonight's special meeting.

Regards

MM

To clarify MM's point that GN has been having discussions regarding URG as a subgroup with UCC, this is factually incorrect. Any discussions GN has had over the last few months with fellow office bearers, or our area managers, has been that of issues, or advice regarding, conduct of UCC members, not URG as a subgroup.

URG and the running of this subgroup, only came up following GN talking with our area office on the 25th of May, to seek advice again re; conduct, and they informed her that MM had emailed them on the 26th of April 2023, regarding URG and how it functions if UCC no longer exists.

Our area managers, then suggested this special meeting be called, with one point on the agenda: 'URG – management moving forward'. This was to enable us to discuss URG with the members who have been managing the project for UCC.

The one point for the agenda was also very clear on the notice for the special meeting, which was sent out to all UCC members, on the 25th of May, following GN's call with, and on the advice of, the UCC area office.

GN read through the notes prepared regarding the issues over the last three months:

Over the last few months, since the interim positions were filled, unfortunately there have been several issues that CW and I have had to deal with.

On a basic level general demands on time – This initially started with our interim chair (MM) emailing CW and requesting meetings/chats, numerous times in the 9 days following us taking up our interim positions, to discuss the 'vision' of UCC and how to move it forward. Though not a huge issue for CW, the requests were numerous enough that it left her feeling her personal time was being encroached on. Coupled with the intensity growing within emails relating to a possible leaving do and both CW and GN felt there was something bigger going on than was being seen on the surface.

As you all know, to defuse the situation, it was suggested that we put a pin in the leaving doo and organise an office bearers meeting. CW and GN had hoped this would defuse the situation and offer support to both MM and MK and ultimately aid a resolution.

Though the meeting seemed to go well, during the meeting it became obvious there were attempts being made to target MK and pick him up on comments within the emails relating to the leaving do. It also became apparent that there was a perceived issue of 'Conflict of interest' between

MK's role as treasurer of UCC and him being a director of UCTC.

This perceived issue of conflict and an assumption that there were attempts of 'integration' of UCC into UCTC had been noted within some of the emails relating to the leaving doo and were apparently being used as a means not to pass on relevant paperwork and/or receipts from MM to MK in his UCC role as treasurer.

The perceived conflict-of-interest point had also privately been suggested to CW before the office bearers meeting, but no tangible reason or evidence for this assumption was being given.

Due to the previous suggestions of possible conflict etc we were aware the point could possibly be raised at our office bearers meeting and so GN took informal advice on this before the meeting.

The advice given was that there was no conflict and as you know from the minutes of the office bearers meeting, this was confirmed to MM during the meeting, and he was advised any outstanding paperwork should be passed on to MK asap.

Unfortunately, following the meeting the situation did not settle as we would have hoped. There have continued to be assumptions of conflict of interest and private suggestions of financial irregularities in UCTC.

There has also been a perceived issue of T&Cs relating to a successful grant application from UCTC, and this has rumbled on for several months despite clear advice and guidance being given to MM on the appropriate actions to follow:

T&C query

March the 6th 2023 - Grant offer email received by MM from UCTC community engagement officer.

27th March – Office Bearers meeting.

30th March - Email query sent to MK from MM. Attached was the offer email (with 6 of the 7 specific grant conditions highlighted) and a copy of UCTC general terms and conditions that came with the offer email. MM asked MK

to do a comparison of these. MK responded he was busy but would do so as soon as he could.

10th/11th April (Do not know exact date) – MM phoned and spoke with an area manager for community councils (not our area) regarding his perceived idea that UCTC have issued new T&C's. He was advised that though it would be a little odd if UCTC had issued new T&C's, it was likely nothing to be concerned about and if he did have a query, he/URG should contact whoever is dealing with the grant in UCTC directly and ask them for more guidance. However, the best thing to do at this point is fulfil the criteria and get the funding released.

12th April – Email from PC, to MK asking if he'd had chance to look at the info passed on by MM from a UCC perspective. Asked for feedback asap so they could get on with securing the grant and start issuing grant claim forms for their expenditure.

