

**EAST AYRSHIRE COUNCIL**

**COUNCIL MEETING - 24 OCTOBER 2002**

**AN EAST AYRSHIRE EMERGENCY RELIEF TRUST**

**Report by the Depute Chief Executive/Director of Corporate Resources**

**1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to submit for consideration of Council the proposal to create an Emergency Relief Trust to cover the whole of East Ayrshire.

**2. BACKGROUND**

- 2.1 The Kilmarnock and Loudoun District Council's Emergency Relief Trust was set up in January 1996 for the purposes of (within the District of Kilmarnock and Loudoun) providing assistance for any organisation, body, individual resident or person having a place of business within the District suffering, or affected by hardship, poverty or distress as a consequence of any emergency, natural disaster, flood, subsistence, severe weather or fire, accident or for such other reason as the Trustees may agree by a unanimous vote at any meeting or for any other charitable purposes as the Trustees may in their absolute discretion consider appropriate. The Trust is a recognised Scottish Charity.
- 2.2 The spirit of the Trust was to provide assistance in the event of emergency, for a Local Government area. The particular Local Government area of Kilmarnock and Loudoun has ceased to have effect. In light of that, East Ayrshire Council agreed that the feasibility of extending an Emergency Relief Trust to cover the whole of East Ayrshire be investigated.

**3. PROPOSED AMENDMENTS TO TRUST DEED**

- 3.1 In terms of Section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 it is possible to amend the existing Emergency Relief Trust to enable the Trust to encompass the area of East Ayrshire.
- 3.2 In addition, the appointment of Trustees (as set out in the Trust Deed) may be altered/modified in order to apply the resources of the Trust to the best effect over the whole of East Ayrshire.
- 3.3 The Public Trust (Reorganisation) (Scotland) Regulations 1993 set out a specific procedure which must be followed in order to achieve amendment of the Trust Deed. This procedure involves consulting with the existing Trustees (which would include the Trust passing an appropriately worded resolution to amend the Trust Deed) and related advertisement. In addition, the approval of the Lord Advocate to amend the Trust Deed would be required.

#### **4. MEMBERSHIP OF THE TRUST**

**4.1** The existing Trust Deed provides for the appointment of the Provost, Head of Paid Service and Director of Finance as ex-officio Trustees and at least two and not more than five Elected Members as nominated from time to time by the Council, giving a possible total membership of 8 Trustees. Present membership is Provost Boyd and Councillors Darnbrough, McIntyre and D Coffey together with the Chief Executive and Director of Finance.

**4.2** It is suggested that the Council may wish to request that the Trust Deed be amended to provide for additional Trustees drawn from Elected Members to cover the area of East Ayrshire. An option that the Council may wish to consider is to replace the Officer representation on the Trust and have 8 Elected Members nominated to serve on the Trust. Officer support to the Trust would not be affected by such a proposal and appropriate Senior Officers would continue to be in attendance and available to advise the Trust.

#### **5. FINANCIAL IMPLICATIONS**

**5.1** Other than Member allowances in terms of the approved scheme and associated administrative costs in respect of the review of the Trust, there are no financial implications to Council.

#### **6. LEGAL/AUTHORITY IMPLICATIONS**

**6.1** The relevant legislation and appropriate statutory procedures referred to above will require to be complied with.

#### **7. POLICY IMPLICATIONS**

**7.1** The proposal to extend the remit of the Trust to cover the whole of East Ayrshire would compliment the Council's Emergency Planning responsibilities.

#### **8. RECOMMENDATIONS**

**8.1** That the Council requests that the Kilmarnock and Loudoun Emergency Relief Trust gives consideration to amending the purpose of the Trust to enable the Trust to encompass the area of East Ayrshire.

**8.2** That the Council requests that the Kilmarnock and Loudoun Emergency Relief Trust gives consideration to amending the appointment of Trustees to provide for additional Trustees being drawn from the Elected Members of East Ayrshire Council, to cover the area of East Ayrshire.

**8.3** That the Council give consideration to the number of Elected Members the Council would wish to recommend for nomination as membership of the Trust (which consideration should include whether the Council wished the Provost to remain an ex-officio member of the Trust and the discontinuation of direct Officer representation on the Trust itself).

- 8.4** That the Depute Chief Executive/Director of Corporate Resources notify the Kilmarnock and Loudoun Emergency Relief Trust accordingly.
- 8.5** To otherwise note the report.

Fiona Lees  
Depute Chief Executive/Director of Corporate Resources

9 October 2002  
BW/ST

#### **LIST OF BACKGROUND PAPERS**

1. Kilmarnock and Loudoun Emergency Relief Trust Deed.
2. Letter dated 3 October from the Head of Administrative and Legal Services.

Any person wishing to inspect the background papers relative to this report or wishing further information on this report should contact Bill Walkinshaw, Administration Manager on Tel No (01563) 576135.

**Implementation Officer: Bill Walkinshaw, Administration Manager**

**AGENDA**