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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 22 February 2017

## **GILDRY AND MORTIFICATION FUNDS SUB COMMITTEE**

The Members of the **GILDRY AND MORTIFICATION FUNDS SUB COMMITTEE** are requested to meet in Committee Room 4 - Town House on Wednesday, 1 March 2017 at 11.00 am.

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

- 1 Minute of Previous Meeting of 1 September 2016 - for approval (Pages 3 - 6)
- 2 Lord Dean of Guild Report (Pages 7 - 8)
- 3 Governance Review - Guildry Trust Deed (Pages 9 - 22)

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## GUILDRY AND MORTIFICATION FUNDS SUB COMMITTEE

1 September 2016

ABERDEEN, 1 September 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 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&MI d=4189&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 21 April 2016.

**The Sub Committee resolved:**  
to approve the minute.

### LORD DEAN OF GUILD REPORT

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

The Lord Dean advised that item 4 – Lands of Torry should be removed as the Burgesses had no interests in the Lands of Torry.

**The Sub Committee resolved:**  
to note the paper.

**At this juncture the Chairperson intimated that the next two items of business be brought forward and that the Review of Allowances be considered immediately thereafter.**

### MATTER OF URGENCY

The Chairperson intimated that he had directed in terms of Section

**GUILDRY AND MORTIFICATION FUNDS SUB COMMITTEE**

1 September 2016

**50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item of business be considered as a matter of urgency to enable a decision to be taken without delay.**

**GOVERNANCE REVIEW - GUILDRY TRUST DEED - CG/16/116**

3. The Sub Committee had before it a report by the Interim Director of Corporate Governance which provided an update on progress in the preparation of a revised constitution for the Guildry and recommended that an application be made to the Office of the Scottish Charity Regulator (OSCR) seeking the adoption of the revised constitution which was appended to the report.

The Sub Committee was advised that the intention was to broaden the scope of the constitution to free up funding allowed by the Trust which would need to be approved by OSCR.

With reference to Appendix B to the report, the Sub Committee was advised that under current regulations spending was limited (a) to Trust purposes only; and (b) to interest earned on capital only which limited the financial assistance available. The ability to spend both capital and interest was being pursued and the Sub Committee was advised that such spending would continue to need approval by Council as a safeguard and that the requirement to reflect the Trust's purpose would be maintained.

**The report recommended:**

- (a) that an application to reorganise the Guildry by the adoption of a new constitution be submitted to OSCR; and
- (b) that officers be instructed to continue to work with OSCR on the reorganisation of the charitable trusts.

**The Sub Committee resolved:**

- (i) to approve the recommendations contained within the report; and
- (ii) to thank officers for their work to date.

**MATTER OF URGENCY**

**The Chairperson intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item of business be considered as a matter of urgency to enable a decision to be taken without delay.**

**TRUST FUNDS - CG/16/115**

## GILDREY AND MORTIFICATION FUNDS SUB COMMITTEE

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4. The Sub Committee had before it a report by the Interim Director of Corporate Governance which provided a breakdown of funds held by trusts managed by Aberdeen City Council and guidelines on the use of such funds.

Ms Catriona Gilmour, Accountant, advised that the Bridge of Don and Bridge of Dee trusts had been updated for the 'Advancement of Heritage' to allow funds to be used in the maintenance of the historic bridges and surrounding areas under current OSCR regulations. OSCR's approval was being sought to amalgamate the two trusts.

Reference was made to the wider governance review being undertaken which included a review of all trusts supported by the Council. Some fifty trust funds had been reviewed and where applicable, transferred or amalgamated into other trusts.

**The report recommended:**

that the Sub Committee note the content of the report.

**The Sub Committee resolved:**

- (i) to approve the recommendation; and
- (ii) to thank officers for their work to date.

### REVIEW OF ALLOWANCES

5. The Sub Committee had before it a paper by the Head of Finance which (a) provided information concerning (1) the amount of allowances paid from the Guildry fund to Burgesses of Guild, widows and widowers of Burgesses and children of Burgesses from 1995 to 2015; and (2) the number of people receiving allowances for the same period; and (b) proposed that the allowances be increased by either 3% or 5% rounded up to the nearest £10, backdated for 2016/17.