12th April – Response from MK apologising for not getting back to them. Explaining an in-depth comparison had not been done but that nothing looked contentious. MK also mentioned them engaging with the UCTC Community Engagement Officer.

19th April – During UCC meeting PC asked MK directly about the 'New' T&Cs again. The UCTC engagement officer dealing with the grant was present at the meeting. At no point did either of the URG team ask UCTC members present about it.

24th April – Following our UCC meeting numerous private attempts were made to discuss the perceived issue with the T&C's, UCTC's practices and attempts to discredit MK were now coming through. Due to this CW and GN were becoming increasingly concerned so GN reached out by phoned to a community council area manager (not our district) that she knew for advice. It was during this call that it became apparent MM had phoned her, the week before and she advised him of how to handle the T&C issue.

During the call between GN and the area manager, it was also made clear that UCC did not have it within their remit to investigate or criticise UCTC practices. If there was a genuine concern of misappropriation of funds within the trust (For which there is no proof being provided nor having

ever been provided), this should be passed onto OSCR or the police by the individual making the allegation, they would then have to show proof of their allegations.

Personal views of this nature should not be aired to members of UCC. No attempts should be being made to use UCC as a tool with which to investigate UCTC.

Most of the issues being raised sounded like they were 'personal' opinions and so it was not appropriate at this point to involve all UCC members. It was made clear there is no conflict of interest (as had already been advised in the office bearers meeting). During this call GN was given the details of the UCC area managers, and subsequently sent the link for community council handbook.

It was also advised any further issues should be raised with our area managers. All this advice had also apparently been passed to MM during his call to the same area manager.

26th April – CW received an email from MM saying he had not been comfortable with how UCC business had been pulled into UCTC lately and he felt we needed to distance ourselves. He then asked for her thoughts on a draft email he had written pertaining to his thoughts that UCC was too involved with UCTC, he stated he intended to send his email to all UCC members and UCTC board members.

The last section of this email was a personal note from him making allegations against MK that he had been spreading malicious gossip relating to MM's departure from UCTC to 'people' including colleagues at UCC (again, no proof of these allegations offered). This email was the catalyst for CW having to contact our area managers for advice.

28th April – Following seeking guidance and being advised a special meeting was still not necessary, CW sent an in-depth response to MM making it clear any UCC business should be discussed and decided on as a group, again stating there is no conflict etc. At this point we did not inform MK of the complaints/comments/allegations being weighed against him and we did not inform UCC members as we were advised it was not at that stage.

The main reason for not informing MK was as CW suggested, so we could make sure all i's dotted and t's

crossed to ensure proper protection for MK and his position.

2nd May – CW and I had a meeting to discuss what advice and guidance we had been given and how to move this on to an amicable resolution.

Further attempts to raise issues had been happening privately but CW was waiting on a call back from our area managers and so it was decided that following that call GN would then advise MK of what had been happening and the allegations made against him.

Also, of the suggestions of financial improprieties within the trust.

4th May – CW had her call with the UCC area office.

Confirmed all actions to date correct. No conflict for MK. Still does not warrant a special UCC meeting for all members and MK should be informed.

That afternoon GN informed MK of all goings on and things that had been said. MK was visibly shocked by everything that had been going on. He said he had wondered what was wrong and that historically there had not been any issues personally between him and MM, or so he thought. He did not understand why he was being targeted. Despite all the information passed on, at the end of the meeting MK expressed concern for CW and GN after all we had been dealing with.

He asked that GN pass on his thanks to CW and confirmed he would like a positive working relationship with PC and MM.

MK did let us know that he would obviously have to discuss the matter with his colleagues in UCTC due to the numerous comments passed about them.

12th May – During a UCTC event MM was involved in, he handed a sheet of paper to the chair of UCTC with the following on it:

UCTC Board

As you know I resigned as a director of UTC in June 2021. It has recently been drawn to my attention that one of your

directors namely MK has been telling people including my colleagues that I was Quote" thrown out of the UCTC" unquote. This malicious falsehood is I'm sure you will agree totally unacceptable, and I expect a retraction and an apology from MK.

