

EAST AYRSHIRE COUNCIL

IRVINE VALLEY LOCAL COMMITTEE - 15 SEPTEMBER 2004

MISS BESSIE C ROXBURGH BEQUEST BACKGROUND REPORT

Report by the Acting Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1** To summarise, for the information of members of the Committee, the purpose and continuing administration of the Miss Bessie Cleland Roxburgh Bequest contained in her Trust disposition and settlement registered on 26 October 1981. This deed directed her executors to pay over the residue of her estate “to the common good fund of the burgh of Darvel to be used in such manner as the Town Council of said burgh may think fit”.

2. BACKGROUND

- 2.1** From 1983 onwards the Bequest, then comprising funds amounting to £14,500, was administered by Kilmarnock and Loudoun District Council. The former District Council agreed that the funds should be used for the provision of a facility in Darvel to be named after Miss Roxburgh, but it was accepted that in the financial climate of the time it would be difficult to provide the facility without further funding. It was therefore agreed that until an appropriate capital project could be identified and approved, the income deriving from the bequest should be used in part to make annual donations for local purposes. The former District Council continued to administer the Bequest on this basis until Local Government Reorganisation in 1996.
- 2.2** The balance of the Bequest transferred to East Ayrshire Council from the former District Council accounts in April 1996 and on 24 October 1996 the Policy and Resources Committee agreed that until such time as a suitable capital project was identified, the Bequest should continue to be administered as an informal Trust making annual donations as before.

3. CAPITAL PROJECTS FOR DARVEL

- 3.1** At the meeting of the Joint Advisory Committee on 27 August 2004, it was noted that the study of the feasibility of converting premises at Mairs Road, Darvel into a heritage centre had been carried out as part of a package facilitated by the Irvine Valley Regeneration Partnership. The study indicated that the long-term sustainability of the proposed Capital Project for conversion into a cultural centre was not viable and an alternative function would require to be identified for the premises. Accordingly, the Bequest would continue to make annual donations in the usual way until an alternative Capital Project within Darvel was identified.

4. FINANCIAL IMPLICATIONS

- 4.1** The Council succeeded in terms of the Local Government (Scotland) Act 1994 to a considerable number of bequeathed charities and trusts. The expense for administering this Bequest, along similar lines to others does not significantly increase the Democratic Process budget.

4.2 The capital funds are held in the Common Good account and, accordingly, there are no significant budgetary implications for the Council.

5. LEGAL IMPLICATIONS

5.1 The statutory provision in terms of Section 222(ii) of the Local Government (Scotland) Act 1973, and the relative order, was that all property held as part of the Common Good of a burgh transferred to the District which was then required in administering that property to have regard to the interest of the inhabitants of the area to which the Common Good formerly related. In the 1994 Act, Common Good is transferred by Section 15(iv) and the Council shall have regard to the interest of the inhabitants of the area to which the Common Good related prior to May 1975.

6. ADMINISTRATION OF TRUST - LOCAL EXPENDITURE OF INCOME

6.1 The Bessie Roxburgh Bequest is properly part of the Common Good of this Council subject to the condition that the fund should be applied in the interests of the people of Darvel. The fund could be applied for any legal purpose which the Council proposes, without further formality. In the absence of an appropriate project for the whole fund, the Council have agreed to continue to administer the informal Trust and to make annual donations for purposes local to Darvel. In the past, purposes local to Darvel have been taken to include donations to organisations such as Darvel Improvement Group, Loudoun Musical Society, Darvel Friends of Guiding and Darvel Horticultural Society.

6.2 Trustees are referred to the guidelines for selecting applications annexed to this report (Appendix 1). These were adopted by the previous Trustees as a means of deciding upon applicants to receive payments. Awards recommended by the Joint Advisory Committee on 27 August 2004, require to be ratified by the Irvine Valley Local Committee on 15 September 2004.

7. RECOMMENDATIONS

7.1 It is recommended that members of the Committee note the terms of this report and approve the Minutes of the Joint Advisory Committee annexed to this report (Appendix 2).

David Mitchell
Acting Executive Director of Corporate Support

27 August 2004
GH/LM

LIST OF BACKGROUND PAPERS - Nil

Any person wishing further information, or wishing to inspect the background paper listed above should contact Bill Walkinshaw, Administration Manager, telephone number 01563 576135.

Implementation Officer: Gillian Hamilton, Administrative Officer

APPENDIX 1

GUIDELINES FOR SELECTING SUCCESSFUL APPLICANTS

1. Preference should be given to proposals/projects which wholly or mainly benefit existing residents in Darvel.
2. The allocation of funds should encourage “self-help” where appropriate (e.g. by raising additional money or providing voluntary labour etc).
3. The estimated benefit per person from the donation should reflect the importance of the need to be met. This can be achieved by selecting proposals which benefit a large number of persons (directly or indirectly). Alternatively, proposals which benefit a small number of persons can be justified on the grounds of greater need.
4. Regard should be had to the extent to which an applicant has already benefited from the Bequest.
5. Applications should be for single payments and not for continuing support beyond any one financial year.

