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**INFORMATION NOTE**

This note aims to set out for members and the wider community the facts as the

Board sees them in response to the flurry of negative comments and accusations

levelled at the company in recent times by a number of individuals and repeated

on social media and in the press.

**RESPONSES TO COMMENTS MADE AT DTAS COMMUNITY**

**CONSULTATION MEETINGS**

The Development Trusts Association Scotland (DTAS) advised us that they had

provided advice and assistance to a number of other community organisations,

and we readily accepted their offer to facilitate community consultation meetings

here. One was held on Ulva on 6th August and one at Dervaig on 7th August.

Reports by DTAS on the meetings have been circulated and are available on the

Company website.

The Board wishes to respond to a number of the matters raised.

**Ulva Meeting**

*“Accountability – who will check that tasks are completed to the correct standard*

*on the island?”*

By using professional tradesmen working under a proper contract, we would

expect appropriate standards to be met. Ultimately the sign-off will be the

responsibility of a Company employee acting on behalf of the Board. Normally

the Development Manager.

*“Complaints and issues – a clear complaints procedure to raise issues and a*

*timeframe for responses. Possibly an external Manager to deal with issues in a*

*timely manner.”*

It’s accepted that there needs to be a clear contact point between residents and

the Company in relation to complaints.

*“Water supply and sewage – must be resolved before new plots are marketed*

*and new tenants encouraged.”*

The first plots being marketed were selected for the feasibility of a private water

supply at these locations. As such they will not necessarily be dependant on the

overall water system upgrade which is ongoing.

*“Transport to the island – the current ferry provision does not operate at*

*weekends and only for the school run in the winter.”*

This is as it has always been, but it is recognised as a significant constraint. This

will become more of an issue as the population rises and demand for access to

and from Ulva beyond the current provision increases. The ferry operation is not

managed by the Company and it would be hoped that residents could agree the

service provision.

*“Business Development on Ulva – has not happened since the buy-out.”*

Business development highlights include *inter alia*:

• Participation in an Agri Environment and Climate Scheme

• Provision of 7km of new fencing

• Bringing on livestock to kick start a new farming venture.

• Helicopter spraying of bracken to improve agricultural potential

• Recruitment of a tenant farmer and provision of a house

• Bringing Ardalum hostel back into use

• Bringing two bothies back into use

• Upgrading the two piers to provide improved access and utility for local

fishermen

*“Transparency – on leases being offered, on use of the island’s wood (and other*

*resources) and how decisions are made that directly affect Ulva residents.”*

All contracts and leases have been dealt with in a transparent manner and

opportunities to participate have all been made publicly available. The final

financial terms of contracts are not published, nor should they be as they are

confidential to the parties to the contract.

*“Revisiting the core message …..as trust has broken down these conversations*

*are difficult to hold.”*

We are committed to working with all members of the community to achieve

Ulva’s social and economic development, especially as we’ve now achieved the

main initial objectives of the buyout, i.e renovation of the housing stock, including

Ardalum and the bothies, and reinstating agriculture. It would be valuable to

understand the views of the wider population on the island, beyond just the more

vocal individuals. It is challenging to engage with those who may not feel

comfortable speaking up, however we are dedicated to finding a way forward and

will develop a clear plan to address these challenges.

**Dervaig Meeting**

*Maximising the woodland for local benefit. Suggestions in the room for dealing*

*with phytophthora issue.*

We have been for some time campaigning with others and in our own right for a

derogation to allow use of larch on Mull. Letter to MPs. MSPs, Scottish Forestry

etc. All to no avail as yet but we continue to pursue the case.

*Suggestions for community engagement with the woodland*

We agree there is plenty of scope and a study some years ago mapped out a

range of possibilities. Now the ground is clear of standing timber this needs to be

revisited and some of the potential projects put into action. As ever though, there

will be challenges of cost and management capacity

*Mission – the purposes are very long and wordy*

Actually section 4 of the articles sets out in less than 300 words the purposes of

the Charity. The Ulva Development Plan agreed with Argyll and Bute Council also

requires a bit of effort to read because it covers a lot of ground. Similarly, the 20

year Forest Design Plan on which there was extensive community consultation.

