

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 This report provides details of a number of the Trusts and Bequests that remain active in the Bute and Cowal Area and seeks agreement regarding their ongoing management.

2.0 RECOMMENDATIONS

- 2.1 The Bute and Cowal Area Committee are asked to:
1. note the financial position of all the Charitable Trusts, Bequests and Trust Funds as of August 2022,
 2. agree that a moratorium be placed on awards being made from the Piano Fund, Dunoon, and
 3. agree that the accumulated funds for distribution from the Tulloch Library, Dunoon be awarded to Live Argyll in their totality and that a moratorium be placed on awards being made from this fund thereafter.

CHARITABLE TRUSTS, BEQUESTS AND TRUST FUNDS

3.0 INTRODUCTION

3.1 The Bute and Cowal Area Committee are Trustees of 12 Charitable Trusts, Bequests and Trust Funds with an estimated unrestricted balance of £18,610. This report provides information on proposals in relation to the ongoing management of these funds.

4.0 RECOMMENDATIONS

4.1 The Bute and Cowal Area Committee are asked to:

1. note the financial position of all the Charitable Trusts, Bequests and Trust Funds as of August 2022,
2. agree that a moratorium be placed on awards being made from the Piano Fund, Dunoon, and
3. agree that the accumulated funds for distribution from the Tulloch Library, Dunoon be awarded to Live Argyll in their totality and that a moratorium be placed on awards being made from this fund thereafter.

5.0 BACKGROUND & DISTRIBUTION ARRANGEMENTS

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

5.2 Of the 12 funds for which the Area Committee are trustees many 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, within the financial year (2020/21).

- 5.4 In December 2021 the Area Committee formally agreed to place a moratorium on the distribution of monies from those funds that held less than £50 accumulated funds for distribution. This approach has served to lessen the administrative burden and will allow interest to accumulate to ensure maximum community benefit at a later date.
- 5.5 To further lessen the administrative burden the Area Committee are asked to award the totality of the Tulloch Library, Dunoon to Live Argyll and thereafter to agree to place a moratorium on this fund.
- 5.6 Live Argyll have advised that the piano associated with the 'Piano Fund, Dunoon' is in need of full restoration and that the funds available would not meet the required, extensive, costs. It is therefore recommended that a moratorium be placed on this fund until such time as sufficient funds accumulate.
- 5.7 Members should note that one bequest, the Bute Education Trust, remains in arrears. A moratorium has been placed on further awards being made until such time as sufficient interest has accrued. In the meantime Rothesay Academy have been advised that a request for funding can be made to the Rothesay Common Good fund.
- 5.8 A small number of funds have bespoke distribution methods which are generally undertaken by Legal and Regulatory Support, this process will continue. 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.

6.0 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 meeting our obligation of ensuring transparent and effective governance.

7.0 IMPLICATIONS

- 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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Policy Lead - Councillor Alastair Redman

Appendix 1 – Trust Funds and Bequests.

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