**The Sub Committee resolved:**

to recommend to Council that the following increases (5%) in annual allowances be approved backdated from 1 May 2016:-

Guildry Fund Allowance	Present Allowance	Proposed Allowance
Burgesses	£1,950	£2,050
Widows / Widowers of Burgesses	£1,950	£2,050
Children of Burgesses	£1,815	£1,905

**AOCB**

**GILDREY AND MORTIFICATION FUNDS SUB COMMITTEE**

1 September 2016

6. The Sub Committee discussed the possibility of a permanent display for the Burgesses as part of the Mither Kirk project.

The Sub Committee was advised that Guildry funds would not be available to fund a display board due to the constitution, however Mr Alan Thomson, Solicitor, advised that he would check the OSCR website to see whether any other funding option could be made available under the current constitution.

The Chairperson advised that he would arrange a meeting between Councillor Boulton and the Lord Dean to follow up on the matter.

**The Sub Committee resolved:**

to note the information provided.

**DATE OF NEXT MEETING**

7. The Sub Committee noted that the next scheduled meeting would be held on 1 March 2017.

- **ANDREW FINLAYSON, Master of Mortifications, Chairperson.**



## Report to Guildry & Mortifications Funds Sub-Committee 01/03/2017

Since this committee last met we have not had any cause to request any item of 'major' expenditure.

I remain enthusiastic about the suggestion of a permanent feature to recognise the Burgesses of our City. As reported earlier, this could perhaps be an ornament or plaque in the form of an interpretive panel made of granite in the area of the Robert The Bruce statue at Marischal College, the purpose would be to explain the significance of this statue and the connection between Bruce and the City of Aberdeen and also the Burgesses of the City. I think now that this project should be planned for 2019 when the Burgesses together with fellow citizens will undoubtedly wish to celebrate the granting of the Freedom Lands by King Robert the Bruce to the Burgesses.

A major initiative this year is the relaunch of the 'Burgess Awards' which is a project in partnership with Aberdeen City Council. Local educationalists and leading Councillors have been invited to the launch event to be held in the St. Nicholas Room on 6<sup>th</sup> March. The Awards guidelines allow for grants of up to £10,000 (on average, individual grants will not exceed £2,000) to support anyone resident in Aberdeen who wishes to further their scope of education or chosen career and who may be a person fit to be appointed as a Burgess in due course.

We have successfully continued with our programme of monthly lunches under the recurring theme of "A day in the life of" and have heard from Poppy Scotland, Scottish Forestry and Aberdeen Inspired. The forthcoming attractions include a local Sherriff, Scots Language, Aberdeen Harbour and Lithuania and Poland.

Our evening events have included our annual quiz, an evening at HMT and as I prepare this I am looking forward to our 'special date' on 27<sup>th</sup> February when Burgesses and friends will have the pleasure of being entertained by the world-renowned composer and Burgess, Professor Paul Mealor who will be accompanied by Friends.

Looking ahead, we hope to hear Speakers from both Police Scotland and the Scottish Fire & Rescue Service and, in September we will be privileged to see the play 'Giacamo & Glover' written by local Playwright and Burgess, Mike Gibb.

Finally, there has been no movement in respect of a revised Constitution. OSCR is a stubborn body, we have difficulty in understanding and agreeing their stance, for the time being therefore it is a 'stand-off'.

Colin G. Taylor

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

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Guildry & Mortification Funds Sub Committee
DATE	1 March 2017
DIRECTOR	Richard Ellis
TITLE OF REPORT	Governance Review – Guildry Trust Deed
REPORT NUMBER	CG/17/018
CHECKLIST COMPLETED	Yes/No

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### 1. PURPOSE OF REPORT

This report outlines the ongoing work to prepare and have adopted a revised constitution for the City of Aberdeen Council Guildry and Mortification Funds (SC011857).

### 2. RECOMMENDATION(S)

It is recommended that:-

- a) the Sub-Committee note the proposed plans on how funding will be granted in accordance with the revised Charitable purposes and;
- b) the Sub-Committee instruct the Council's Head of Finance and Head of Legal and Democratic Services to jointly develop a process for applying for, and awarding funding which is to be in compliance with OSCR requirements.

### 3. FINANCIAL IMPLICATIONS

Officers within Finance and Legal Services will be progressing the application for re-organisation with OSCR to its conclusion. The cost of that time will be re-charged to the Guildry and Mortification Fund.

