

CHARITABLE TRUSTS, BEQUESTS AND TRUST FUNDS

1.0 EXECUTIVE SUMMARY

- 1.1 The Helensburgh and Lomond 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 While officers continually seek to simplify and update processes where possible to ensure ongoing compliance with the original terms of the bequests and to reduce the administrative burden of the management and distribution. There remains a number of challenges with a single charitable fund that was 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.
- 1.3 This report provides details of a number of the Trusts and Bequests that remain active in the Helensburgh and Lomond Area and seeks agreement from Members on proposed distribution methods.

2.0 RECOMMENDATIONS

- 2.1 The Helensburgh and Lomond Area Committee are asked to:
1. note the financial position of the Charitable Trusts, Bequests and Trust Funds as of July 2021,
 2. agree that a moratorium be placed on the distribution of funds from the following funds Helensburgh & Faslane Cemeteries Fund, Ballyhennan Churchyard, Cardross War Memorial and Sundry Bequests - Former Dumbarton Cemeteries, until such time as sufficient interest has accrued,
 3. agree that the 'John Logie Baird Prize Fund' prize be limited to £30,
 4. agree all other charities and trust funds are awarded on the basis outlined in paragraph 5.5 and defined within appendix 1, and

5. note that officers are in ongoing dialogue with representatives from the Lord Advocates office to establish appropriate methods of distributing funds from the Clydesdale Air Raid Distress Fund.

CHARITABLE TRUSTS, BEQUESTS AND TRUST FUNDS

3.0 INTRODUCTION

3.1 The Helensburgh and Lomond Area Committee are Trustees of a number of Charitable Trusts, Bequests and Trust Funds. This report provides information on proposals in relation to the ongoing management of these funds and seeks agreement on distribution proposals.

4.0 RECOMMENDATIONS

4.1 The Helensburgh and Lomond Area Committee are asked to:

1. note the financial position of the Charitable Trusts, Bequests and Trust Funds as of July 2021,
2. agree that a moratorium be placed on the distribution of funds from the following funds Helensburgh & Faslane Cemeteries Fund, Ballyhennan Churchyard, Cardross War Memorial and Sundry Bequests - Former Dumbarton Cemeteries, until such time as sufficient interest has accrued,
3. agree that the 'John Logie Baird Prize Fund' prize be limited to £30,
4. agree all other charities and trust funds are awarded on the basis outlined in paragraph 5.5 and defined within appendix 1, and
5. note that officers are in ongoing dialogue with representatives from the Lord Advocates office to establish appropriate methods of distributing funds from the Clydesdale Air Raid Distress Fund.

5.0 BACKGROUND & DISTRIBUTION ARRANGEMENTS

5.1 Historically reports are prepared and submitted to Area Committees outlining the status of each of the funds, proposed distribution method(s) and the amounts available.

- 5.2 Of the 8 funds for which the Area Committee are trustees 7 have historically been awarded to Council Departments and allied partners (for example Roads and Amenity Services).
- 5.3 In September 2020 the Area Committee agreed that 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) be made available, in their totality, during the financial year (2021/22), essentially placing a moratorium on the distribution of monies from these funds, thereby lessening the administrative burden and ensuring maximum community benefit.
- 5.4 The Area Committee is asked to formally agree to place a moratorium on the distribution of monies from the 4 of the 7 funds as they have no funds available for distribution. This approach would serve to less the administrative burden and allow interest to accumulate to ensure maximum community benefit as a later date.
- 5.5 In order to give a level of consistency to the process for those which are transferred to Council Departments or allied partners it is proposed that 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.
- 5.6 The exemption to this rule is the fund which relate to a school prize, 'John Logie Baird Prize Fund'. It is suggested the level this prize be £30 this is in line with those awarded in other areas. This will be paid by Finance in receipt of confirmation of the recipient from the school.
- 5.7 Should the Area Committee approve this approach up to £180.00 will be available to council departments and allied partners this financial year
- 5.8 Due to a number of factors including, changes in society over time and changes to personnel and corporate structures the intended beneficiaries of a single fund are no longer easily identified. However, officers are in ongoing dialogue with representatives from the Lord Advocates office to establish appropriate methods of distributing those funds that have no established arrangements. A proposals for this remaining fund will be brought to a future meeting of the Area Committee.

6.0 CONCLUSION

- 6.1 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.

7.0 IMPLICATIONS

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| 7.1 Policy | None |
| 7.2 Financial | None. |

7.3 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.
7.4 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.
7.5 Fairer Scotland Duty	None
7.5.1 Equalities – protected characteristics	None
7.5.2 Socio-economic Duty	None
7.5.3 Islands	None
7.6 Climate Change	None
7.7 Risk	None
7.8 Customer Service	None

Douglas Hendry

Executive Director with responsibility for Legal & Regulatory Support

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Appendix 1 – Distribution Arrangements for Trust Funds and Bequests.

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