

South Ayrshire Council

Report by Chief Governance Officer to South Ayrshire Council (Special) of 19 August 2024

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 the 2024/25 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 2023/24 detailed in [Appendix 1](#); and

2.1.2 approve the business plan for the running of the trust for the year 2024/25 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.

- 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 seven years. Funds for Maybole were fully utilised in 2016/17; for Troon and Barr in 2017/18; for Prestwick and Monkton in 2020/21 and for Coylton in 2022/23. 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 Committee of Trustees for Ayr met to determine grant applications for the year 2023/24. A summary of the grant awards made by the Committee is found in [Appendix 1](#). In total grants were awarded with a total value of £7,766. In the last eight years grants and donations of over £700,000 have been made from the trust. A grant issued by the Prestwick and Monkton Fund in 2019/20 has recently been repaid as the organisation advised the funds were not utilised.

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 Thriving Communities 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.

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 2024/25 there will be no funds available to be spent in Barr, Troon, Maybole, Coylton. A grant awarded by the Prestwick and Monkton fund has been returned as the funds were unused. 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. Finance officers' efforts to have these assets legally transferred to the Trust were previously delayed by the impact of Covid-19 and although this work resumed last year, the number of separate entities involved in the resolution process and the impact of competing priorities on the ability to pursue them has resulted in further delays. However, until that issue is resolved it may be that no or very limited funds are available for that area. Applications for grants will accordingly be invited for Ayr. The estimated funds available in 2024/25 to be spent on grant funding as follows are:

- Ayr- £6,500; and
- Prestwick -£2000

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 the Council Priority One of 'Spaces and Places' (outcome 'Play, sport and recreation'); Priority Two 'Live, work learn' (outcome 'work and economy') and Priority Three Civic and Community Pride' (outcome 'community engagement')

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, Human Resources and ICT, and the contents of this report reflect any feedback provided.

14/

14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Chief Governance Officer 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 '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 2024/25	30 August 2024	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: 9 August 2024

Grant Payments By South Ayrshire Charitable Trust In 2023/24

	Applicant	Award
Ayr		
1.	Ayr Sea Cadets	£1,000
2.	Community Gift Exchange	£1,000
3.	Kincaidston Action Group	£1,000
4.	Lochside Neighbourhood Group	£500
5.	North Ayr Exclusively Women's Group	£800
6.	South Ayrshire Autistic Society	£1,000
7.	Unique Group- Friends Together	£966
8.	Young Carers South Ayrshire HSCP	£1,000
	Total spend =	£7,766

South Ayrshire Charitable Trust – Business Plan 2024/25

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 2024-2025 will be £1000 for Ayr; £1,000 for Girvan and £200 for Prestwick and Monkton. 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.

Prestwick

The Committee of trustees will be the Members who represent Ward 2 and 6.

**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. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

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 – (issues specific to women & men or girls & boys)	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-
Thematic Groups: Health, Human Rights & Children’s Rights	-	-

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent’s education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	YES NO
Rationale for decision: An Equality Impact Assessment is not required on this occasion as this report is only seeking approval to make decisions relating to the operation of South Ayrshire Charitable Trust and not to make actual grant awards.	
Signed: Karen Briggs Date: 30 July 2024	Service Lead