16th May – Following public posting of the April UCC meeting minutes, a complaint was received from UCTC chair. Advising incorrect statement in UCC minutes. No New T&Cs had been issued.

As CW had dealt with a huge amount already, GN took this on and contacted our area manger the following day. The complaint was not about a specific member of UCC, it was a general complaint about a section of our minutes, so GN had no complaine to inform.

17th May – GN called the UCC area office and was advised to raise the complaint during that evening's meeting under the approval of previous minutes point and was advised of what appropriate action to take beyond that. This was done and all members were informed the complaint was received the night before.

18th May – 2.02pm, CW and GN received an email from MM asking GN when the complaint from UCTC came in.

2.07pm – Email received from PC (all UCC members copied in), seemingly explaining his perspective on the matter, to which GN responded.

4.20pm – Email received by GN from PC informing her he really wasn't comfortable with the way the complaint was being handled and asked if he could call her the following day to discuss.

GN responded saying he could but that she really didn't understand the issue. GN also pointed out if he was uncomfortable with her handling of the complaint, he should feel free to speak with the other office bearers and seek their advice.

5.10pm – Email from URG to GN describing the principal issues and saying their paperwork would be sent over. GN responded advising she would happily accept the versions of the T&Cs they had and look over them. Hopefully this

would enable UCC members to see what URG were seeing and get to the bottom of all this.

19th May – GN received email from URG with documentation attached.

22nd May – Morning of, following a review of the paperwork received from URG, GN emailed them asking if the discrepancy they were referring to was in the general T&Cs attachment of the offer email? That evening GN chased them for an answer to this question, so she could finalise things and draw an end to it.

23rd May:

5pm - email received chasing GN's answer.

7.54pm – GN emailed PC explaining though one point had been removed from the general terms and conditions, it was not new terms and conditions and was not a mechanism with which they could draw down from the grant, as had been suggested by URG.

It also was not a specific point that would affect the grant in any way, it was just one point in a list of suggested proofs of expenditure.

The specific T&Cs remained as was. In fact, the point that was removed did not relate to URG in the first instance, so did not affect them in any way. The point removed was for paying wages.

8.50pm – Email received from URG, still insisting new T&Cs issued and advising GN, that PC and MM would be setting up a meeting with the director of UCTC to discuss.

8.52pm – CW received a private message from PC ask for a chat.

During the UCTC/URG meeting of that evening, it was established that there was no substance to the allegations made towards MK, in MM's note he had handed to the chair of UCTC on the 12th of May.

24th – CW spoke with PC. During the call PC intimated the meeting was being requested by the chair of UCTC not himself or MM.

He agreed removal of section in previous minutes (as per the appropriate action we were advised by area office to take, regarding the complaint) but said a written statement from UCTC confirming second lot of T&Cs sent out, and confirmation that T&C's would not be changed in the future, would draw a line under the matter and we could move on (CW did explain on the phone that we could not ask them not to change future T&Cs).

CW phoned GN and informed her of the URG request to resolve the situation. GN advised she was not comfortable with that and would not be requesting it from UCTC.

Following the call GN emailed the UCC area office and requested urgent advice to help solve the ongoing issues.

25th May – Area office responded, and a phone meeting was arranged for early afternoon. The area manger pulled in the Committee Officer, who deals with community Councils and advised she had also been contacted by MM, so felt that it would be helpful to triangulate all the quires and issues.

GN explained the situation that we (CW, MK, and GN) had been experiencing for the few months.

GN Expressed concern that there was no improvement and that she thought it was unfair the other members of UCC were unaware, and that with an AGM coming up, members may be thinking of going for office bearer positions but should have knowledge of all the goings on, so they are fully aware.

The advice given was that it was now time to call a special meeting. There should be one point on the agenda – URG.

At this point GN was advised of how the subgroup should be running and what the issues are. The area manger also advised it was now appropriate to inform all members of what had been happening since March.

GN was given details of the email MM had sent to the area office, asking how URG function without UCC. The area

office would be responding to MM with clear guidance and advised they would copy GN into their response to MM, so GN had a copy of correspondence for all members.

