

## **Trusts and Bequests and Opencast Funds - Update**

### **Report by Director, Corporate Resources**

#### **1 Purpose of Report**

To provide an update concerning the Trusts and Bequests and Common Good Funds vested in the Council and Mining Community Funds held solely (and jointly) in the Council's name (and that of the Coaling Company).

#### **2 Background**

##### **(a) Bequests**

Since the last report, the Church of Scotland General Trustees have remitted a balance of c£780 to the council following the sale of stock in respect of the **Ainslie Bequest** which formerly yielded little in the way of interest and in respect of which the interest was disbursed together with interest from funds generated by the **Sir Samuel Chisholm** and **Fraser Hogg Bequests** to Poor Persons in Dalkeith. A limited amount of Funds were released and for the past few years benefit has been given to four poor persons. Whilst there is a requirement that only the interest from the Fraser Hogg Bequest be disbursed, the Council can encroach on the "capital" in respect of the other two. Disbursements are normally made at Martinmas. A request has been received from the Community Learning and Development Section for assistance with a project for clients who may qualify for funding in terms of these bequests. (See report at Item No 7).

In respect of the **MacFie Hall** Trust, the premises are in Heriot Village and the Scottish Borders Council has consented to the transfer of the Bequest which is held by this Council and which is the subject of the report concerning the return to the Charities Regulator.

In respect of **Other Bequests**, consideration can also be given to the transfer of the Ramsay Bequest to the Scottish Borders Council and any others with residual balances as appropriate.

##### **(b) Opencast Funds**

All coaling has ceased. Disbursements can only be made for the benefit of the environment in the vicinity of the Opencast Mine and the haul route to the trunk road concerned (save for that relating to the failed Blinkbonny Drift Mine which extends to cover job creation in the Mayfield area).

The position in respect of the Funds is clear and decisions could be taken to bring about their closure. In respect of the Funds generated by the Blinkbonny and Monteith Houses Opencasts and the Drift mine, the Blinkbonny Sub Committee has not met for some time but neither have there been additional requests since.

In respect of the Funds for Gourlaw, Shewington and Newbigging Farms, the Gourlaw Sub Committee will meet in the near future to review the position, following the release of the out – turn figures for 2012 /2013. Scottish Coal went into Liquidation on 19 April 2013. It is thought that any outstanding business will relate to the restoration of the site. Notwithstanding that, it seems likely that an application for planning permission for the extraction of coal – a huge development of 10million tonnes will be submitted in respect of Cauldhall Moor. Whilst it is impossible to predict if the application will be granted, consideration could be given to the way in which a Fund could be operated should the question arise, all with a view to the submission of views at an appropriate stage.

### **Oxenfoord**

The Fund will be closed, following conclusion in consultation with the Agents for the Coaling Company.

### **Smeaton**

A residual balance of £1,402.37 remains and it is possible that funds could be earmarked for environmental improvement in the vicinity whenever it is appropriate, whether for works to the Walkway or Travellers Site at that location. There is no Sub Committee for this Opencast and a report back to Committee will be made when there is progress to report.

## **3 Resource Implications**

There are no resource implications arising directly from this report.

## **4 Conclusions**

The stage has been reached when resumption of consideration of the various aspects can proceed. It is thought that action could be taken in respect of a number of the Funds.

## **5 Recommendations**

It is recommended that the Committee:-

- (a) in respect of the Bequests, etc:-
  - (i) note that the sale of stock held on behalf of the Ainslie Fund has realised a sum of c£780 which can be expended for the benefit of the poor in Dalkeith; and consider whether (1) to continue the existing method of disbursing sums generated by this and the Chisholm and Ainslie Bequests; or (2) to agree in principle that the “capital” balances be encroached upon; and (3) either (a) await nominations or (b) expose publicly, the availability of funding for application supported by means testing and if so remit the detailed arrangements to the Director, Corporate Resources, in consultation with the Chair;
  - (ii) consider whether the funds for the poor and sick poor should be made available publicly on means tested application; and if so remit to the Officers to devise a scheme;
  - (iii) approve the transfer of funds held for the MacFie Hall and Ramsay Burial Ground to the Scottish Borders Council; and
  - (iv) approve the transfer of funds as appropriate in respect of the other small maintenance bequests, namely the Allison Tomb at Loanhead; and Cranston War Memorial as appropriate; and
- (b) in respect of the Open Cast Coal Funds:-
  - (i) await recommendations from the Blinkbonny and Gourlaw Sub Committees, as respects the disbursement of any balances;
  - (ii) as there is no Smeaton Sub Committee, either consider ways in which the residual balance in the Smeaton Fund can be expended, perhaps in consultation with the local Members or agree to await a further report; and
  - (iii) note that the Oxenfoord Fund will be closed.

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Background Papers – Statement of Income and Expenditure to 31 March 2013.