*Ideas: Community shed*

Funding?

*Mountain bike and walking tracks*

Great idea already looked at in detail but funding sources? (1km engineered

cycle track at least £30k, all weather accessible walking track over £15k per km)

*Can wood for stoves be imported?*

We’ve already done a wood-swap with SWMID

*Woodland burials*

Site was selected and marked out. Professionally surveyed. Mapped and ready

to go but soil depth regulations changed in 2015, so we need to find a new site.

*What is the trust’s vision for the woodfuel company [main question in the room]*

Purpose and objectives of the woodfuel business are obvious from the published

advertisements.

*Firewood strategy for local supply – coppicing?*

Cost of harvesting and processing coppiced timber is hugely higher per cube

than cut and split. Coppicing becomes more attractive at an individual level and

over a longer timeframe.

*Wildflower areas*

There are significant areas of natural regeneration planned in phase 1 and 2 in W

Ardhu, much enlarged native woodland planted in Langamull, and if the Bellart

bog restoration project goes ahead there will be a further massive increase in

biodiversity in our land.

*More woodland crofts*

More woodland crofts would reduce the economic potential of the retained

woodland. It should also be noted that whilst some crofters are forging ahead

with exciting activity not all the existing 9 crofts are currently being actively

managed as it is.

**ELECTION OF DIRECTORS AND THE AGM**

Previous to the AGM four of the existing five Directors indicated that they were

minded to step down after the AGM. However, to ensure a smooth handover and

to provide support to incoming members of the Board they agreed to be renominated

and were elected at the AGM with large majorities (see below). Due to

confidentiality constraints, it would have been difficult for them to facilitate an

effective transition as non-directors. Their decision was made with the best

interests of the residents, employees, and the future of the Company in mind,

ensuring protection and continuity during this critical period, much like training

staff in any organisation.

The AGM held on 9th September was well attended by around 50 people. Ballots

were issued to people on entry to the hall after checking eligibility against the

membership list.

70 votes were cast of which 22 were by proxy.

There were ten nominations for election as directors. Four of these were existing

directors.

Of the six “new” candidates, five were close to being unanimously elected (93-

98% in favour) and one was roundly rejected (16% in favour) The four existing

directors were elected with large approvals (64-87% in favour)

One existing director whose term had not expired confirmed he was willing to

remain on the Board.

The Company therefore now has a Board of 10 which is very encouraging

compared with the barely quorate situation before the AGM.

After the ballot, several members expressed concern that the new board did not

have any representative from Ulva (the sole Ulva resident nomination having

failed to be elected)

This concern is shared by the Board, and immediately after the AGM an emailinvitation was sent to all Ulva residents asking them to consider putting

themselves forward to be co-opted onto the Board. So far, we have received one

reply in which the offer was declined, and a further reply from the candidate who

had been rejected by the membership at the AGM.

**Response to complaints received from an Ulva resident following the AGM**

*“NWMCWC registered its solicitor as Secretary with Companies House seven*

*days before the AGM, rather than wait for a decision about the Secretary position*

*to be made by the new, incoming board.”*

It’s quite normal for a Company Secretary (a role which is largely a formality

required by the law) to be a non-member of the Company but a person of

professional standing, and it was felt inappropriate to continue with our

Chairperson also having the Secretary role especially with the AGM coming up.

The Board is entitled to change the Company Secretary whenever it wishes, and

a deliberate decision was taken to nominate the Company’s solicitor so that noone

could allege bias given that the solicitor is an officer of the court and

therefore obliged to act in accordance with the law.

*“At previous AGMs I have attended, there was not a ballot form. One may have*

*been used in the past, but I am not aware of this. The timing of the introduction of*

*this voting format seemed strange.”*

It was viewed as important to be sure that voting was restricted to members and

use of ballot papers issued by checking against our membership list was the best

way to do that. This is perfectly normal practice and ballot papers have indeed

been used in the past in relation to community votes on various matters including

at AGMs.