CW took over as chair at this point:

T&C on going query.

GN received emails, on the 18th and 19th of May relating to the T&C query discussed at our meeting of the 17th of May, stating the UCC member was still not happy with the outcome of the T&Cs query relating to the URG grant, or the review of the complaint.

GN offered to look over the paperwork they had. GN thoroughly looked over all the paperwork provided by the UCC member and came to the same conclusion as was advised at our meeting of the 17th of May.

In line with our constitution and section 8 of the Aberdeenshire Community Council guidance relating to complaints procedure document, GN had informed CW and MK (the two other office bearers who were not raising the query) of the follow-on emails and of the documents she had received and was reviewing.

Unfortunately, as the query we all thought was dealt with was continuing to be progressed, GN had cause to contact our area managers and seek their advice on the matter.

GN gave the area managers a rundown of all events over the last few months relating to conduct of UCC members and the T&C issue URG continued to raise, and the following advice and guidance was passed on to UCC:

URG is UCC. It is not a separate group and should not be run as such. If anything goes wrong and correct insurance is not in place, or insurance is in place, but the insurance company has cause to suggest the policy is not adequate or void e.g., incorrect information passed to insurance company, or risk assessments not in place, adequate training by 'qualified' trainers has not been carried out etc, then all UCC members, not just the subgroup managers, or the office bearers, could be personally liable.

The way URG have been running to date is like it is a separate group, and this is incorrect management of a community council subgroup.

Regarding subgroups ALL UCC members are responsible and accountable, so should be ensuring they are involved fully in discussions and decisions about:

- *Who manages any subgroup (this can be changed by UCC at any point).*
- *Funds in and out:*
 - *Including general spending decisions.*
 - *Budgeting.*
 - *Funding applications.*
 - *Adequate insurance.*
 - *If appropriate – ensuring adequate risk assessments are in place.*
 - *If required – adequate training and ensuring appropriately qualified trainers are delivering training.*
 - *If subgroups continue or cease to run.*

None of the above means UCC members need to micromanage the subgroup but it does mean adequate communication between all UCC members and the members managing each subgroup.

However, all decisions regarding the subgroup should be discussed fully at UCC meetings when necessary and any decisions decided as a whole group.

Any desired changes the managers of subgroups wish to make, should be discussed first with UCC members at a meeting (Not via email privately or group).

All plans and suggested developments of subgroups should be brought to all members attention at a UCC meeting so they can be discussed and decided upon.

A comprehensive breakdown of 'agreed' spending should be provided in feedback reports.

During the call with the Area Office GN was made aware of an email that had been sent by MM (referenced above on 26th April) enquiring as to what URG would do if UCC did not have enough members to continue; what would URG need to do to continue operations and be covered by council guidelines and insurance.

It was pointed out in this email that this was a hypothetical question, but that URG needed to be aware of how they continued to offer their services to the community without the community council.

The area office highlighted that this further raised the point that URG has been running as an independent body.

The email received today (7th June) from MM, which he has requested form part of our meeting minutes for this Special Meeting, also further supports the Area Office view that URG has been running as a separate body.

MM's email, to all members, references both MM and PC requiring to be kept informed by UCC of matters and that they welcome comments and feedback from UCC. This further reinforces the Area Office understanding of how URG is currently being run.

MM's email also refers to him, and PC as leads of URG. As of 31st May, PC resigned from UCC and the email from the Area Office on 25th May to MM clearly and explicitly stated that URG and UCC are 1 group and therefore any lead or member of URG managing URG should be a member of UCC. This advice had also been provided verbally to PC directly by CW previously. On 25th May 2023, the Area Office gave MM (with GN copied in) the following advice: -

For URG to separate from UCC the members who wished to do this would have to set up as their own independent group. They would have to create their own constitution, and it would no longer be under the Council guidelines.

Furthermore, the Council does not ensure any groups, it supports community councils in the insurance process, but it does not insure them.

The new independent group would have to arrange their own adequate insurance(s), and they would have to set up their own bank account.

However, the decision to separate any subgroup is not that of the individual members alone. This is the decision of UCC.