The charges will be in line with the normal charge out rate applied to public bodies.

#### 4. OTHER IMPLICATIONS

The main Services that are involved in the re-organisation process of the trust are Finance and Legal and Democratic Services. Input from other services/groups might be required as the re-organisation process progresses. The funds from the trust will be utilised to recover the cost of the time spent by officers to complete the OSCR application and implementing the re-organisation plans.

#### 5. BACKGROUND/MAIN ISSUES

5.1. Possession of the Guildry funds was transferred to the predecessor of Aberdeen City Council in 1836 by a decree of Declarator of the Court of Session. In 1868, under the Aberdeen Town Council Act possession of the Mortification funds was also transferred to the predecessor of the Council. Since then Council has continued to manage the Guildry and Mortification Funds. It also manages a scheme of financial assistance for Burgesses and their families, as well as the relief of poverty. Over time, with the availability of means tested benefits, the number of people receiving financial assistance from this scheme has reduced to two recipients.

5.2. In 1981, the then Dean of Guild raised concerns that Guildry funds were not being used for the benefit of the community. By 1990 it was agreed between the Burgesses and the Council that a *cy près* petition should be presented to the Court of Session to allow the trust purposes to be widened. In 1997, the Court of Session gave permission for the trust purposes to be broadened to allow the use of funds for financial support to selected citizens through the Guildry Award Scheme. The Guildry Award Scheme provides grants and scholarships to successful applicants. Guidelines for the award state that support will be considered 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. The number of applications presented to the Guildry through this Award Scheme has declined over the years. The Guildry are currently working with both universities in Aberdeen and the North East Scotland College to see how they can raise awareness of this scheme.

5.3. The City of Aberdeen Guildry and Mortification Funds were registered as a Scottish Charity by the Council in 1992; and subsequently with OSCR in 2003 when the Scottish Charities Office transferred its functions to OSCR. The Council are now working with OSCR to produce a revised constitution that reflects modern charity legislation and the aspiration to use Guildry and Mortification Funds for a wider range of charitable purposes. OSCR will not widen the trust purposes without a clear plan on how the trust assets will be used to meet the trust purposes. The proposed constitution which has been submitted to OSCR is shown in Appendix A. The current proposal on how the

trust assets will be used to meet the charitable purposes is shown in Appendix B.

## 6. IMPACT

### **Improving Customer Experience –**

Broadening the trust purposes will widen the pool of potential beneficiaries, thus allowing more awards to be made to those meeting the required criteria. Further work is required to develop a fair and equitable application process as described in the report, to ensure that the application process for beneficiaries is streamlined. Further, expanding the Terms of Reference of the Sub-Committee will mean that decisions on the award of funding can be taken timeously.

### **Improving Staff Experience –**

Re-organising the Trust and modernising its Trust purposes will streamline the administration of the Trust and its Funds.

### **Improving our use of Resources –**

Broadening the trust purposes will widen the pool of beneficiaries. This will require publicising so that potential beneficiaries are aware of the trust purposes and grants available. It is recommended that the Council instructs officers to work in concert with the Aberdeen Council for Voluntary Organisations (ACVO) to raise awareness. ACVO is the Third Sector Interface for Aberdeen City. ACVO is able to send weekly E-Bulletins targeted towards organisations and individuals who meet the trust purposes criteria. The E-Bulletin is currently sent to over 2,000 subscribers. It is free for Third Sector organisations to advertise their news, services and events in the E-Bulletin and therefore there will be no financial implications for the trust when using this service.

### **Corporate -**

On 11<sup>th</sup> May 2016, Council approved the remit of the Governance Review. Its remit is to review all systems of risk and governance in the context of the Council's Strategic Business Plan. This includes the internal governance arrangements in place in respect of the large number of Trusts (both public and private) which Council engages with, has its elected members appointed to, clerks and/or manages. The review and re-organisation of the Guildry and Mortification Funds Trust is compliant with the aims of the Governance Review.

### **Public –**

The Equality and Human Rights Impact Assessment (EHRIA) is attached.

7. MANAGEMENT OF RISK

Failure to endorse the proposals in this report will result in failure to complete the re-organisation process with OSCR. Officers from the Legal and Democratic Service will have to submit a new application to OSCR which will take a further 6 months to be approved.