*“I am not aware of a drive for proxy votes before previous AGMs.”*

Proxy votes are an important way of maximising member engagement in the

vote. Indeed, under the Companies Acts the Company’s Articles must provide for

the use of proxies to ensure that members unable to attend can vote on

resolutions and appointment of Directors. Proxy votes have therefore been

available and used at previous AGMs. A note was sent in good time to all

members advising the process and timings for registering proxy votes.

*“Despite your denial in response to my question during the AGM about contacting*

*members to register for a proxy vote to vote against the only Ulva resident*

*seeking election to the board, I have seen evidence that this did take place. The*

*person you contacted fears reprisal if they speak out themself.*”

There was no organised “canvassing” for or against candidates. Though even if

canvassing had taken place, it would be entirely in line with normal and lawful

democratic voting procedure. It seems logical that if a member asks another

member to exercise a proxy that the two would agree how it is to be used.

*“Members were not provided with biographies for the potential directors, to better*

*inform their voting.”*

There is no requirement under the Articles, and this has not been done at

previous elections. Ours is a small community and those nominated were well

known to members. The members could request an EGM to amend the Articles

and include this although probably details of the length of biographies and their

contents would need to be defined.

*“Those standing as directors did not speak before voting, to help inform*

*members’ decision.”*

There is no requirement under the Articles, and this has not been done at

previous elections. Ours is a small community and those nominated were well

known to members. The members could request an EGM to amend the Articles

and include this although probably details of the length of biographies and their

contents would need to be defined.

*“A former NWMCWC director was seen to fill out fourteen identical ballot forms,*

*with nine elect and one do not elect on each form. The do not elect was for the*

*only Ulva resident.”*

That many of the proxy votes registered were in the name of a single director

(who happens to be a former Chair of the Company) is a measure of the

confidence members have in that individual. How anyone can know in whose

favour those proxies were exercised is a mystery, unless someone was looking

over his shoulder as he filled in the forms. Highly improper if that was the case.

*“Members present report having seen two people who do not live within the*

*postcode area for NWMCWC completing ballot forms and handing them in to be*

*counted.”*

As ballot papers were only issued to members whose names appeared on the

Register of Members this does seem unlikely and we are not aware of this, but

even if true, two votes would not have made any difference to the outcome.

Nevertheless, if the “members present” are sure that this was the case, could

they please advise the names of the non-members so that this can be noted in

the AGM minutes.

*“The ballot forms were counted by the Secretary/ solicitor and an employee of the*

*board. Independent verification from members was not permitted. As the ballot*

*was secret with no identifying details, allowing members to count the forms*

*should not have been an issue.”*

An insinuation of professional misconduct by a solicitor would be a serious

matter. At the very least it would be insulting to suggest that he (and a company

employee) “cooked the books”. No request was made for another teller to take

part in the count and no request was made for verification. Had such requests

been made they would have been readily agreed to.

*“Members were not permitted to view a blank ballot following the announcement*

*of the election results.”*

Just one member requested a blank form but didn’t explain why it was wanted,

the ballot having been completed. As all members received a blank form on

arrival and thus viewed the blank before completing it this comment seems to be

irrelevant.

**ARTICLES IN THE NATIONAL 22nd SEPTEMBER and TIMES 24th Sept**

The National article by Richard Baynes reiterated many of the complaints in

relation to the election of directors which are covered above. In addition, it raised

the matter of the island’s water supply and the condition of assets such as Ulva

House, the Church and Sheila’s cottage. These were subsequently picked up in a

Times article. A further op-ed in the Times by Magnus Linklater raised more

general questions about community ownership of land in Scotland.

