

WELFARE RIGHTS 163

Tel: 01387 266888

Fax: 01387 263999

50 Lincluden Road, (Lincluden Shops), Dumfries DG2 0QB.

Open: Mon - Tue - Thur - Fri 10 a.m. - 4 p.m. Wednesdays 10 a.m. until 12.30 p.m.

Website: www.welfarerights.net

E-mail: info@welfarerights.net

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Date: 25/8/04

Draft Charities & Trustee Investments (Scotland) Bill

Response by Dumfries Welfare Rights SC 03 04 70

We only wish to comment on one part "independence" from Government, Funders, and other external interests.

Although mentioned that such duties already exist in "Common Law" we feel this new Bill should go further and define "Independence"

Example

Would an organisation established by a local authority

- Fully and only funded by the local authority
- Given free premises by a local authority
- Run by a Management Committee that has a minimum of four local authority Councillors on it, who are not there because they care or want to be but have simply been elected by other Councillors to represent the authorities interest
- Getting various additional funding (Over and above core funding) given by the same Councillors without any tendering or best value review
- That is additionally funded (no tendering) to carry out the authorities statutory duties to offer advice and assistance under The Housing (Scotland) Act 2001 to homeless people

Could / should such an organisation be given a Scottish Charity number?

At this time clearly the answer is "YES"

Hopefully under the new Bill the answer would be "NO"

We would hope that the new Bill would define an independent Charity as one which has a maximum of 10% of trustees / management committee / charity stewards as Councillors or representatives from the main funding source.

Exemptions allowing a maximum of one non-independent member could be given for Committee's / Management Boards with fewer than 5 elected people running it.

Although it should be noted that we feel a minimum number for any Committee / Management Board should be included within this Bill.

We also feel that the way local charities are funded from local authorities should be looked at and given a more independent external source of funding, possibly by applying directly to some independent non local source holding the money available.

It seems strange that there should be various authority funded agencies that appear to be working with the same people and doing the same thing.

All are able to justify their existence by pointless statistics that they have gathered. External independent evaluation and monitoring is essential and would also be welcomed.

Yours Sincerely

 (Bill McCormack) Manager