



ACT2 (ABERDEENSHIRE CHARITIES TRUST)

**THURSDAY, 27 SEPTEMBER, 2018, at 2.00 P.M.
(OR AT THE CONCLUSION OF THE FULL COUNCIL MEETING,
WHICHEVER IS THE LATER)**

Your attendance is requested at a meeting of the ACT2 (ABERDEENSHIRE CHARITIES TRUST) to be held in the COUNCIL CHAMBER, WOODHILL HOUSE, ABERDEEN, on THURSDAY, 27 SEPTEMBER, 2018, at 2:00 P.M. (OR AT THE CONCLUSION OF THE FULL COUNCIL MEETING, WHICHEVER IS THE LATER)

19 September, 2018

Director of Business Services

Contact Person:-

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**NOTICE AND AGENDA OF
ANNUAL GENERAL MEETING OF ACT2
(ABERDEENSHIRE CHARITIES TRUST) SC045539**

**THURSDAY 27th SEPTEMBER 2018 AT 2.00 P.M. (OR TO FOLLOW COUNCIL
MEETING)**

AT COUNCIL CHAMBER, WOODHILL HOUSE, ABERDEEN

1. Sederunt and Declaration of Members' Interests.
2. Resolution - Public Sector Equality Duty

Consider, and if so decided, adopt the following resolution:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
 - (2) where an Equality Impact Assessment is provided, to consider its contents and take those into account when reaching a decision.
3. Minute of Meeting of ACT2 of 9 March 2017. (Pages 4-6)
 4. Aberdeenshire Charities Trust (ACT2) - Annual Update 2017/18 - Report by
Director of Business Services (Pages 7-14)

PUBLIC SECTOR EQUALITY DUTY – GUIDANCE FOR MEMBERS

What is the duty?

In making decisions on the attached reports, Members are reminded of their legal duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

The “protected characteristics” under the legislation are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; and (in relation to point (i) above only) marriage and civil partnership.

How can Members discharge the duty?

To ‘have due regard’ means that in making decisions, Members must consciously consider the need to do the three things set out above. This requires a conscious approach and state of mind. The duty must influence the final decision.

However, it is not a duty to achieve a particular result (e.g. to eliminate unlawful racial discrimination or to promote good relations between persons of different racial groups). It is a duty to have due regard to the need to achieve these goals.

How much regard is ‘due’ will depend upon the circumstances and in particular on the relevance of the needs to the decision in question. The greater the relevance and potential impact that a decision may have on people with protected characteristics, the higher the regard required by the duty.

What does this mean for Committee/Full Council decisions?

Members are directed to the section in reports headed ‘Equalities, Staffing and Financial Implications’. This will indicate whether or not an Equality Impact Assessment (EIA) has been carried out as part of the development of the proposals and, if so, what the outcome of that assessment is.

An EIA will be appended to a report where it is likely that the action recommended in the report could have a differential impact (either positive or negative) upon people from different protected groups. The report author will have assessed whether or not an EIA is required. If one is not required, the report author will explain why that is.

Where an EIA is provided, Members should consider its contents and take those into account when reaching their decision. Members should also be satisfied that the assessment is sufficiently robust and that they have enough of an understanding of the issues to be able to discharge their legal duty satisfactorily.

For more detailed guidance please refer to the following link:-

http://www.equalityhumanrights.com/uploaded_files/EqualityAct/psed_technical_guidance_scotl_and.doc

ACT2 (ABERDEENSHIRE CHARITIES TRUST)

WOODHILL HOUSE, ABERDEEN, 9 MARCH, 2017

Present: Councillors Anne M Allan, P W Bellarby, G Blackett, C C Buchan, G W Carr, R A Cassie, R J Christie, G J Clark, K L Clark, L Clark, J B Cox, A J C Cullinane, J B Dick, A Evison, M A Findlater, M A Ford, J N Gifford, A S Grant, F C P Hood, M F Ingleby, J Ingram, P K Johnston, J J Latham, C R McKail, F McRae, R J Merson, I J Mollison, C H Nelson, A K Norrie, G L Owen, G E Petrie, S W Pratt, E A Robertson, M J Roy, S W Smith, D Stewart, M M Stewart, I W Taylor, H W Vernal and J Webster.

