

ABERDEEN CITY COUNCIL

COMMITTEE	Finance and Resources Committee
DATE	17 June 2010
REPORT BY	Head of Finance and Head of Legal and Democratic Services
TITLE OF REPORT	Aberdeen City Council Charitable Trusts
REPORT NUMBER:	CG/10/125

1. PURPOSE OF REPORT

To provide an update on progress to date in relation to the proposed amalgamating of charitable trusts with assets below £20,000 into one charitable trust for the benefit of the Citizens of Aberdeen, as instructed by Finance and Resources Committee of 17 September 2009

2. RECOMMENDATION(S)

It is recommended that the Committee:-

- (a) Notes the actions taken by officers to date.
- (b) Approves the outline proposals for a new charitable trust to be established with the elected members who are members of the Finance and Resources committee as trustees.
- (c) Approve the proposal that charitable trusts with assets of less than £20,000 are to be transferred into the new trust.
- (d) Notes the likely timescales for completion of the work.
- (e) Approves the outline of actions proposed by officers to take matters forward

3. FINANCIAL IMPLICATIONS

There are no specific financial implications at this time, however OSCR can apply fines of up to £2,500 on charities failing to comply with their regulations.

4. SERVICE & COMMUNITY IMPACT

It is essential that the charitable Trusts are managed in such a way that they continue to support the aims within the community for which they were established.

5. OTHER IMPLICATIONS

Failure to comply with the requirements of the regulator OSCR could result in action against the Council, which could include fines as well as loss of reputation.

6. REPORT

Background


- 6.1 The report to Finance and Resources Committee of 17 September 2009 outlined the implications for the various charitable trusts controlled and administered by the Council and the procedures which required to be brought into force to comply with the requirements of OSCR.
- 6.2 In approving the recommendations within the report, the Committee additionally instructed officers to write to OSCR seeking approval for the amalgamating of charitable trusts with assets below £20,000 into one charitable trust for the benefit of the citizens of Aberdeen, and for a further report to be presented to this committee to provide an update on progress to date.
- 6.3 A further report to Finance and Resources Committee of 10 December 2009 presented financial information and a Trustees Annual Report relating to the charitable trusts administered by the Council to Committee for approval. This information was required for presentation to OSCR to comply with their requirements.

Proposals and Actions

- 6.4 In accordance with the Committee's instructions a letter was sent to OSCR outlining the proposals for amalgamation. A response was received advising that in principle the proposal was acceptable and advising that the first step would be to establish a new charitable trust to which the assets of the other charitable trusts could be transferred.
- 6.5 It is proposed that a new charitable trust be established with the elected members who are members of the Aberdeen City Council Finance and Resources Committee as the trustees. The trust would be established for the benefit of the citizens of Aberdeen with its specific charitable purposes matching those of the existing charitable trusts which are to be transferred into it.
- 6.6 Once the new charitable trust is established it will be necessary to submit a request to OSCR to wind up each of the existing charitable trusts with assets below £20,000 and to transfer their assets to the new one. On receipt of each approval the necessary financial adjustments will be carried out.
- 6.7 OSCR has asked that the work be undertaken in separate batches to take account of their own staff's workload. Taking account of this and uncertainties as to how long the different processes will take it is unlikely that the reorganisation will be completed before March 2011 at the earliest.

- 6.8 Returns for the charitable trusts will require to be presented to OSCR for the year to 31 March 2010. As the amalgamation process will only get under way now these will be in a similar form to those presented last year. However it is intended that individual Trustee reports will be presented for those charitable trust where amalgamation is not being considered. A single Trustee Report will be provided to cover charitable trusts due to be amalgamated.
- 6.9 In addition to ensure compliance with OSCR requirements it is proposed that the status of all of the charitable trusts be reviewed as part of this process. If thought appropriate proposals would be put to committee for approval to remove them from the charity register, or to transfer their assets to another more relevant external charitable body.
- 6.10 A further update to Committee on how this exercise is progressing will be provided to Committee along with the proposed returns to OSCR before the end of the year.
- 6.11 Attached at Appendix 1 are details of the assets of all the charitable trusts under review showing the value of their assets as at 31 March 2010. It should be noted that these figures are subject to audit. Those with assets of less than £20,000 have been grouped in broad categories which is the suggested basis of allocation of income from the new trust.