8. BACKGROUND PAPERS

- Guildry and Mortifications Sub Committee Terms of Reference dated 15 June 1993.
- Reorganisation of your charity guideline by OSCR <http://www.oscr.org.uk/charities/managing-your-charity/reorganisation-of-your-charity>

9. REPORT AUTHOR DETAILS

**Kundai Phute**

Solicitor

[kphute@aberdeencity.gov.uk](mailto:kphute@aberdeencity.gov.uk)

01224 523 283

## Appendix B

Aberdeen City Council, the Local Authority for Aberdeen in terms of the Local Government, etc. (Scotland) Act 1994, and having its principal office at Marischal College, Broad Street, Aberdeen AB10 1AB is the trustee of the City of Aberdeen Council Guildry & Mortification Funds (the "Trust").

The Trust (constituted and defined by an Extract Decree of Declarator dated 9 March and 22 May 1838 and extracted on 21 June 1838 and an Extract Decree of Declarator and Reduction dated 7 February 1871 and extracted on 18 April 1871 and varied by a scheme under and in terms of s9 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 and approved by the Court of Session by interlocutor dated 7 January 1997) is registered with OSCR with charity reference number SC011857.

This Trust Deed is a replacement and restatement deed, in order that the trust be reorganised in line with Section 39 of the Charities and Trustee Investment (Scotland) Act 2005, by an application to OSCR for a variation to the constitution.

(One) appoint as trustee ourselves (who and whose successors are referred to as "the Trustee")

### Trust purposes

1. The Trustee shall hold and apply any such funds and assets as may from time to time be comprised in the Trust Property, in trust (i) to relieve financial hardship among the Burgesses of Guild of Aberdeen present and future and their widows and widowers and families (including without prejudice to the foregoing generality children of deceased Burgesses of Guild at Aberdeen) by the payment of annuities of such amounts as the trustees in their absolute discretion may determine;  
  
(ii) 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, and that by means of grants or scholarships of such number and amounts as the trustees in their absolute discretion (but after consultation with the Lord Dean of Guild and his Assessors as the trustees in their absolute discretion may determine) may determine;  
  
(iii) for the prevention or relief of poverty in the City of Aberdeen;  
  
(iv) for the advancement of education in the City of Aberdeen;  
  
(v) for the relief of those in need by reason of old age, ill health, disability, financial hardship or other disadvantage in the City of Aberdeen;
2. The expenses of creating and administering the Trust, and any tax payable in relation to the Trust, shall be met in priority to all other payments and transfers of assets out of the Trust Property.

## **Powers**

3. In the administration of the Trust, the Trustee shall, in addition to the powers and rights which are conferred by law upon trustees who are acting without remuneration, have the fullest powers with regard to investment, sale, administration and management of the Trust Property as if it was owner; in particular (but without limiting the scope of the powers which it may exercise under the preceding provision), the Trustee shall have the following powers:-
- (a) To expend the whole assets of the Trust for the Trust Purposes.
  - (b) To carry on any other activities which further any of the Trust Purposes.
  - (c) To take such steps as may be deemed appropriate for the purpose of raising funds.
  - (d) To accept grants, donations and legacies of all kinds (and to accept any reasonable conditions attaching to them).
  - (e) To establish and/or support any other charity, and to make donations for any charitable purpose falling within the Trust's Purposes.
  - (f) To purchase, take on lease, hire, or otherwise acquire, any property or rights.
  - (g) To improve, manage, develop, or otherwise deal with, all or any part of the Trust Property.
  - (h) To sell, let, hire out, license, or otherwise dispose of, all or any part of the Trust Property.
  - (i) To borrow money, and to give security in support of any such borrowings by the Trust.
  - (j) To employ such staff as are considered appropriate for the proper administration of the Trust or for the proper conduct of the Trust's activities, and to make reasonable provision for the payment of pension and/or other benefits for members of staff, ex-members of staff and their dependants.
  - (k) To engage such consultants and advisers as are considered appropriate from time to time.
  - (l) To effect insurance of all kinds (which may include officers' liability insurance).
  - (m) To invest any funds which are not immediately required for the administration of the Trust or for the Trust's activities, in such investments as may be considered appropriate (and to dispose of, and vary, such investments).
  - (n) To liaise with other voluntary sector bodies, local authorities, UK or Scottish government departments and agencies, and other bodies, all with a view to furthering the Trust Purposes.