Apologies: Councillors W A Agnew, D R Aitchison, Amanda J Allan, P J Argyle, A A Bews, A S Buchan, E H Chapman, C Clark, R Cowling, I Davidson, A C Duncan, A Gardiner, A Hendry, W Howatson, S M Lonchay, P Oddie, H Partridge, L Pirie, W A C Shand, N J Smith, B H Stuart, I S Tait, R G Thomson, B A Topping, I M Walker and M Watt.

Officers: Chief Executive, Director of Business Services, Head of Finance, Head of Legal and Governance.

CHAIR

Councillor H W Vernal, Provost of the Council, presided.

1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. No interests were intimated.

2. PUBLIC SECTOR EQUALITY DUTY

In making decisions on the following items of business, the Council **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

2A. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of ACT2 (Aberdeenshire Charities Trust) of 19 November, 2015, had been circulated, was **approved** as a correct record, and thereafter signed by the Chair.

3. ACT2 (ABERDEENSHIRE CHARITIES TRUST) - ANNUAL ACCOUNTS 2015/16

There had been circulated a report by the Director of Business Services advising that the annual accounts of ACT2 (Aberdeenshire Charities Trust) 2015/16 had been prepared in accordance with the Charities' Statement of Recommended Practice (FRS 102) and that this

was the first year in which the Charities' accounts had been prepared under FRS 102. Appended to the report was the Trustees' Report for the year ended 31 March, 2016. The report stated that ACT2's audit certificate was unmodified, which provided assurance that the financial statements gave a true and fair view of the financial position as at 31 March, 2016. Two of the issues raised in the External Auditor's report, which covered both the Council's Annual Accounts and the accounts of the Charitable Trusts, were in relation to the Charitable Trusts. The detailed action plan to address the External Auditor's recommendations had been approved at the Scrutiny and Audit Committee on 22 September, 2016.

The Trustees **agreed**:-

- (1) to note the audited Annual Accounts 2015/16 for Aberdeenshire Charities Trust (ACT2),
- (2) to note the unmodified audit certificate for 2015/16, and
- (3) to note the agreed actions as included within the External Auditor's report approved at the Scrutiny and Audit Committee on 22 September, 2016.

4. ACT2 (ABERDEENSHIRE CHARITIES TRUST) - FINANCIAL MANAGEMENT

There had been circulated a report by the Director of Business Services setting out the financial management structure and resulting investment policies of the balances held within ACT2 (Aberdeenshire Charities Trust). The report stated that ACT2 was obligated to ensure the effective financial management of the funds held. The report showed a list of the balances currently held within ACT2, including the split between Revenue and Capital, split by council ward and purpose. The report requested the Trustees to decide whether the current split of the balance between Revenue and Capital was at the right level for each area for each purpose. The report also provided information on future balances, insurance, external investment, maximum thresholds and Christmas Trusts.

The Trustees **agreed**:-

- (1) that the initial split of ward balances should be delegated to Area Committees acting on behalf of ACT2,
- (2) to approve a policy which stated that all future investment income should be retained within the ward revenue balances for future use,
- (3) to retain capital balances within the Council's Loans Fund,
- (4) that ACT 2 application thresholds be agreed by Area Committees acting on behalf of ACT2, and
- (5) to note the action taken regarding the annual Christmas Trust payments.

