

Penicuik Community Development Trust

A Message from the Chair, Roger Kelly

**As posted in the Lower Hall of Penicuik Town Hall on Saturday
26th August 2006**

Just over a week ago office bearers (myself as chair, Jack Macgowan vice-chair, Roger Hipkin Secretary) and the webmaster Julian Hall were astonished to receive a letter expressed as a “Compliance Notice” from Sheila Findlay (Trust treasurer) Bob Macdonald (former Trust Chair) Ken Brown (chair of the Community Council) and eleven other signatories. They required the Trust to cease its activities forthwith. We have shown this document to a lawyer, to the Community Development Trusts Association (Scotland) and the Scottish Council for Voluntary Organisations. None of the grounds for making the demand are backed up by evidence. Apart from being defamatory, we were advised that it was not legally competent. I cannot speak for the treasurer, obviously, but I and my fellow office bearers are absolutely convinced that there has been no dishonesty in the Trusts activities.

We have asked Mrs Findlay by email and in writing to supply details of the irregularities she had been alleging. She has not responded. If something is amiss, we will all need to see the accounts she has kept since taking office. We have asked her to provide them. She has not responded. We are considering taking legal advice over the defamatory statements that are being made.

It would be foolish to respond in kind to belligerence and misinformation. Community Development Trusts up and down the country have honest, constructive work to do, and Penicuik’s has been trying to get on with it. Needless to say, this kind of nonsense has a hugely negative effect on community spirit and on volunteer goodwill.

I and my fellow office bearers are ready and willing for anybody, individually or corporately, to examine the complete records of the Trust and its steering committee where they demonstrate good reasons and purpose for doing so. That is quite apart from the public business of the Trust which everybody is entitled to witness and which I am determined should

be conducted honourably and without rancour.

Things then went into an even more bizarre phase.

It then appears that Mrs Findlay informed Midlothian Council that the Trust had folded, and Councillor Montgomery reported this at the Cabinet meeting. The Council then ended our Town Hall let at three day's notice. This was a clear breach of our contract and, after legal advice, we made a formal complaint, asking for details of the evidence on which the decision was based. The Council then asked to be presented with an original copy of relevant Public Liability insurance by Friday morning. They had never required this cover of us before. We provided the document on time and the let was restored.

We found that a week earlier the treasurer and Mr MacDonald had gone to the Royal Bank and indicated a danger that fraud either had taken place, or might be about to, and asked the bank to put a 'no operations' order on the Trust's bank account and the bank naturally complied with the treasurer's request. Thus all the Trust's assets are frozen and we can neither pay in money nor respond to invoices until this is lifted. Bank staff pointed out to us that those suspecting fraud are normally told to go straight to the police. The bank head office legal department is being consulted and will advise us of next steps.

The good news is that all those dark rumours about the Trust's assets having been frittered away and that the anticipated £5000+ in the bank might now be as little as £1500 are, as we always supposed, rubbish. The bank account now stands at £5140.77. This is entirely reasonable compared with the position at the audit date of April 1st. From the brief information banks keep about transactions, nothing seems in any way untoward. No large cheques have been paid out that are not consistent with expenditure from the Oral History grant for recording gear, and pay-ins are at the level expected.

In the meantime, on the Trust's behalf the Secretary is holding one week's takings from last Saturday Open House - a net income of £78.21 from August 19th. He also holds £9 cash from the very recent sales of postcards. He had recently sent Mrs Findlay a cheque for £144.75 from the Trust's previous wholesale postcard sales. She will not now be able to pay it in at any stage within the cheque's validity so it will be cancelled.

The Secretary has provided a full account of the costs and success of the postcards, and this is available. Just after the end of the University financial year (August 1st) the Trust's photocopying bill was made out (mostly the cost of copies of the 6 sides of the Annual Report we distributed to households throughout Penicuik). This invoice for £671.24 cannot now be paid. The University School of GeoScience Accounts Office has been told it is unlikely within the normal 30 days. While some short term leeway may be permitted, the longer term would give rise to concern.

Another part of this fantasy world has Mr MacDonald, presenting himself as an official investigator, contacting the University to check that this invoice for Xeroxing the Annual Report is legitimate.

The Secretary has already paid smaller bills personally, like the last Town Hall booking fee. He had asked to discuss finances with the Treasurer both by letter and email but has received no reply.

In the present circumstances, I am anxious that the continuing financial operations of the Trust remain as open and unimpeachable as they were under the former Treasurer Anne Dalrymple. Until the matter is sorted out, Anne Dalrymple and Brian Miller (who originally offered his services in this capacity) will be asked to maintain an oversight of the Secretary's accounting.

I repeat that we are ready and willing for anybody, individually or corporately, to examine the complete records of the Trust and its steering committee where they demonstrate good reasons and purpose for doing so. That is quite apart from the public business of the Trust which everyone is entitled to witness and which I am determined should be conducted honourably and without rancour. I'm sure most of us In Penicuik share that determination.

Of course some may go on privately trying to put a stop to the Trust. Allegations have been spread to undermine and misrepresent our actions and objectives. For example, an unidentified informant in Mike Jackson's Penicuik News claims that "requests for information are met with abuse". Will these and similar unpleasant allegations ever be brought into the open?

Let's now get back to some mutual trust and work for the welfare of Penicuik.