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9 BACKGROUND PAPERS

There were no background papers used in the writing of this report.

CHARITY NAME, NUMBER AND PURPOSE

APPENDIX 1

CHARITY NAME	CHARITY NUMBER	PURPOSE	TRUST DEED, ETC	FUND AS AT 31 MARCH 2010 (Subject to Audit) £s	FUNDS PER GROUPING £s	% PER GROUPING
GUILDRY						
Jean Guild	SCO18557	Widows of Burgesses and Aged Virgins 24 December 1634		732		
Catherine Rolland	SCO18544	Widows of Decayed Burgesses 9 December 1659		5,732		
GUILDRY TOTAL					6,464	4.91
POOR & OTHER CHARITABLE PURPOSES						
Booth Coal Fund	SCO18531	Provision of Coal to the Poor in the Parish of Newhills	Trust Deed 17 April 1929	640		
Miss Jane Smith Trust	SCO18534	For Deserving Poor in the Parish of Peterculter		305		
Mary Duthie Williams	SCO18542	Provision of Blankets for Deserving Poor 19 March 1906	Trust 16 March 1906	3,988		
W D Watson's Trust	SCO18543	Poor Deserving Female Factory Workers. A preference being given to Former Employees of Patrick Watson & Sons	Will 1 December 1909	5,156		
Catherine Rolland	SCO18544	Poor of Aberdeen and Kirk Session of King Edward 9 December 1659		2,920		
Mollison Fund	SCO18546	Upholding Tomb and Poor Widows connected with St Clements Parish Church 4 December 1911		53		
Lady Durris	SCO18559	Charitable Purposes 15 March 1754		320		
Lady Durris	SCO18559	Kirk Session of Durris and Strachan and Poor Families 15 March 1754		3,448		
Janet Fordyce	SCO18560	Poor of Aberdeen 30 March 1815		60		
Families of Fishermen and Seamen Lost at Sea	SCO18562	Charitable Purposes 18 October 1965	Public Subscription	9,539		
Old Aberdeen Soup Kitchen and Dalgarno Coal Fund	SCO18563	Poor of Aberdeen	Will 2 October 1958	345		
George Davidson	SCO18564	Poor of Footdee 30 November 1663		6		
James Reid	SCO18565	Charitable Purposes 15 November 1792	Mortification 15 November 1792	43		
City of Aberdeen Relay Scheme Charitable Trust	SCO21305	Charitable Purposes 4 July 1966	Trust Deed 18 October 1965	710		
POOR & OTHER CHARITABLE PURPOSES TOTAL					27,533	20.92
MEDICAL						
John Mather	SCO18537	Infirmary - 18 February 1807		112		
Bedlam Fund	SCO18538	Persons Deprived of the Use of Reason	Amalgamation of funds 1718	5,418		
Dr Robert Beveridge	SCO18539	Promotion of the Study of Pathology at the Infirmary 18 March 1882 & 19 July 1886		430		
George Ogilvie	SCO18545	Founding Hospital, now payable to the Infirmary 1 February 1772		343		
MEDICAL TOTAL					6,303	4.79
EDUCATION & GENERAL SOCIAL WELLBEING						
Mrs Henrietta Wood	SCO18541	For use of the Boys' Hostel (Westfield) 19 August 1958		5,165		
Alexander Forbes of Morkeu	SCO18552	To provide a Summer Treat to Innates of Woodend Home (Glenburn Wing) 16 October 1893	Trust 16 October 1893	1,858		
Miss Eliza Moir	SCO18553	For use of the Boys' Hostel (Westfield) 19 August 1958	Will 12 May 1954	5,703		
CML Werdmuller	SCO18558	For South African Students at Aberdeen University	Notice of Motion 30 November ?	15,742		