5. ACT2 (ABERDEENSHIRE CHARITIES TRUST) - CHARITABLE MANAGEMENT PLAN

With reference to the Minute of Meeting of 19 November, 2015 (Item 9), there had been circulated a report dated 19 February, 2017, by the Director of Business Services, together with a management plan for ACT2 (Aberdeenshire Charities Trust) in order for the discharge of their functions under the Trust. The report stated that the first section of the management plan detailed the history of the purpose of ACT2 and why the process of re-organisation was vital to the viability and effective administration of the Trusts. The second section outlined the Trustees' roles and responsibilities within the context of the Trust Deed as well as the relevant legislation, namely, the Charities Trustee and Investment (Scotland) Act 2005. The third

section outlined the strategy for the management and practical administration of ACT2, whereby powers in respect of the routine administration of the Trust were delegated to the Area Committees of Aberdeenshire Council. All decisions made by Area Committees would be reported back to the Trust at the next Annual General Meeting to enable all Trustees to monitor the effectiveness of the management plan and the distribution of funds.

The Trustees **agreed** to approve the Charitable Management Plan for ACT2 (Aberdeenshire Charities Trust) as detailed in Appendix 1 of the report.

6. DATE OF NEXT MEETING

The Trustees agreed that the next meeting should be scheduled to coincide with the Council meeting on 29 June, 2017.

REPORT TO ABERDEENSHIRE CHARITIES TRUST (ACT2) – 27th SEPTEMBER 2018

ANNUAL UPDATE

1 Recommendations

The Trust is recommended to:

- 1.1 Note the ACT2 applications made to and determined by Area Committees in 2017/18 contained in Appendix 1**
- 1.2 Request a further update on the operation of ACT2 at the end of 2018/19.**

2 Background / Discussion

- 2.1 On 9 March 2017, the Management Plan for the Aberdeenshire Charitable Trust was approved. 2017/18 marks the first year that ACT2 has operated under said management plan, and members are asked to consider how the trust funds have been accessed over that period.
 - 2.2 Applications to the trust are determined by Area Committee to ensure local decision making. Appendix 1 contains a breakdown of all applications received by Area Committee during 2017/18, along with amounts awarded and a note of the charitable purpose under which they were awarded.
 - 2.3 Members will note that there has been limited uptake, with two of the Area Committees receiving no applications over the relevant period. It is the view of officers that application process should be monitored for another 12 months, and that the management plan of ACT2 is reviewed at that time.
 - 2.4 Officers will continue to work to publicise the availability of the trust for funding where appropriate. This will be done primarily through Corporate Communications and Area Committees, with input from Legal and Governance, and Finance. Application forms are available on the website. Members are also encouraged to signpost constituents towards the trust where appropriate.
 - 2.5 All applications will be considered by Area Committees where related to one of the charitable purposes of the Trust, and where the applicant is a resident of Aberdeenshire, or can demonstrate a reasonable connection to the area.
 - 2.6 Appendix 2 shows the maximum and minimum awards for each area under each charitable purpose which have been agreed by Area Committees. Appendix 3 is a table showing the revenue and capital balances for each of the individual trusts as at August 2018. A report will be taken to all Area Committees to review whether the current levels are appropriate, and also to
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review the split between revenue which can be spent, and capital that must remain in trust.

- 2.7 The Monitoring Officer within Business Services has been consulted in the preparation of this and is satisfied that the report complies with the Scheme of Governance and relevant legislation.

Ritchie Johnson
Director of Business Services

Report prepared by Iain Meredith. Solicitor (Governance)
Date: 29 August 2018

APPENDIX 1

ACT2 AWARDS 2017/18

Area Committee	Applicant	Award	Charitable Purpose
Buchan	N/A	NIL	
Banff & Buchan	Aberdeenshire North Foodbank	£1000	Prevention or relief of poverty
	James Mearns	£250	Prevention or relief of poverty
Formartine	Busy Bees Playgroup	£636.03	Relief of those in need by reason of age, ill-health, disability, financial hardship, or other disadvantage
	R Smith	£500	The advancement of arts, heritage, culture, or science
Garioch	Aberdeenshire North Foodbank	£1000	Prevention or relief of poverty
Marr	Aberdeenshire North Foodbank	£1000	Prevention or relief of poverty
Kincardine & Mearns	N/A	NIL	

