

CCA report September 2025

The Council will be pleased to know that the trustees have purchased a picnic table with seats and a separate 2-seat bench for use on the village green. The money has come from the Community Fund, where it has been helping to keep the Centre solvent since the two summer fairs held in the school playing fields.

CCA has also purchased 3 automatic floodlights to illuminate access to and from units 2, 3 and 4 after dark.

As we mentioned in the last report, one of our new trustees is Willa Straker-Smith. Willa has offered the expertise of the Straker-Smith Farms' maintenance team, who have already undertaken to deal with water leakage over unit 1 and the repair of the faulty Velux window in the hall. They have also assembled the picnic table and seat.

The tenants are holding an Open Day on Saturday 20th September from 12 to 3pm, when all six small businesses will be open to view. Councillors and friends are warmly invited.

At the CCA trustees' meeting on May 28th and the meeting of this Council on 10th July, questions were raised alleging that CCA has been negligent in its duty, in regard specifically to fire and electrical safety.

The chair of CCA has prepared a formal rebuttal of these allegations, quoting all relevant clauses of legislation. A copy of this has been deposited with the Parish Clerk for the records and it follows this report.

At the last CPC meeting, CCA agreed to organise an Electrical Installation Condition Report (EICR) as soon as possible. It has since been proved by reference to the original legislation that there is no necessity for an EICR at this time (as explained in detail in the formal rebuttal document). An EICR would cost over £900. CCA will not be in a financial position to pay this amount for some time to come.

Martin Devon
September 2025

Rebuttal of allegations relating to management of the Cornhill on Tweed Centre

Overall Health and Safety Assessment

CCA notes the following under the *Health and Safety at Work Regulations 1974* as expanded by the *Management of Health and Safety at Work Regulations 1999*:

Regulation 3: As there are no employees, no overall Health and Safety assessment is required.

Regulation 4 (1) (b) states that where there are multiple tenancies, it is the responsibility of each tenant to ensure that his or her premises and materials used are safe. To that end -

Regulation 4 (3) (2) requires self-employed tenants to make their own risk assessments.

CCA holds a current risk assessment made in respect of every tenancy, the tenant or tenants being a self-employed person or self-employed persons, and denies any further responsibility in this regard.

Liability of trustees

A question has been asked as to the liability of trustees in the event of a claim against CCA exceeding the assets of CCA.

CCA is an Charitable Incorporated Organisation and a trustee's liability is thereby limited to the amount specified in the founding documents, namely, £1.

Response to accusation that Fire Warning is inadequate

The building has been newly re-assessed in accordance with *British Standard 5839 part 1* (non-domestic buildings). The criteria considered are:

The building is fully one-hour compartmented and there is direct access to outside from every unit, Unit 5 being a marginal exception.

The kiln in Unit 5 is of a design suitable for home-use. A full risk-assessment has been carried out. Tests have been carried out showing that the maximum temperature in the room where the kiln is situated was 27° C while the ambient temperature was 19° C. The kiln caused a rise of only 8° C above ambient which is entirely acceptable. The outside of the kiln is only hand-hot when running and it cannot be opened until the interior has cooled. The kiln monitors its internal and external conditions continuously. No further warning device is necessary.

The fire risk of the whole building is therefore classified as L5, very low risk with a single point of increased risk, namely, Unit 1, the distillery, where ethanol is both used and stored, though storage is in a further 1-hour compartment.

An extended telephone conversation took place on 28th July with Tony Simpson, the Chief Fire Officer at Berwick (who incidentally did the appraisal of the Centre for Building Regulations) who had the plans of the building before him. The Chief Fire Officer stated his agreement in every respect with the assessment described above.

In that context, provision of any warning device is at the discretion of CCA.

Since burning ethanol does not produce smoke, smoke detectors would be ineffective. It was agreed between CCA and the Chief Fire Officer that a dual-element, rise-of-temperature detector and flame detector, inside Unit 1, connected with a sounder in the hall will be appropriate and sufficient. This provision is in hand at the date of this document.

Response regarding Certification of the Electrical Installation

It is alleged that as the Centre comprises units which are private rented property the Centre must by law have an Electrical Installation Condition Report (EICR) in addition to any extant Electrical Installation Certificate, the EICR being also necessary for insurance purposes.

The *Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020* require an EICR in “specified tenancies”

A Specified Tenancy as described in section 2 of the Regulations is a tenancy which

- (a) grants one or more persons the right to occupy all or part of the premises as their only or main residence and
- (c) is not a tenancy of a description specified in Schedule 1 to the Regulations;

Under subclause (a) of Schedule 1 the Centre is not a residence of any description.

Under subclause (c) of Schedule 1 CCA tenants have a right to remain in occupation for a period exceeding seven years.

On either or both counts, therefore, the Centre is exempt from any legal obligation to hold an EICR for the purposes of the above-mentioned Regulations.

On 5th August, the Chair met Pete Lang, a senior supervisor from Stewart’s of Kelso at the Centre and showed him around. Mr Lang confirmed what we have always said: the original Electrical Installation Certificates (EIC) issued under **BS7671 (18th edition)** are fully valid for 5 years. A subsequent phone call to CF Inkpen & Sons produced an identical opinion.

At the end of 5 years from the date of issue (i.e. 2028) the various EICs expire and their place is taken by a single new EICR.

On an earlier occasion the Chair of CCA read, in the presence of the Parish Council, the relevant clauses of the Parish Council’s new Insurance Policy. Nothing was found which went beyond the usual requirements of care and maintenance.

CCA is therefore confident that each and every legal obligation has been satisfied.

Martin Devon

Chair, Cornhill Community Action CIO

9th September 2025