Mrs Gibson's Bequest	SCO18561	Sermons Against Cruelty to Animals 14 February 1829	Bequest	283		
John Burnett	SCO18567	Chaplain of Prison 2 July 1824	Mortification 2 July 1824	393		
Former Health Dept Prize Fund	SCO18577	For Bi-Annual Prize to Member of Staff for Best Contribution to Welfare of Handicapped Persons 6 June 1960		3,079		
Lieutenant Colonel Charles M. MacQuibban Memorial Fund	SCO18547	Comforts for Non-Commissioned Officers and Men of the 1st Battalion, Gordon Highlanders	Trust Deed 11 September 1974	1,531		
EDUCATION & GENERAL SOCIAL WELLBEING TOTAL					33,754	25.65
CULTURE ARTS & HERITAGE						
John Black's Trust	SCO18536	Aberdeen Art Gallery & Industrial Museum	Trust Deed 22 August 1980	11,472		
Mrs Harvey Loutit	SCO18548	For Display Cases in Regional Museum 14 September 1969		319		
Sir Thomas Jaffrey's Gift	SCO18554	Purchase of Works of Art for Aberdeen Art Gallery 30 September 1925	Gift Deed 22 April 1929	6,451		
Miss Margaret Cumming Innes	SCO18555	Purchase of Etchings for Aberdeen Art Gallery 17 June 1929		3,542		
Miss Margaret C Hamilton	SCO18556	Purchase of Exhibits for Regional Museum 11 September 1942		920		
Sir John Anderson	SCO18566	Public Library	Decree 12 July 1929	1,562		
Sir Alex Lyon Trust	SCO18569	Purchase of Works of Art for Aberdeen Art Gallery 6 June 1927	Will 23 February 1927	3,428		
John Clark	SCO18570	Upholding the Bridge of Goyal 20 September 1682		4,206		
Alexander Webster's Bequest	SCO18571	Purchase of Pictures for Aberdeen Art Gallery 15 January 1912		17,885		
Sir James Murray's Gift	SCO18573	Purchase of Works of Art for Aberdeen Art Gallery 18 April 1927	Gift 10 April 1927	7,697		
Cowdray Hall & Art Museum Trust	SCO18574	For the construction and management of the Cowdray Hall		-		
Aberdeen Art Gallery Trusts	SCO18575	For the purposes of the Art Gallery		-		
Robert Anderson Bequest	SCO18576	Public Library		69		
CULTURE ARTS & HERITAGE TOTAL					57,551	43.73
TOTAL FOR AMALGAMATION					131,605	100
TRUSTS TO BE RETAINED SEPARATELY						
				FUND AS AT 31 MARCH 2010 £s (Subject to Audit)		
Guildry Funds	SCO11857	Support the Historic Guildry Activities		1,550,681		
Aberdeen Shipwrecked Seamen's Fund	SCO18540	Charitable Purposes	General Meeting 8 July 1815	77,540		
Education Endowment Investment Fund	SCO25063	Advancement of Education and the Improvement of General Social Wellbeing	Statute	826,000	(Accounts still to be finalised - 2009 figure provided)	
Captain Harvey Loutit	SCO18549	Building Fund of Regional Museum of Aberdeen City		39,345		
Bridge of Don Fund	SCO18551	Upkeep of Bridge		607,286		
Alexander MacDonald's Bequest	SCO18568	Purchase of Works of Art for Aberdeen Art Gallery 11 December 1882	Trust Deed 11 December 1882	32,545		
Bridge of Dee Fund	SCO21297	Upkeep of Bridge		34,530		
Mrs M McBey (Fund 2)	SCO31654	Fine Art Collection	Trust Deed 10 May 2001	873,828		
Lands of Skene	SCO18533	Various		1,570,460		
Lands of Torry	SCO21299	Various		1,897,681		

