

South Ayrshire Council

Report by Head of Legal, HR and Regulatory Services to South Ayrshire Council of 29 June 2022

Subject: South Ayrshire Charitable Trust

1. Purpose

- 1.1 The purpose of this report is to provide an annual update on the South Ayrshire Charitable Trust and amend the Trust Business Plan for this financial year.

2. Recommendation

2.1 It is recommended that the Members as Trustees of South Ayrshire Charitable Trust:

- 2.1.1 note the summary of grant funding made by the trust during 2021/22 detailed in [Appendix 1](#); and
- 2.1.2 approve the business plan for the running of the trust for the year 2022/23 detailed in [Appendix 2](#).

3. Background

- 3.1 At the Council meeting of 18 December 2014, Members considered a report concerning the consolidation of sixteen charitable and seven non-charitable trusts into a new trust. The Members were trustees of these historic trusts which were administered by the Council. Members agreed to set up the South Ayrshire Charitable Trust, and to seek charitable status for that trust from the Office of the Scottish Charity Regulator (OSCR). At the Council meeting of 25 June 2015, Members were advised that the South Ayrshire Charitable Trust had been established and given charitable status by OSCR. The purposes of the South Ayrshire Charitable Trust are (a) the prevention and relief of poverty and (b) the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage. The trustees of the South Ayrshire Charitable Trust are the elected members of South Ayrshire Council.
- 3.2 Transfers of the sixteen charitable and seven non charitable trusts to South Ayrshire Charitable Trust took place on 1 April 2016. The assets transferred remained ring fenced for the geographic area of the trust from which they came. The consolidation of the charitable and non-charitable trusts operated by South Ayrshire Council into the South Ayrshire Charitable Trust has allowed for a simpler management process of the trusts and meaningful disbursement to those in need in South Ayrshire as envisaged by the original benefactors.

3.3 The trustees approved a Business Plan on 17 December 2015 for the operation of the South Ayrshire Charitable Trust. In terms of that Business Plan decisions for disbursement of trust funds were delegated to Committees of Trustees who comprised the Councillors for the areas of Ayr; Prestwick and Monkton; Troon; Coylton; Maybole; Barr and Girvan. The Business Plan has been amended in each subsequent year to take account of changes in the amounts held by the trust.

3.4 Applications have been invited for grant funding for the last six years. Funds for Maybole were fully utilised in 2016/17; for Troon and Barr in 2017/18 and for Prestwick and Monkton in 2020/21. Funds for Girvan include external investments in the name of predecessor Trusts and Trustees which are currently inaccessible. Officers in Finance are working to resolve these access issues. The Committees of Trustees for Ayr and Coylton met to determine grant applications in 2022. A summary of the grant awards made by each Committee is found in [Appendix 1](#). In total grants were awarded with a total value of £30,572. In the last six years grants and donations of £650,000 have been made from the trust.

4. Proposals

4.1 Further applications for grant funding will be invited in this financial year. The advertising process and application administration is undertaken by the Thriving Communities service, with support from Legal Services. Given the limited funds available individual limits have been placed on the grant funding for each area. The business plan in [Appendix 2](#) sets out the limits for spending in each area and the process to be followed for decision-making on grant applications.

5. Legal and Procurement Implications

5.1 The recommendations in this report are consistent with legal requirements. Legal advice will continue to be provided as required.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 In the year 2022/23 there will be no funds available to be spent in Barr, Troon, Maybole and Prestwick and Monkton. The remaining Girvan funds (£13,000) are tied up in external investments and other restricted funds which are held in the name of predecessor Trusts and Trustees. Officers' efforts to have these assets legally transferred to the Trust were delayed firstly by the impact of Covid-19 and latterly due to staff vacancies. This work will resume in early course. However, until that issue is resolved it may be that no or very limited funds are available for that area in 2022/23. Applications for grants will accordingly be invited for Ayr and Coylton. The estimated funds available in 2022/23 to be spent on grant funding as follows are:

- Ayr- £50,000; and
- Coylton- £500.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 If the recommendations are not approved, trust resources will not be best utilised for the benefit of residents of South Ayrshire in the coming year.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 3](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and Councillor Ian Davis, Portfolio Holder for Finance, HR and ICT, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Head of Legal, HR and Regulatory Services will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Advertising for grant applications for South Ayrshire Charitable Trust for the year 2022/2023	31 August 2022	Service Lead - Thriving Communities

Background Papers **Report to South Ayrshire Council of 18 December 2014 – [Consolidation of Charitable and Non-Charitable Trust Funds Administered by South Ayrshire Council](#)**