(o) To form any company which is a charity with objects which are similar (wholly or in part) to those of the Trust, and, if considered appropriate, to transfer to any such company (without any payment being required from the company) the whole or any part of the Trust Property.

(p) To retain any property comprised in the Trust Property for such time as the Trustee thinks proper.

(q) To have any part of the Trust Property registered in the name of a nominee and to pay reasonable fees to such nominee.

(r) To compromise or settle by arbitration all disputed claims by or against the Trust or the Trust Property.

(s) To appoint solicitors to the Trust or agent for the Trustee in any other capacity, and to pay to such solicitors or other agent his/her/their usual charges.

(t) To reimburse the Trustee out of the Trust Property, in relation to all expenses reasonably incurred by him/her in the administration of the Trust.

(u) To wind up the Trust.

(v) To do anything which may be incidental or conducive to the furtherance of any of the Trust Purposes.

#### **Procedure at Trustee's meetings**

4. Subject to the provisions of the following paragraphs, the Trustee may regulate the proceedings as it thinks fit.

#### **Delegation**

5. The Trustee may delegate any of its powers to any committee consisting of one or more representatives of the Trustee; any such delegation of powers may be made subject to such conditions as the Trustee may impose, and may be revoked or altered.

#### **Remuneration**

6. No Trustee may serve as an employee (full-time or part-time) of the Trust, and the Trustee shall not be given any remuneration by the Trust for carrying out its duties as a trustee.

#### **Secretary**

7. The Trustee shall appoint a secretary to the Trust for such term, at such remuneration (if any), and on such conditions, as the Trustee may think fit; and any secretary so appointed may be removed by them.

8. The Trustee shall ensure that the secretary:
- (a) keeps proper minutes of all proceedings at any meetings of the Trustee (and at meetings of committees of the Trustee) including the names of the committee members present at each such meeting
  - (b) keeps proper records and documents in relation to all other matters connected with the administration and management of the Trust.

#### **Accounts**

9. The Trustee shall appoint a treasurer to the Trust for such term, at such remuneration (if any), and on such conditions, as the Trustee may think fit; and any treasurer so appointed may be removed by them.
10. The Trustee shall ensure that the treasurer:
- (a) maintains proper accounting records, in accordance with all applicable statutory requirements.
  - (b) shall prepare annual accounts, complying with all relevant statutory requirements; if an audit is required under any statutory provisions or if the Trustee otherwise think fit, the treasurer shall ensure that an audit of such accounts is carried out by a qualified auditor.
11. An accountant engaged in an audit of the Trust's accounts shall be entitled to have access to all accounting records and other documents relating to the Trust.

#### **Operation of bank accounts**

12. The signature of an authorised signatory of the Treasurer is required in relation to all cheques issued by the Trust and all other operations (excluding lodgement of funds) on the bank and building society accounts held by the Trust.

#### **Payments to charities etc**

13. The receipt of the treasurer or other appropriate officer for any funds or other assets paid or transferred by the Trustee to any charity shall represent sufficient discharge to the Trustee.

#### **Limitations on liability**

14. The Trustee shall not be liable for loss or depreciation of the value of investments retained or made by it, nor for omissions, nor for neglect in management, nor for insolvency of debtors, nor for the acts, omissions, neglect or default of one another or of any banker, solicitor, factor or other agent employed by them.



### **Conduct of Trustee**

15. The Trustee shall, in exercising its functions as a trustee of the Trust, act in the interests of the Trust; and, in particular, must
- (a) seek, in good faith, to ensure that the Trust acts in a manner which is in accordance with its objects (as set out in this Trust Deed)
  - (b) act with the care and diligence which it is reasonable to expect of a person who is managing the affairs of another person
  - (c) in circumstances giving rise to the possibility of a conflict of interest of interest between the Trust and any other party
    - (i) put the interests of the Trust before that of the other party, in taking decisions as a Trustee
    - (ii) where any other duty prevents it from doing so, disclose the conflicting interest to the Trust and refrain from participating in any discussions or decisions involving any other Trustees with regard to the matter in question
  - (d) ensure that the Trust complies with any direction, requirement, notice or duty imposed on it by the Charities and Trustee Investment (Scotland) Act 2005.

