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To: Councillor Finlayson, Master of Mortifications; Councillor George Adam, the Lord Provost; Councillor Noble; and Mr Colin G Taylor, Lord Dean of Guild

Town House,
ABERDEEN, 14 April 2016

GILDRY AND MORTIFICATION FUNDS SUB COMMITTEE

The Members of the **GILDRY AND MORTIFICATION FUNDS SUB COMMITTEE** are requested to meet in Committee Room 5 - Town House on **THURSDAY, 21 APRIL 2016 at 4.00pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Minute of Previous Meeting of 1 March 2016 - for approval (Pages 3 - 6)
- 2 Trust Balances (Pages 7 - 10)
- 3 Burgess Awards (Pages 11 - 18)
- 4 Date of Next Meeting
1 September 2016, time to be confirmed.

Website Address: www.aberdeencity.gov.uk

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GUILDRY AND MORTIFICATION FUNDS SUB COMMITTEE

ABERDEEN, 1 March 2016. Minute of Meeting of the GUILDRY AND MORTIFICATION FUNDS SUB COMMITTEE. Present:- Councillor Finlayson, Master of Mortifications, Chairperson; and Councillor George Adam, the Lord Provost and Councillor Noble; and Mr Colin G Taylor, Lord Dean of Guild.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=419&MIId=4153&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

MINUTE OF PREVIOUS MEETING

1. The Sub Committee had before it the minute of its previous meeting of 16 November 2015.

The Sub Committee resolved:

to approve the minute as a correct record.

LORD DEAN OF GUILD REPORT

2. The Sub Committee had before it a report by The Lord Dean which updated the Sub Committee on various ongoing projects.

With regard to creating a permanent feature to celebrate the Burgesses of Aberdeen it was advised that the project had been put on hold pending clarification on funding sources. The current constitution prevented the use of Guildry funds for projects such as monuments and plaques and Mr Hashmi advised that once the new constitution was approved it might be possible to fund such a project from within the Guildry and Mortification funds as part of the heritage aspects of the new constitution.

A two pronged approach was suggested to investigate possible funding and progress, namely through the Council and the development of Marischal Square in conjunction with the developers MUSE and the Guildry funds and that this was something the Lord Dean could pursue in conjunction with officers. The Lord Dean advised he would speak to Mr Stephen Booth in Communities, Housing and Infrastructure as his first point of contact.

It was also suggested that other funding sources such as the Heritage Society and local businesses might be available and that any commemorative plaque might also incorporate a fishermen's memorial which would reflect the new Guildry crest and the longstanding connection between the fishing trade and the Burgesses.

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1 March 2016

Councillor Noble intimated that the final design for the entrance to the MUSE development was due to be submitted by July this year and the development was due to be completed in July 2017, and that MUSE might be agreeable to incorporate a memorial plaque to reflect their commitment to using granite as the facing material for the development. The Lord Dean confirmed he would pursue the project with the City Centre Development Team.

Mr James Hashmi, Team Leader, advised that the revised constitution had been returned by OSCR with a request for changes to the proposals. The constitution had been amended and submitted to OSCR. OSCR had confirmed receipt of the updated constitution but Mr Hashmi had not received any further comments to date.

Lastly, the Lord Dean requested that the Sub Committee agree to set aside up to £10,000 per year for the resurrection of the Burgesses Awards Scheme. Mr Hashmi confirmed that such funding was in line with the current constitution. The Lord Dean advised that the focus would be on the two universities this year however North East Scotland College and the Saltire Society would be eligible in future years.

The Sub Committee resolved:

- (i) that the Lord Dean investigate all available options in terms of funding for the permanent feature and discuss the matter with officers in Land and Property Assets and the City Centre Development team;
- (ii) to request officers to investigate the legal status of accessing Guildry funds under the heritage aspects of the proposed constitution for such memorials;
- (iii) to approve funding of up to £10,000 per year for the resurrection of the Burgesses Awards Scheme;
- (iv) to request officers to provide a breakdown of Guildry funds and allocations approved in the current constitution; and
- (v) that an additional meeting be arranged to discuss the revised constitution and any update from OSCR, as well as further consideration of the Burgesses Awards Scheme.

RICKART'S TOMB RENOVATION - CG/16/049

3. The Sub Committee had before it a report by the Interim Director of Corporate Governance which sought approval for expenditure for the repair of the Rickart's Tomb from the John Rickart Mortification Fund.

The report recommended:

that the Sub Committee consider the report and agree to fund £20,700 for the repair and renovation cost of the Rickart's Tomb from the John Rickart Mortification Fund.