Report to South Ayrshire Council of 25 June 2015 – [South Ayrshire Charitable Trust](#)

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Date: 21 June 2022

APPENDIX 1

GRANT PAYMENTS BY SOUTH AYRSHIRE CHARITABLE TRUST IN 2021/22

	APPLICANT	AWARD
<u>Coylton</u>		
1.	Individual	£500
<u>Ayr</u>		
1.	Ayrshire Cancer Support	£4000
2.	Broken Chains	£3120.
3.	FLAIR	£7500
4.	Vics in the Community	£7500
5.	Riverside Community Trust	£7500
6.	Individual	£952
Total spend =		£30572

South Ayrshire Charitable Trust – Business Plan 2022/23

1. The Trust

The South Ayrshire Charitable Trust was established in 2015. The following comments are made regarding the trust deed:

- (a) The trustees are the Councillors of South Ayrshire Council and their statutory successors in office. All trustees will be appointed on an *ex officio* basis.
- (b) The South Ayrshire Charitable Trust is designed to assist and improve the lives of those who are in need because of poverty, age, ill-health, disability, financial hardship or other disadvantage, and who are resident within the South Ayrshire area.
- (c) The funds which made up the initial trust fund came from trusts which were designed to benefit specific geographic areas within South Ayrshire. The funds which originated from these trusts remain ring fenced for these specific geographic areas. The trustees appointed from their number trustees who sit on Committees relative to each of these geographic areas who will decide grant applications for these areas. The trustees for each area can also make donations as they see fit from the funds ring fenced for their area. A minimum of three trustees was appointed for each Committee. The trustees for each Committee are detailed in Annex 1. A quorum of two is sufficient for all decisions regarding the awarding of grants and donations from the trust funds from the said Committees. (hereinafter referred to as ‘the Committees’).

2. Purposes of the South Ayrshire Charitable Trust

The purposes of the South Ayrshire Charitable Trust are :

- (a) the prevention or relief of poverty; and
- (b) relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage and who are resident in South Ayrshire.

3. Limitation of Value of Funding

The limitation on particular grants and donations is strictly at the discretion of the trustees. The limitation on grants for the year 2022-2023 will be £7,500 for Ayr; £1000 for Girvan; £500 for Coylton. No limitation is placed on the donations which can be made from each area. These limits will be reviewed on an annual basis at a meeting of all the trustees.

4. Who can apply for Funding?

Groups, organisations and individuals provided they can demonstrate to the satisfaction of the trustees that the funding will be utilised for the trust purposes. Where the trust funds are ring fenced for a specific geographic area the applicants will require to show to the trustees that the funding will be utilised for the benefit of the residents of the specific geographical area.

5. The Use of Trust Funds

The revenue generated from the capital of the trust fund and where the trustees consider it reasonable the capital of the trust fund will be used to support and improve the lives of residents in South Ayrshire through grants and donations. Possible activities the trust may support could include but are not limited to:

- (a) providing grants and donations to local clubs or organisations which support the poor, the disadvantaged, the disabled, the elderly or the sick; and
- (b) providing grants and donations to purchase items for local hospitals and care homes for projects which will benefit patients and residents.

6. Application for Grants

The trust will be highlighted to groups, organisations and individuals once per annum via the South Ayrshire Council website and other appropriate methods of publication. Prospective applicants will be notified of the funding criteria and how to obtain application forms.

An application form will be completed by the applicant and returned to South Ayrshire Council.

Applications will then be examined by officers and if they are fully completed they will be passed before the relevant Committee of trustees at a meeting for consideration.

The Committees will meet at least on a yearly basis to consider the grant applications and award grants. The decisions on which applications are awarded funding will be at the discretion of the Committees of trustees.

Grants will be issued by South Ayrshire Council from the accounts they hold for the trust.

Applicants will be required to provide an evaluation form detailing how grant funds were spent and evidence of spending. If they fail to do so the Committees can decide not to fund future applications.

Annex 1

Ayr

The Committee of trustees will be the Members who represent Wards 3,4 and 5.

Girvan

The Committee of trustees will be the Members who represent Ward 8.

Coylton

The Committee of trustees will be the Members who represent Ward 7.

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. See information here: [Interim Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018.

1. Policy details

Policy Title	South Ayrshire Charitable Trust
Lead Officer (Name/Position/Email)	Karen Briggs, Service Lead – Legal and Licensing – karen.briggs@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – gender identity (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-
Thematic Groups: Health, Human Rights & Children's Rights	-	-

