

REPORT TO KINCARDINE & MEARN'S AREA COMMITTEE – 26 MARCH 2019

ELDER FUND FOR THE BENEFIT OF THE POOR OF STONEHAVEN

1. Recommendations

It is recommended that the Area Committee:

- 1.1 Appoint the Provost and 2 Local Ward Members of Stonehaven as ex-officio trustees of the Elder Fund and;**
- 1.2 Appoint Aberdeenshire Council's Head of Finance and Strategic Finance Manager as representative trustees of the Elder Fund.**

2. Background / Discussion

- 2.1 The Elder Trust Fund was set up in November 1915 and was registered with the Charity Commission under the Charitable Trusts Act 1853 to 1914 in May 1925 to benefit the poor of Stonehaven.
- 2.2 The Trust is administered by Aberdeenshire Council. A requirement of the Scheme relating to the Elder Fund is that there should be three ex-officio trustees appointed who in turn will appoint two representative trustees. These appointments should be last for a period of three years.
- 2.3 In compliance with the Scheme, the three ex-officio trustees should be the Provost and two Local Ward Members of Stonehaven. Once appointed, the ex-officio trustees should then appoint two representative trustees.
- 2.4 The Head of Finance has responsibility for ensuring proper and safe custody of trust funds therefore it would seem appropriate to nominate him as a representative trustee. The Strategic Finance Manager is also willing to undertake the second representative trustee role.
- 2.5 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Committee is able to consider and take a decision on this item in terms of Section B.2.1 Part 2A of the Scheme of Governance as the item relates to the administration of the trusts controlled by the Council.

4 Equalities, Staffing and Financial Implications

- 4.1 An equality impact assessment is not required because Section 193 of the 2010 Act contains an exemption for charities which make positive discrimination to groups or individuals on the basis of their disadvantage. Insofar as the charity purposes discriminate positively in favour of individuals or groups on the basis of poverty, age, disability, or other disadvantage, there is no discrimination on the basis of any other protected characteristic (such as gender or religion). No negative impact on any individual or group as a result of this reorganisation has been identified.
- 4.2 There are no staffing or financial implications arising from this report. The Elder Fund currently has £10,000 available.
- 4.3 No risks have been identified in relation to this report.

Ritchie Johnson
Director of Business Services

Report prepared by: Shirley-Ann Gordon, Principal Accountant
Date: 21 February 2019