

CHARITABLE TRUSTS, BEQUESTS AND TRUST FUNDS

1.0 EXECUTIVE SUMMARY

- 1.1 The Bute and Cowal Area Committee are Trustees for a number of Charitable Trusts, Bequests and Trust Funds. Historically a report has been brought to the Area Committee on an annual basis with recommendations for distribution.
- 1.2 Since the last report Officers have undertaken a review of the Charitable Trusts and Bequests and Trust Funds to simplify and update processes where possible and ensure ongoing compliance with charity regulations and the original terms of the bequests. The review has taken cognisance of the fact that a large number of the charitable funds managed in trust by Area Committees were established many years ago, and as a consequence of changes in society over time the intended beneficiaries of the bequests are no longer easily identified. It has also addressed concerns raised by Elected Members regarding the administrative burden of the management and distribution process and that changes to personnel and corporate structures may no longer facilitate the process. Consequently the recommendations within this report outline the proposals for updated and better streamlined processes.
- 1.3 This report provides details of a number of the Trusts and Bequests that remain active in the Bute and Cowal Area and seeks agreement from Members on proposed distribution methods.

2.0 RECOMMENDATIONS

- 2.1 The Bute and Cowal Area Committee are asked to:
1. agree that the charities and trust funds are awarded on the basis outlined in paragraph 8.1,
 2. agree the distribution of the charities and trust funds outlined within Appendix 1,
 3. agree that a moratorium be placed on funds being distributed from the Bute Education Trust, and

4. note that a distribution proposal for the Lamont Bequest will be brought to a future meeting of the Area Committee.

CHARITABLE TRUSTS, BEQUESTS AND TRUST FUNDS

3.0 INTRODUCTION

The Bute and Cowal Area Committee are Trustees for 12 Charitable Trusts, Bequests and Trust Funds with an estimated unrestricted balance of £20,000. This report provides information on proposals in relation to the ongoing management of these funds and seeks agreement on distribution proposals.

4.0 RECOMMENDATIONS

The Bute and Cowal Area Committee are asked to:

1. agree that the charities and trust funds are awarded on the basis outlined in paragraph 8.1,
2. agree the distribution of the charities and trust funds outlined within Appendix 1,
3. agree that a moratorium be placed on funds being distributed from the Bute Education Trust, and
4. note that a distribution proposal for the Lamont Bequest will be brought to a future meeting of the Area Committee.

5.0 BACKGROUND

- 5.1 Historically reports are prepared and submitted Area Committees outlining the status of each of the funds, proposed distribution method(s) and the amounts available.
- 5.2 Since the last report Officers have undertaken a review of the Charitable Trusts and Bequests and Trust Funds to simplify and update processes were possible and ensure ongoing compliance with charity regulations and the original terms of the bequests. The review has taken cognisance of the fact that a large number of the charitable funds managed in trust by Area Committees were established many years ago, and as a consequence of changes in society over time the intended

beneficiaries of the bequests are no longer easily identified. It has also addressed concerns raised by Elected Members regarding the administrative burden of the management and distribution process and that changes to personnel and corporate structures may no longer facilitate the process. Consequently the recommendations within this report outline the proposals for updated and better streamlined processes.

6.0 DISTRIBUTION ARRANGEMENTS

- 6.1 Of the 12 funds for which the Area Committee are trustees 6 have historically been awarded to Council Departments and allied partners (for example Roads and Amenity Services). Officers have been working to standardise the process for these awards to ensure that it is transparent and meets the terms of any Bequest/Trust.
- 6.2 A small number of funds (5) have bespoke distribution methods which are generally undertaken by Legal and Regulatory Support, this process will continue.
- 6.3 Officers will continue to monitor the expenditure from these funds. Should expenditure not provide a community benefit Officers will explore what remedial action can be taken.
- 6.4 Members should note that one bequest, the Bute Education Trust, is in arrears. It is recommended that a moratorium be placed on further awards being made until such time as sufficient interest has accrued. In the meantime Rothesay Academy will be advised that alternatively a request can be made to the Rothesay Common Good fund.

7.0 LAMONT BEQUEST

- 7.1 Of the 12 funds only one, the Lamont Bequest, requires further review as due to changes in society over time the intended beneficiaries of the bequests are no longer easily identified. Officers are working on a revised distribution proposal which will be submitted to the Area Committee Business Day in October 2020. It will then be refined based on member's feedback before being further considered for approval at the December Area Committee.

8.0 LEVEL OF AWARD

- 8.1 In order to provide a level of consistency to the process for those Bequests/Trusts which are transferred to Council Departments or allied partners it is proposed that the following criteria be applied:
 - to allow for maximum benefit from the resources available, those Funds that hold less than £1k in unrestricted reserves (i.e. monies the charity has available to spend without drawing on capital or restricted reserves) will be made available, in their totality, within this financial year (2020/21). The capital will remain as this cannot be distributed. This approach will essentially place a moratorium on the distribution of monies from those

funds, thereby lessening the administrative burden and ensuring maximum community benefit.

- those funds that hold more than £1k will be allocated on a basis of the interest from the previous financial year plus 1/20th of the unrestricted funds.

8.2 Should the Area Committee approve this approach up to £497.00 will be available to council departments and allied partners this financial year.

9.0 CONCLUSION

9.1 This report has outlined the current position in terms of financial and distribution arrangements of the funds/bequests held in trust by the Area Committees. On approving the recommendations they will provide a clear community benefit while meeting our obligation of ensuring transparent and effective governance.

10.0 IMPLICATIONS

10.1 Policy	None
10.2 Financial	None.
10.3 Legal	Area Committees, as Trustees, must ensure that the distribution arrangements comply with the terms of the funds/bequests, failure to do so would result in the Council being liable.
10.4 HR	To proceed with reorganisation, in terms of section 10 or 11 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 would require the allocation of Officer time.
10.5 Fairer Scotland Duty	None
10.5.1 Equalities –protected characteristics	None
10.5.2 Socio-economic Duty	None
10.5.3 Islands	None
10.6 Risk	None
10.7 Customer Service	None

Douglas Hendry

Executive Director with responsibility for Legal & Regulatory Support

27 July 2020

Appendix 1 – Distribution Arrangements for Trust Funds and Bequests.

For further information contact: Stuart McLean, Committee Manager, 01436 658717, stuart.mclean@argyll-bute.gov.uk