

EAST AYRSHIRE COUNCIL

IRVINE VALLEY LOCAL COMMITTEE - 17 SEPTEMBER 2003

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 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: UPDATE

- 3.1** At the meeting of the Joint Advisory Committee on 22 August 2003, having heard a verbal update by the Administration Manager that Darvel Improvement Group were continuing to pursue funding for the feasibility study for the proposed Cultural Centre in Mairs Road, Darvel it was agreed that the Joint Advisory Committee would be kept informed of further developments.

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. In line with Paragraph 2.3 above, awards recommended by the Joint Advisory Committee on 22 August 2003, require to be ratified by the Irvine Valley Local Committee on 17 September 2003.

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
Head of Administrative and Legal Services

1 September 2003
GH/KC

LIST OF BACKGROUND PAPERS - Nil

Any person wishing further information, or wishing to inspect the background paper listed above should contact David Mitchell, Head of Administrative and Legal Services.

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 II

EAST AYRSHIRE COUNCIL

MISS BESSIE C ROXBURGH JOINT ADVISORY COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 22 AUGUST 2003 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 Les Pittams and Max Flemmich.

ATTENDING: Bill Walkinshaw, Administration Manager; Robin Baker, Treasury Services Manager and Gillian Hamilton, Administration Officer.

APOLOGIES: Councillor Jim Raymond.

CHAIR: Councillor Robert McDill, Chair.

APPOINTMENT OF CHAIR

1. The Administration Manager advised that as this was the first meeting of the Joint Advisory Committee following the Local Government Elections on 1 May 2003, a new Chair required to be appointed and invited nominations.

It was unanimously agreed that Councillor Robert McDill Local Member be appointed as Chair of the Joint Advisory Committee.

MINUTES OF PREVIOUS MEETING

2. There was submitted and approved as a correct record Minutes of the previous meeting of the Joint Advisory Committee held on 9 August 2002 (circulated).

BACKGROUND REPORT

4. There was submitted and noted a report dated 9 July 2003 (circulated) by the Head of Administrative and Legal Services which summarised, for the information of new members of the Joint Advisory Committee, the purpose and continuing administration of the Miss Bessie C Roxburgh Bequest contained in her Trust Disposition Settlement registered on 26 October 1981.

FINANCIAL STATEMENT

5. There was submitted a report dated 30 July 2003 (circulated) by the Director of Finance which informed Members of the Joint Advisory Committee of the current level of accrued fund balances and their availability for disbursement in the current financial year.

It was agreed:-

- (i) to note the methodology applied in previous years to determine the level of funds available for disbursement and that should Members apply the same methodology this year, to note that the level of funds available for distribution was £420;

- (ii) to consider the use of revenue balances to “top-up” the amount available for distribution, if required; and
- (iii) otherwise, to note the report.

5.1 Capital Project for Darvel

Having heard a verbal update by the Administration Manager on the proposed capital project by Darvel Improvement Group for a Cultural Centre in Mair’s Road, Darvel it was noted that the Joint Advisory Committee would be kept informed of further developments.

SUMMARY OF APPLICATIONS RECEIVED

- 6. There was submitted and noted an updated report dated 21 August 2003 (circulated) by the Depute Chief Executive/Director of Corporate Resources which summarised eight applications received for consideration by the Joint Advisory Committee.

APPLICATIONS

- 7. There was submitted eight applications, totalling £5,506 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 Horticultural Society - an award up to £100 on condition that the award be used to purchase a cup for annual presentation at future flower shows and that the cup be suitably engraved to recognise the Bessie C Roxburgh Bequest;

Loudoun Musical Society - £120 to provide transport for elderly residents to attend “Guys and Dolls” at the Palace Theatre, Kilmarnock from 29 September until 4 October 2003;

Darvel Primary School PTA - £300 contribution towards the cost of the community celebration of Darvel Primary School Centenary Year and the Administration Manager to advise the Association regarding possible additional sources of funding;

Darvel Improvement Group Heritage Section - £200 contribution towards the cost of employing two weavers to man lace machines on Doors Open Day; and advertising and display expenses for exhibits;

Darvel Friends of Guiding - £200 contribution towards the cost of “topping” trees at front of Guide Hall;

Darvel Football Club - £200 contribution towards the cost of paint and new seats for dressing rooms and new goalposts and nets; and

Flame Christian Fellowship - £100 goodwill gesture.

Application Refused

Mrs R M Tittensor:-

- (i) that no award be made in respect of the applicant’s current application for funding to design and print 500 copies of a leaflet seeking local participation in a pilot project on afforestation in Darvel and Whitelee Forest; and

- (ii) that the Administration Manager update the Advisory Committee on the applicant's progress in respect of an award made in 2001.

Darvel and District Community Council Representative, Max Flemmich joined the meeting at this point.

COMMEMORATION PLAQUE

- 8. Arising from an expression of interest by Members of the Joint Advisory Committee to erect locally a commemorative plaque in recognition of the contribution by Miss Bessie C Roxburgh to the community of Darvel, it was agreed that the Administration Manager investigate and report back on this matter, clarifying whether there was scope for the utilisation of Trust funds for this purpose and identifying, in conjunction with Darvel and District Community Council an appropriate location for the plaque were this project to proceed.

The meeting terminated at 1050 hours.