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Mr Hashmi circulated photographs of the Rickart's Tomb and advised of its location within the St Nicholas Kirk graveyard. He gave some background history to the monument and advised that the Council had a legal responsibility to maintain the monument and that a fund had been set up by the Rickart family for ongoing maintenance when the monument was erected in 1740.

Mr Hashmi advised that preventative maintenance was now required to relocate a plinth stone, repair stones and capping stones and fix a vertical stone to prevent it falling. He advised there were sufficient funds to cover the estimated expenditure and the Convener advised he was happy to agree funds up to £25,000 to cover the works. Mr Hashmi confirmed the works had been put out to tender to the few companies who were able to carry out such specialist work.

The Sub Committee resolved:

to approve funding of up to £25,000 for the repair and renovation of the monument from the John Rickart Mortification Fund.

- **Andrew Finlayson, Master of Mortifications, Chairperson.**

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ABERDEEN CITY COUNCIL

COMMITTEE	Guldry & Mortifications
DATE	21 April 2016
DIRECTOR	Richard Ellis
TITLE OF REPORT	Trust Balances
REPORT NUMBER	CG/16/065
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report is to inform committee of the balances held by trusts administered by Aberdeen City Council.

2. RECOMMENDATION

It is recommended that the Committee:
a) Note the contents of this report.

3. FINANCIAL IMPLICATIONS

Appendix A identifies the balance held in each trust as at 31 March 2015. Balances include valuations of land, building, investments and cash on deposit with the Aberdeen City Loans Fund.

4. OTHER IMPLICATIONS

Charitable Trusts are regulated by the Office of the Scottish Charities Regulator under the Charities and Trustee Investment (Scotland) Act 2005. All trusts must be managed in accordance with their governing document. Expenditure must be in accordance with the trust's purposes.

5. BACKGROUND/MAIN ISSUES

The Council once managed many historic trust funds. With the passage of time many of these ancient trusts became irrelevant. Also increasing governance costs made many small trusts uneconomic. Over the last few years Aberdeen City Council has reorganised a large number of these trusts with the remaining trusts listed on Appendix A.

6. IMPACT

Improving Customer Experience –

Trusts purposes enable expenditure to be made on a variety of areas that provide benefit to the citizens of Aberdeen.

Improving our use of Resources –

Funds were established in trusts for specific purposes. Expenditures must be for specific trust purposes.

Corporate - Public –

Trust income is used for a variety of expenditures benefiting Aberdeen including the funding of the Common Good and Aberdeen University bursaries.

7. MANAGEMENT OF RISK

Trustees must manage risks to the trusts.

8. BACKGROUND PAPERS

Aberdeen City Council and Charities Annual Accounts for 2014/15 and working papers (not attached).

9. REPORT AUTHOR DETAILS

James Hashmi, Reporting & Monitoring Manager
jhashmi@aberdeencity.gov.uk
03000-346400

APPENDIX A

Trusts - Balance Sheets 31 March 2015

Charity	Charity Number	Heritable		Investment Aberdeen			Debtors	Creditors	Total
		Investments £'000s	Property £'000s	Stock £'000s	City Council Loans £'000s	Fund Bank £'000s			
EEIF	SC025063	121			56				176
Guildry	SC011857	1,602		1	677	400	2	-14	2,669
Bridge of Don	SC018551	1,201			159			-2	1,358
Bridge of Dee	SC021297				35			0	34
Alexander McDonald Bequest	SC018568				32			0	32
Aberdeen Art Gallery Trust	SC018575				46			0	45
Lands of Skene	SC018533		2,578			1,434	9	-16	4,005
Lands of Torry	SC021299		2,039				41	-16	2,064
		<u>2,924</u>	<u>4,617</u>	<u>1</u>	<u>1,005</u>	<u>1,834</u>	<u>52</u>	<u>-49</u>	<u>10,384</u>

Note

The Investments held by the Guildry and Bridge of Don represent 40% and 30% respectively of the total value of the Lands of Skene.

Non Charitable Trusts

	Total £
Arts & Heritage	
M. Mowat & G. Davidson	823
Miss Hilda B S Duthie	29,081
Elsie M Byrne	9,143
Mrs Vera R E Taylor	15,852
Gladys Pickman	11,624
Cole Bequest	7,600
Graveyards	25,706
Monuments	7,163
John Rickart Memorial	54,741
EEIF-Education Endowment Investment Fund.	1,070,305

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Agenda Item 3

The Burgesses of Guild are reintroducing the Guildry Awards which were last presented a few years ago, (see attached), and an Awards Committee has been formed consisting of the Late Dean (chairing), the Senior Assessor and the Lord Dean. Discussions have taken place with both AU and RGU to encourage Students to apply for a 'Burgess Award'. The proposal is to offer two Awards, one each to a Student of each of the universities, this to be of £2,000 (two thousand pounds) maximum in any one year, payable in instalments, to a Student both living and studying at either AU or RGU; this has been agreed by the Burgesses' Committee of Assessors.