**Water Supply**

The water supply on Ulva has had problems of quality and capacity dating back

well before the community buyout. And we recognise that providing a reliable and

clean supply is a top priority. A detailed hydrological survey was carried out in

2021 which concluded that there was sufficient capacity in the reservoir and

spring catchment area to meet existing and future planned demand. The next

step was to clean out and reinstate the reservoir as the primary supply leaving

the spring as back-up. This was completed last year whilst we sought funding for

the next stage of work.

With generous funding (approx. £80k) secured from Argyll and Bute Council, a

new, much higher capacity filtration and sterilisation system is currently being

installed. (week commencing 23rd Sept)

The next priority is to renew the entire system of distribution pipes around the

island. (The previous owner at some point pushed new plastic pipes through the

original iron pipework which of course reduced the flow which is now insufficient)

Funding for this final phase is currently being sought.

**Non-residential heritage assets**

The assertion has been made that the island’s built heritage assets have been

neglected. This is not the case but there is a question of priorities.

Development efforts have primarily focussed on improving residential properties,

ensuring that the pier remains operational to maintain transport links and improve

facilities for local fishermen, purchasing electric buggies to assist residents and

less-abled visitors moving around the island, and reinstating farming on the

island.

Previously, only three of the six houses were habitable. Now all six have been

fully renovated to a high standard. They are leased at an affordable rent and of

course tenants now have the security of tenure which was not the case

previously.

These initiatives were prioritised for the well-being of residents and the island’s

long-term sustainability.

Sheila’s cottage was scheduled for re-thatching this year, but our unusually wet

summer has caused delays and the thatcher has postponed work till Spring 2025.

We value the Telford church’s historical and community significance and hope

that in due course we can begin exploring its development as part of a broader

project to reimagine the vision for Ulva. The leaking roof, dangerous holes in the

floor and dangerously unstable pulpit canopy pre-date the buy-out and are the

reason the main part of the church has been closed. We have however provided

two toilets in the vestibule which we maintain for visitors’ use.

Regarding Ulva House, earlier plans to use the property as a heritage centre fell

through due to cost escalation resulting from Brexit and Covid. However,

negotiations are well in hand with prospective new tenants who have exciting

plans to renovate and re-purpose the building. A project that will bring

employment and more economic activity.

**COMMUNICATION and CAPACITY**

The Board and staff are aware that communication could always be better, and

we are committed to providing the means for this to happen such as the recent

meetings arranged along with DTAS. There are also new staff with whom

members of the community can engage at any time.

Capacity has been a huge issue for the Company and will continue to be – but

we intend to work with those in our community who share our positive vision for

thriving island communities, both on Ulva and in the wider North West Mull.

**THE FUTURE**

A background note circulated ahead of the AGM outlined the history of the

Company, some of its achievements and also challenges for the future.

We’re not the only Community Company facing challenges both at present and

looking ahead, the national economic situation and squeeze on funding which is

getting ever more severe are a real concern.

However, we now have a new Board of directors, elected with a strong mandate

and it will be for them to map out a way forward and respond to the challenges.

In the woodlands the key tasks will be to set up and look after the next rotation of

the commercial timber crop at the same time as increasing the native broadleaf

component, enhancing biodiversity and maximising community benefit.

On Ulva, the principal challenge is to address the current lack of management

capacity. Whether this will be achievable under the present company structure

will remain to be seen. The new Board will need to address this question urgently

and one of the considerations will be whether to reopen discussions with the

Scottish Government about resources needed to merge with another appropriate

organisation such as Mull and Iona Community Trust to achieve efficiencies of

scale and avoid duplication of effort, for example in relation to housing, forest

management and general admin.

From the outset, the concept has always been that at some point as the

population and economic activity increased, Ulva would largely become selfgoverning.

Some would go further to suggest that Ulva should become

independent of the Woodland Company. Whether when and how such an

evolution should come about will be an important consideration for the new

Board.

It’s important to keep a sense of perspective. The woodlands and Ulva are in

community ownership for good and whilst the pace at which things can be

achieved due to constraints on cost and management capacity is sometimes

frustratingly slow, we will get there eventually. It will be for future generations to

look back and judge how successful it has been.