APPENDIX 2

Maximum and Minimum Awards by Area Committee

BANFF AND BUCHAN			
WARD 1 – BANFF AND DISTRICT Aberchirder, Banff, Portsoy and Whitehills			
	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	£100.00	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00
WARD 2 – TROUP Gardenstown, Macduff, Rosehearty and Sandhaven			
	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	£100.00	£500.00
	The advancement of public participation in sport	£100.00	£500.00
	Relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00
WARD 3 – FRASERBURGH AND DISTRICT Cairnbulg, Fraserburgh and Inverallochy			
	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	£100.00	£500.00
	The advancement of education.	£100.00	£500.00
	The advancement of health.	£100.00	£500.00
	The advancement of community development.	£100.00	£500.00
	The advancement of the arts, heritage, culture or science.	£100.00	£500.00
	The advancement of public participation in sports.	£100.00	£500.00
	The provision of recreational facilities, or the organization of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended.	£100.00	£500.00
	The advancement of environmental protection or improvement.	£100.00	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00
BUCHAN			
WARD 4 – CENTRAL BUCHAN Fetterangus, Longside, Maud, Mintlaw, New Deer, New Pitsligo, Strichen and Stuartfield.			

	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	None	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	None	£500.00
WARD 5 – PETERHEAD NORTH AND RATTRAY Crimond, St. Combs, St. Fergus and Peterhead			
	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	None	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	None	£500.00

FORMARTINE			
WARD 7 – TURRIFF AND DISTRICT Cuminestown, Fyvie, Rothienorman and Turrieff			
	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	£100.00	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00
WARD 8 – MID-FORMATINE Balmedie, Oldmeldrum, Pitmedden, Potterton and Tarves			
	Trust Purpose	Minimum Grant	Maximum Grant
	The advancement of the arts, heritage, culture or science.	£100.00	£500.00

GARIOCH			
WARD 10 – WEST GARIOCH Insch and Kemnay			
	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	£100.00	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00
WARD 11 – INVERURIE AND DISTRICT Inverurie and District Area			
	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	£100.00	£500.00
	Relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00
WARD 12 – EAST GARIOCH Blackburn, Kintore and Newmachar			
	Trust Purpose	Minimum Grant	Maximum Grant

	The prevention or relief of poverty	£100.00	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00

KINCARDINE AND MEARNS

WARD 17 – NORTH KINCARDINE Newtonhill and Portlethen

	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	None	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	None	£500.00

WARD 18 – STONEHAVEN AND LOWER DEESIDE Drumoak and Stonehaven

	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	None	£500.00
	The advancement of education.	None	£500.00
	The advancement of health.	None	£500.00
	The advancement of citizenship and community development.	None	£500.00
	The advancement of the arts, heritage, culture or science.	None	£500.00
	The advancement of public participation in sport.	None	£500.00
	The provision of recreational facilities, or the organization of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended.	None	£500.00
	The advancement of environmental protection or improvement.	None	£500.00
	Relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	None	£500.00

WARD 19 – MEARNS

Fettercairn, Gourdon, Inverbervie, Johnshaven, Laurencekirk and St. Cyrus

	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	None	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	None	£500.00