Our discussions with the universities are not yet concluded. The principles have been agreed however, e.g. the Awards are intended for Undergraduate Students, with the detail to be finalised. I seek agreement and approval by the Guildry and Mortifications Committee, please, to proceed as indicated.

As previously, the Awards are governed by a judgement in the Court of Session in 1997 which approved a petition to allow the Burgesses *'to assist persons born or habitually resident in the City of Aberdeen and intending to pursue careers that if pursued would qualify them for admission as Burgesses of Guild of Aberdeen to pursue educational or vocational training courses or otherwise to further their proposed careers'*.

Colin G. Taylor

Lord Dean of Guild of the City and Royal Burgh of Aberdeen



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**Aberdeen City Council/
Burgesses of Guild of the City Of Aberdeen**

**Guildry Funds Award
2012/13**

GUIDELINES

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6 INTIMATION OF THE AWARD

- 6.1 How is the Award intimated?
- 6.3 What are the Conditions of the Award?

These Guidelines should be read thoroughly before completing the application form. It is acknowledged that the circumstances of applicants will vary and, while every effort has been made to provide as comprehensive a range of information as possible, certain matters may not have been addressed. Accordingly, if the answer to a query is not given in these Guidelines, contact should be made with the Awards staff at the following address:

**Burgesses of Guild of the City of Aberdeen
Office of Chief Executive
Town House
Broad Street
Aberdeen AB10 1FY
Tel: (01224) 522293
email: chiefexecutive@aberdeencity.co.uk**

The information given in these guidelines is intended as a general guide to the Awards scheme administered by the Burgesses of Guild of the City of Aberdeen and Aberdeen City Council and should not be regarded as a statement of the statutory position.

1 THE GUILDRY FUNDS

The Aberdeen Guildry is an association of like-minded individuals from professional and commercial backgrounds living and/or working in Aberdeen and interested in maintaining the ancient traditions of the city.

Its origin may well be as early as the 12th century but it was in the following century, in 1222, that a charter granted by Alexander II gave to the Burgh of Aberdeen the right to establish a Merchant Guild. Every merchant was obliged to join the Guild and only the Burgesses could sell their wares within the Burgh. On admission to the Guild a trader made a contribution to its charitable funds which were used to assist those Burgesses in need of financial help.

Today on admission a new member attends a Council meeting and presents to the Lord Provost a white kid bag containing five old pennies representing the original entry fee of five shillings Scots. This money, paid to the City Council, is credited to the Guildry funds held in property and investments.

The Guildry has at its head the Dean of Guild who holds an historic office going back to the days before the city had a Council and a Provost. He attends meetings of the City Council but he has no voting right and takes no part in formal discussion or debate. Until the mid 19th century all Town Councillors were members of the Guildry but since 1833 the Dean of Guild has been elected directly by the Burgesses. He is supported in his role by six Assessors who, like the Dean, are elected by the Burgesses to serve for a period of four years. Together they organise the activities of the Guildry and, in conjunction with the City Council, distribute the income from Guildry funds. They also represent the Guildry on civic occasions such as the parade and service to mark Remembrance Sunday and the Kirking of the Council.

A new chapter in the long history of the Aberdeen Guildry was begun in 1983 when women were first admitted as Burgesses of Guild.

Further change came about in 1996 when the Guildry, having been granted a Petition by the Court of Session in Edinburgh, was enabled to use surplus funds for the benefit of members of the community in the furtherance of their post-secondary education or career — provided the obligation to pay annuities to those Burgesses in need remained a prior claim on Guildry funds.

2 THE AWARD

2.1 What is the Award?

The purpose of this Award is to assist applicants in developing skills and knowledge in the areas of Business, Commerce, the Arts, Cultural Heritage, the Environment, Sport or the Professions, which would qualify them for admission as Burgesses of Guild of the City of Aberdeen.

The Award is a discretionary grant made by Aberdeen City Council (the Trustees) in partnership with the Burgesses of Guild of the City of Aberdeen to assist applicants who wish to pursue a course of study or to undertake a project or venture, or otherwise to further their professional careers.

