

## **EAST AYRSHIRE COUNCIL**

### **IRVINE VALLEY LOCAL COMMITTEE - 19 SEPTEMBER 2001**

#### **MISS BESSIE C ROXBURGH BEQUEST**

#### **BACKGROUND REPORT**

##### **Report by the Head of Administrative and Legal Services**

### **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 a 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.
- 2.3** The Committee remitted authority to the Irvine Valley Local Committee, with its elected members being trustees, to administer the Bessie Roxburgh Bequest, and agreed to establish a Joint Advisory Committee, comprising those Councillors and three representatives from Darvel Community Council to consider applications to the Bequest and make recommendations to the Trustees for approval.

### **3. FINANCIAL IMPLICATIONS**

- 3.1** The Council succeeded in terms of the Local Government (Scotland) Act 1994 to a considerable number of bequeathed charities and trusts. The expense of administering this Bequest along similar lines to the others will not significantly increase the democratic process budget.

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

#### **4. LEGAL IMPLICATIONS**

**4.1** The statutory position in terms of Section 222(2) 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 interests of the inhabitants of the area to which the common good formerly related. In the 1994 Act common good is transferred by Section 15(4), and the Council shall have regard to the interests of the inhabitants of the area to which the common good related prior to May 1975.

#### **5. ADMINISTRATION OF TRUST - LOCAL EXPENDITURE OF INCOME**

**5.1** 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 Environmental Action Group, Loudoun Musical Society, Darvel Friends of Guiding, Darvel Millennium Association and Darvel Horticultural Society.

**5.2** Trustees are referred to the Guidelines for selecting applicants annexed to this report (Appendix 1). These were adopted by the previous Trustees as a means of deciding upon applicants to receive payments. In line with Paragraph 2.3 above, awards recommended by the Joint Advisory Committee on 24 August 2001 require to be ratified by the Irvine Valley Local Committee on 19 September 2001.

#### **6. RECOMMENDATION**

**6.1** 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)..

Head of Administrative and Legal Services  
GH/FM

5 September 2001

**BACKGROUND PAPERS - Nil**

## **MISS BESSIE C ROXBURGH BEQUEST**

### **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. (eg 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.

**AGENDA**