MARR

WARD 14 – HUNTLY, STARTHBOGIE AND HOWE OF ALFORD Alford, Huntly and Rhynie

	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	£100.00	£500.00

	The advancement of education.	£100.00	£500.00
	The advancement of health.	£100.00	£500.00
	The advancement of citizenship and community development.	£100.00	£500.00
	The advancement of the arts, heritage, culture or science.	£100.00	£500.00
	The advancement of public participation in sport.	£100.00	£500.00
	The provision of recreational facilities, or the organization of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended.	£100.00	£500.00
	The advancement of environmental protection or improvement.	£100.00	£500.00
	Relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00
WARD 15 – ABOYNE, UPPER DEESIDE AND DONSIDE Braemar, Ballater, Aboyne, Tarland and Torphins			
	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	£100.00	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00
WARD 16 – BANCHORY AND MID-DEESIDE Banchory			
	Trust Purpose	Minimum Grant	Maximum Grant
	The prevention or relief of poverty	£100.00	£500.00
	The advancement of the arts, heritage, culture or science.	£100.00	£500.00
	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.	£100.00	£500.00

APPENDIX 3

ACT2 Balances as at 29 August 2018

		AUG-18	AUG-18
	Name of Trust	Revenue	Capital
1	Banff & District (Banff & Buchan) Ward 1 - prevention/relief of poverty and those in need	20,580.82	35,435.26
2	Troup (Banff and Buchan) Ward 2 - prevention/relief of poverty and those in need	8,462.69	34,012.75
3	Troup (Banff and Buchan) Ward 2 - advancement of public participation in sport	1,743.01	100.00
4	Fraserburgh & District (Banff and Buchan Area) Ward 3 - prevention/relief of poverty and those in need	47.33	3,003.25
5	Central Buchan (Buchan Area) Ward 4 - prevention/relief of poverty and those in need	2,150.21	0.00
6	Peterhead North & Rattray (Buchan) Ward 5 - prevention/relief of poverty and those in need	187.72	464.20
7	Turriff & District (Formartine) Ward 7 - prevention/relief of poverty and those in need	2,464.66	7,535.49
8	Mid Formartine (Formartine Area) Ward 8 - advancement of the arts, heritage, culture or science	3,525.85	2,001.05
9	West Garioch (Garioch Area) Ward 10 - prevention/relief of poverty and those in need	185.71	32.48
10	Inverurie & District (Garioch Area) Ward 11 - prevention/relief of poverty and those in need	69,667.98	21,270.34
11	East Garioch (Garioch Area) Ward 12 - prevention/relief of poverty and those in need	5,067.85	1,170.03
12	Huntly, Strathbogie & Howe of Alford (Marr Area) Ward 14 - prevention/relief of poverty and those in need	27,491.25	24,419.78
13	Huntly, Strathbogie & Howe of Alford (Marr Area) Ward 14 - advancement of education	0.00	0.00
14	Huntly, Strathbogie & Howe of Alford (Marr Area) Ward 14 - any of the purposes of ACT2	50,924.53	17,663.02
15	Aboyne, Upper Deeside and Donside (Marr) Ward 15 - prevention/relief of poverty and those in need	7,337.24	0.00
16	Banchory & Mid Deeside (Marr) Ward 16 - prevention/relief of poverty and those in need	3,824.84	0.00
17	Banchory & Mid Deeside (Marr) Ward 16 - advancement of the arts, heritage, culture or science	4,567.66	344.06
18	North Kincardine (Kincardine & Mearns) Ward 17 - prevention/relief of poverty and those in need	480.00	0.00
19	(Revenue) Stonehaven & Lower Deeside (Mearns Area) Ward 18 - prevention/relief of poverty and those in need	1,926.31	0.00
20	Stonehaven & Lower Deeside (Mearns Area) Ward 18 - any of the purposes of ACT2	4,711.74	0.00
21	Mearns (Kincardine & Mearns) Ward 19 - prevention/relief of poverty and those in need	83,992.70	2,567.19
22	Support of needy residents of care and repair service	40,022.21	0.00
23	Fraserburgh & District (Banff and Buchan Area) Ward 3 - Any Purpose	1,666.74	0.00
24	Aberdeenshire Council Area - Support for persons serving/having served in the armed forces and their dependents	9,442.93	0.00
		350,471.98	150,018.90