Consideration will be given to a research project, study trip, business venture, or other such project which fulfils the conditions of the Trustees.

2.2 What is the amount of Award?

The amount available for the provision of financial assistance from Guildry Funds will be determined annually in the light of available resources. In past years, it has been found possible to make up to £10,000 available, and this requires to be shared out among those candidates deemed to be the most deserving of support.

3 How long will Award support be provided for?

The Award comprises a sum, which is awarded to cover the duration of the project. This amount will generally be paid in instalments, but will depend on the project requirements.

No additional monies will be available to any project at any time or for any reason. Receipt of an Award will render that person ineligible to apply for a further Award at any time in the future.

3 ELIGIBILITY

3.1 What are the residential conditions?

In order to fulfil the conditions relating to residence, an applicant must be currently resident in Aberdeen and be able to demonstrate a commitment to developing his or her career in Aberdeen.

3.2 What are the qualifications for Award support?

Award support will be considered “to assist persons currently resident in the City of Aberdeen and intending to pursue careers that, if pursued, would qualify them for admission as Burgesses of Guild of Aberdeen, to pursue educational or vocational training courses or otherwise to further their proposed careers”.

To qualify for admission as a Burgess of Guild, a person must reside or have a business address within the City of Aberdeen, and:

- be at least 25 years old;

- have some years experience in industry, commerce or the professions;

- be holding or have held a position of responsibility in his or her business or organisation;

- have shown involvement in activities outwith work which are of benefit to the community.

Applicants must be proposed and seconded by current Burgesses and applications are considered by the Assessors at their meetings.

It is emphasised, however, that these qualifications for admission as a Burgess are not qualifications which applicants for Award support need to possess at the time of application; they are qualifications which applicants should intend to acquire, with the assistance of Award support.

3.3 Are previous studies taken into account?

In determining whether or not an applicant will qualify for an Award, account will be taken of school studies and any full-time studies undertaken since leaving school.

4 ASSESSMENT OF APPLICATIONS

4.1 How will the successful applicant(s) be chosen?

Applicants may be asked to present their case at a formal interview.

Initial assessment will be by a committee of three Burgesses, one of whom will be an Assessor. The committee may also call on persons, ideally from within the Burgesses, with knowledge of the subject matter of the application.

4.2 Why might the application have been unsuccessful?

Because of the limited funds available, it may not be possible to make Awards to all applicants whose projects may be thought worthy of support. It should not be thought, therefore, that an unsuccessful application has been lacking in merit or inadequately prepared.

5 GENERAL INFORMATION

5.1 Where should the application form be sent?

The application form should be sent to:

Burgesses of Guild of the City of Aberdeen
Office of Chief Executive
Town House
Broad Street
ABERDEEN
AB10 1FY
Tel: 01224 522293

5.3 Will receipt of the application be acknowledged?

Receipt of an application form will be acknowledged. If no acknowledgement has been received within two weeks from the date of posting, contact should be made to the above address.

5.4 Is the information provided treated in confidence?

All information given both on and along with the application form either prior to or after submission of the application to the Trustees will be treated in absolute confidence and such information will be used solely for the purpose of conducting an assessment of the application. None of the information provided will be disclosed to any person or organisation, other than those involved in the selection procedure, unless with the express approval of the applicant.

For the purposes of the Data Protection Acts 1984 and 1998, some of the information given both on and along with the application form may be stored in a computer system by the Trustees for the purpose of assessment and payment of the Award.

6 INTIMATION OF THE AWARD

6.1 How is the Award intimated?

Once the application has been formally assessed, a successful applicant will be advised of the outcome as follows:

- i) an Award Letter which will give details of the total value of the Award and how payments will be made. The method of payment will depend on the venture or project requirements;
- ii) a document entitled "Conditions of Award" which will detail the conditions which the applicant is required to fulfil;
- iii) a Form of Acceptance which requires to be completed, signed and returned to the Trustees; and
- iv) a Bank Mandate (if appropriate) which should be completed giving details of the applicant's Bank Account and returned to the Trustees.

6.2 What are the Conditions of Award?

The offer of an Award is made subject to certain conditions being fulfilled by the applicant to whom the offer is made. These will include:

- a) The applicant must be prepared to accept a Monitor appointed by Burgesses who may assist in ensuring the project is worthwhile for both parties.
- b) Within three months of the agreed completion of the venture/project, the applicant must:

write a report detailing the progress and conclusions of the venture/project;

make a presentation, e.g: present a paper, show a portfolio, present a video.

If the conditions are not fulfilled, payment of any Award will cease and the applicant may be asked to refund all or part of any payments made.