If, after appropriate discussion, UCC members agree to support a subgroup becoming a separate group, they then

must decide if any ring-fenced funds for the subgroup can be transferred.

If the funds were obtained from another group, for example a grant claim, then the funding body would have to be contacted by UCC and enquiries made as to whether they are also happy for the monies they provided to be transferred to the new independent group. Any funds ringfence for subgroups is that of UCC, not the subgroup.

Discussion:

MK pointed out he, as treasurer, is still not getting paperwork.

MK gave his perspective and stated he thinks they have done a good job getting the project started. The UCC has been a good starting point for them to use to get going but, in his opinion, the project is too big to come under the UCC umbrella.

GB said MM mentioned during the last meeting that URG was covered by insurance.

GN pointed out that there is no paperwork to prove URG has its own adequate insurance.

MK read out emails received from Zurich on the 21st of March – MM had enquired to Zurich about cover levels and Zurich had replied informing him of what URG needed to do to be covered for public liability. It also gave information on what equipment was covered and at what level. There is no current cover of the equipment against damage or loss.

The question was asked if URG should remain as part of UCC?

GB suggested if it remains, then the project needs to be looked at by someone other than MM or PC to ensure correct information coming back to UCC. This project has the potential to be a great asset to our community.

SH stated it is concerning that so much has developed in URG and decisions are being made, without any discussions with UCC.

Decision needs to be made about how UCC members feel about URG as a subgroup and how we feel working with the previous lead(s).

MM has apparently been contacting UCTC and attempting to claim/access funds from the approved URG grant, over the last week or so, but with no communication through the UCC treasurer.

CW stated she feels the community needs a resilience group. But unfortunately, she does not feel she can continue with the current set up of management. The trust is gone.

MK – To be adequately managed, the project needs someone, or a team, with experience of this type of project.

GN – Even if the project is managed by members who feed back to UCC properly, it has still developed into a massive project with the potential to have personal liabilities for all UCC members.

This lack of communications means some decisions have already been made which are personal choices and perhaps not what is best for the community. For example, GN mentioned, through dealing with the T&C query, she had been made aware that the Medan centre could have been available as the warm spaces hub, should an adverse weather, or other incident, mean members of the community needed a safe warm place to go. When decisions were being made about venues for the electric hook ups for the generators, all UCC members were not involved in discussion. Had we been, it would have been mentioned that the Medan centre could possibly offer the best option for this sort of venue. It has a large kitchen, bathing facilities, greater number of separate rooms, accessibility already in place. With having more separate rooms, the Medan centre could potentially offer a safe 'separate' space, for vulnerable members of the public. Unfortunately, the venue chosen is a hall with one large room and another much smaller room, which includes a small kitchen. This space cannot offer the same options for vulnerable members of the public. It feels like an opportunity for our community has been missed here.

SH asked could it remain as a subgroup but be managed by someone else?

Discussions were had as to whether members wished for URG to remain as a subgroup of UCC, or if it would be better that it was supported to become an independent group.

All members want to see the resilience project succeed. It could be a fantastic resource for the community. But there is concern there is the chance that UCC members could face personal liability and with the members of URG running the project the way they are, and currently planning the work they are planning, it was felt this was a concerning risk.

Do we put a pause on URG, to give UCC members a chance to review what has been done to date? What is in place? What is planned?

Unfortunately, UCC members are being told, after money is already spent. We have been asking where the paperwork is but not been given any.

A management team has apparently been put in place to oversee URG progress, but this was not discussed with UCC. Some members were told after the fact, others unaware until this evening's meeting. Apparently one member had previously asked MM, if he could attend one of the meetings with this management team and was told he couldn't because it was a 'closed group'.

Who are the members of this management team? What are their roles? What do they do?

MM has already made enquires with the UCC area office as to how to run URG as an independent group.

GB - If the project continues it would undoubtedly be of benefit to the community.

All agreed, if URG continued to benefit the community as an independent group, UCC would be happy to support them.

GB feels we should work with URG. Perhaps approach MM and PC to find out information. An audit of URG?