NOTE

The foregoing are purely guidelines which may be departed from on good cause shown.

APPENDIX 2

EAST AYRSHIRE COUNCIL

MISS BESSIE C ROXBURGH JOINT ADVISORY COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 27 AUGUST 2004 AT 1000 HOURS IN DARVEL TOWN HALL, DARVEL

PRESENT: Councillors Robert McDill, Isabella Macrae, Harry Wilson and Stuart Finlayson; and Darvel & District Community Council Representatives: George Dalziel and Les Pittams.

ATTENDING: Bill Walkinshaw, Administration Manager; Robert McCormick, Accountancy Assistant; and Gillian Hamilton, Administration Officer.

APOLOGIES: Councillor Jim Raymond and Darvel and District Community Council Representative: Max Flemmich.

CHAIR: Councillor Robert McDill, Chair.

MINUTES OF PREVIOUS MEETING

1. There was submitted and approved as a correct record Minutes of the previous meeting of the Joint Advisory Committee held on 22 August 2003 (circulated).

MATTERS ARISING

2. COMMEMORATIVE PLAQUE

It was reported by the Administration Manager and noted that legal advice had been taken to determine whether there was scope for the utilisation of Trust funds for the purpose of erecting locally a commemorative plaque in recognition of Miss Roxburgh's Bequest to the community of Darvel.

It was agreed:

- (i) to note that it was considered that such a proposal failed to meet the criteria for award, as it would not significantly contribute to the common good of Darvel. In addition, the cost would reduce further the limited funds available for disbursement to local groups;
- (ii) that the erection of a commemorative plaque would not be pursued at this time; and
- (iii) that Miss Roxburgh's Bequest would receive suitable recognition in conjunction with any eventual capital project financed by the Trust fund, in accordance with the purposes of the Bequest; and

BACKGROUND REPORT

3. There was submitted and noted a report dated 20 August 2004 (circulated) by the Acting Executive Director of Corporate Support which summarised, for information, the purpose and administration of the Miss Bessie C Roxburgh Bequest contained in her draft disposition and settlement registered on 26 October 1981. This deed directed her executors to pay over the residue of her estate "to the common good fund of the Burgh of Dravel to be used in such manner as the town Council of said Burgh would think fit".

FINANCIAL STATEMENT

4. There was submitted and noted a report dated 20 August 2004 (circulated) by the Executive Head of Finance on the current fund balances and the amount available for disbursement in the current financial year.

It was further noted that £250.00, awarded during 2001 to Darvel Improvement Group, for a study of the feasibility of converting premises at Mairs Road, Darvel into a cultural centre, would be returned to the Trust fund as the project had attracted funding from an alternative source.

This sum was available for disbursement to local groups, in addition to one half of the interest received on funds invested during the previous year (£423.00) and any additional revenue the Trustees wished to utilise to further support their decisions.

SUMMARY OF APPLICATIONS

5. There was submitted and noted a summary of seven applications received for consideration as at 20 August 2004 (circulated).

In addition two late applications had been received from Darvel Angling Club and Darvel Skaters Group, copies of which were circulated.

APPLICATIONS

6. There were submitted nine applications totalling £1,805.00 received for consideration by the Joint Advisory Committee (circulated).

It was agreed to recommend to the Irvine Valley Local Committee that awards be made as follows:-

Applications Approved:-

Darvel Improvement Group - £300.00 to assist with the construction of a landscaped garden at the west entrance to Darvel, to provide a positive image of the town and its inhabitants;

Loudoun Musical Society - £120.00 for transport for senior citizens to attend "My Fair Lady" at the Palace Theatre during September 2004;

Flame Christian Fellowship - £150.00 towards the cost of a projector screen for educational presentations;

Darvel Friends of Guiding -£100.00 contribution towards the cost of security lights for the Guide Hall;

Darvel Horticultural Society - £100.00 contribution to running costs for annual horticultural show;

Darvel Lunch Club and Transport Group - £200.00 contribution to annual running costs;

Darvel Football Club - £180.00 for goal nets, footballs and training equipment;

Darvel Angling Club - £150.00 to provide access to pools at Waterlip for fishing for disabled anglers, subject to submission of the organisation's most recent financial accounts; and

Darvel's Skaters Group - £150.00 for a bus trip to Perth outdoor skate park.

MAIRS ROAD, DARVEL – FEASIBILITY STUDY

7. It was noted that the study of the feasibility of converting premises at Mairs Road, Darvel into a cultural centre had been carried out as part of a package facilitated by the Irvine Valley Regeneration Partnership. The study indicated that the long-term sustainability of the proposed capital project for conversion into a cultural centre was not viable and an alternative function would require to be identified for the premises. Accordingly the Bequest would continue to make annual donations in the usual way until an alternative capital project within Darvel was identified.

RECOGNITION OF PREVIOUS AWARD

8. The landscaped garden to be constructed by Darvel Improvement Group at the west entrance to Darvel would include a wall plaque recognising all contributors to the project, including Miss Roxburgh.

The meeting terminated at 1035 hours.