### **Amendment of Trust Deed/winding-up**

16. If in the opinion of the Trustee any change in circumstances or alteration in the law has made or is likely to make execution of the Trust Purposes impossible or impracticable, or if in the opinion of the Trustee the administration of the Trust could be improved, or the Trust Purposes be advanced in a more appropriate manner, or the Trust purposes have been fulfilled, the Trustee may (subject to clauses 17 and 19) in their discretion,
- (a) supplement or amend the provisions of this Trust Deed or any deed supplemental to this trust deed provided always that such supplement or amendment to the purposes is consistent with the spirit of Trust Deed ; or
  - (b) wind up the Trust and (if applicable) transfer the Trust Property (after settlement of all debts and liabilities) to some other charity or charities having similar objects to those of the Trust.
17. In no circumstances is the Trust Property to be held or applied for any purpose which is not an exclusively charitable purpose.

### **Interpretation**

18. In this Trust Deed

“charity” shall mean a body on the Scottish Charity Register which is also regarded as a charity in relation to the application of the Taxes Acts;

“charitable purpose” shall mean a charitable purpose under section 7 of the Charities and Trustee Investment (Scotland) Act 2005 which is also regarded as a charitable purpose in relation to the application of the Taxes Acts” ;

"the Trust Deed" means this trust deed (including any supplementation or amendment effected in accordance with the provisions of clause 16);

"the Trust Property" means any such funds and assets as may from time to time be received by the Trustee as trustee under the Trust Deed (from us or any other person), and the assets in which any funds so received may from time to time be invested.

"the Trust Purposes" means the purposes specified in clause 1.

19. Any reference in this Trust Deed to a provision of any legislation shall include any statutory modification or re-enactment of that provision in force from time to time.

☺

We declare that the Trust shall be irrevocable.

This Trust Deed, consisting of this and the 4 preceding pages, is executed as follows:-

SIGNED by the said Aberdeen City Council

At Aberdeen on

in the presence of

☺

☺

### Background

The Guildry Fund's purposes are currently for the relief of financial hardship among the Burgesses of the Guild of Aberdeen, their widows and families. It also assists persons resident in Aberdeen to pursue educational or vocational training courses. The trustees would like to extend expenditure to cover wider social issues. The social issues they wish to cover are the prevention and relief of poverty; the advancement of education and the relief of financial hardship for those in need by reason of old age, ill health and disability within the City of Aberdeen.

It is proposed that the beneficiaries under the trust deed be:

- students resident in Aberdeen who are about to enter, or who currently attend, universities or colleges in Aberdeen;
- charities and organisations based in the City of Aberdeen which aim to assist elderly people, those with ill health, those with a disability and people suffering from financial hardship; and
- Burgesses of the Guild of Aberdeen and their family members.

### How will funding be granted?

Funding will be granted on the ability of the applicant to prove that they are able to satisfy the criteria outlined in the trust purposes. The requirements for each criterion will be outlined in the application form. It is proposed that there should be specific application deadlines for each beneficiary group and Grant Terms and Conditions should be signed by each recipient. The Grant Terms and Conditions will contain a clause on how the trust will recover the grant if it is not spent in accordance with the charity's terms and conditions.

- *Academic bursary or scholarship*

The application deadline for students resident in Aberdeen who are about to enter or who currently attend universities or colleges in Aberdeen will be June. This will allow for all funding assessments to be done before universities and colleges open for the new academic year in September. Funding under this category would be granted where the applicant can prove that without funding from the trust they will not be able to pursue educational or vocational training courses. Applicants should also be able to provide evidence that they will/are attending a university or college in Aberdeen.

In keeping with the spirit of the original trust purposes, applicants should be informed about the type of careers that will enable them to qualify for admission as Burgesses of the Guild of Aberdeen.

- *Charities and organisations*

Applications will be received from charities and organisations based in the City of Aberdeen that assist people who are disadvantaged due to their age, ill health, disability or financial hardship. Applications for this category will be opened every 6 months. The first round of applications would be submitted in January and the second round in June. Funding will only be granted if applicants are able to provide their last accounts along with their application. Applicants should also be able to provide a report at the end of the funded project to the trust to show how the funds have been used to achieve the trust purposes.

- *Burgesses of the Guild of Aberdeen*

Funding given for the benefit of impoverished Burgesses, their widows, orphans and unmarried daughters will continue. At present there are only two recipients who are receiving funding from the Guildry. Each year the Sub Committee reviews the financial assistance allowances and provides a suitable increase to reflect inflation. The recipients currently receive a sum of £3,000 per annum.

## **Process**

It is envisaged that Council will delegate the power to the Sub Committee to consider, assess and approve all applications. Applications will be addressed to the Clerk of the Burgesses of the Guild of Aberdeen. The Clerk to the Burgesses of the Guild of Aberdeen will distribute applications to the Dean and the Assessors; who will then make recommendations to the Committee. The Guildry and Mortifications Sub Committee will review the recommendations and make decisions on awarding funding based on set criteria for awarding funding which will be approved by OSCR. The Head of Finance will be delegated the power to release funding to the beneficiaries on behalf of the Council as sole Trustee. A bi-annual report outlining the progress of the Trust, Trustee responsibilities and relevant financial information about the Trust will be submitted to Council as the sole Trustee of the Trust for information and action, where necessary.

## COMMITTEE REPORT CHECKLIST

Name of Committee:	Guildry & Mortification Funds Sub Committee	
Date of Committee:	1 March 2017	
Title of Report:	Governance Review – Guildry Trust Deed	
Report Number:	CG/17/018	
Report Author:	Kundai Phute	
Directorate:	Corporate Governance	
Date(s) report considered by CMT (if appropriate):		
Is report “exempt” under the Access to Information Act?  Please also specify paragraph numbers opposite. Guidance can be found at: <a href="http://thezone/cg/DemocraticServices/ct_exempinfo.asp">http://thezone/cg/DemocraticServices/ct_exempinfo.asp</a>	No	
Equalities Impact Assessment required? EHRIA form should be attached and also submitted to Sandra Howard ( <a href="mailto:showard@aberdeencity.gov.uk">showard@aberdeencity.gov.uk</a> ) Please note that parts 1, 6 and 7 of the revised form should be completed and submitted to Sandra Howard, even if an assessment is not needed. This explains why an assessment is not required. For more details, visit <a href="http://thezone/cg/DemocraticServices/ct_Guidance_For_Report_Authors.asp">http://thezone/cg/DemocraticServices/ct_Guidance_For_Report_Authors.asp</a> or contact Sandra Howard directly.	Yes/No (not necessary)  If not required, please state the date that parts 1,6 and 7 of the form were submitted to Sandra Howard.  First draft sent on 22 February 2017.	
Privacy Impact Assessment carried out: Please refer to <a href="http://thezone/cg/LegalServices/cg_access_to_information.asp">http://thezone/cg/LegalServices/cg_access_to_information.asp</a> for further advice on PIAs.	Yes/No (not necessary)	
Number of attachments submitted with the report		
<b>Report Consultation – Required in terms of Standing Orders</b> <b>Please read the guidance on the Zone:</b> <a href="http://thezone/cg/DemocraticServices/ct_Guidance_For_Report_Authors.asp">http://thezone/cg/DemocraticServices/ct_Guidance_For_Report_Authors.asp</a>		
	Date of Issue	Date of Response
<b>Elected Members:</b>		
Convener		
Vice Convener		
Council Leader		
Convener of Finance, Policy and Resources		

Local Members (if applicable):		
<b>Officers:</b>		
Fraser Bell, Monitoring Officer –via <a href="mailto:monitoringcommitteereports@aberdeencity.gov.uk">monitoringcommitteereports@aberdeencity.gov.uk</a>		
Steve Whyte, Section 95 Officer		
Head of Service, Office of Chief Executive		
Legal and Democratic Services (separate from consultation with Monitoring Officer) – via <a href="mailto:monitoringcommitteereports@aberdeencity.gov.uk">monitoringcommitteereports@aberdeencity.gov.uk</a>		
Finance (separate from consultation with s.95 officer)		
Director		
Clerk		
Other officers:		
<b>Trade Unions (where applicable):</b>		
<b>External (where applicable):</b>		