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Dunfermline
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KY12 0LU
Tel: 01383 729869

E-Mail: tomminogue@btinternet.com

Ronald Hinds, Chief Executive
Fife Council
Fife House
Glenrothes
Fife
KY7 5LT

Tuesday 28th August 2007
By E-mail and first class post

Dear Sir,

Carnegie Dunfermline and Hero Trust

I write to seek clarification of Fife Council's position regarding their elected members representation on the board of the trustees of the Carnegie Dunfermline and Hero Trust (hereinafter the "Trust").

At present I understand that there are 4 members from Fife Council on the board of the Trust, 2 Lib Dems and 2 SNP?

My researches into the Trust show that somehow between 1953 and 1975 the Trust suffered a financial collapse, and in 1975 they petitioned the local authority, Dunfermline Burgh Council for help. The overtures made by the Trust to the Council amounted to a plea for a bail-out of the cash-strapped Trust. This matter was discussed by the Burgh Council over a period of months and at a meeting of the Policy and Resources Committee on 28th January 1976 the Burgh Council agreed that over a period of four years from 1978/79 to 1981/82 the cost and responsibility of maintaining the buildings and the park be gradually transferred from the Trust to the Burgh Council.

On 1st and 16th November 1976 a Minute of Agreement between the Trust and the Dunfermline District Council was concluded which stated that because the Trust were no longer capable of meeting the cost of maintaining the Glen the Council would assume responsibility for this function. The Council undertook this function in accordance with their powers under the Local Government (Scotland) Act 1973 to provide "adequate facilities for social cultural and recreative activities". The Minute also tied the Council to the terms of the Carnegie Trust Deeds.

On the 15th March 1979, when the Dunfermline Burgh Council was replaced by the Dunfermline District Council, and Fife Regional Council, the Trust applied to HM The Queen—via her Privy Counsel Office—for the First Supplementary Charter The extent of the supplemental terms—which were granted—was limited to replacing the original trust deed requirement that 6 members of the Burgh Council and three

members of the School Board be trustees, with a new requirement that the Chairman and five members of the Dunfermline District Council, and three members (of whom not fewer than two be Councillors of Dunfermline wards) of Fife Regional Council be trustees.

So when all over Scotland Burgh Councils were abolished and replaced by District Councils and School Boards were replaced by Regional Councils the trustees found it necessary to accommodate this change by way of a Supplemental Charter.

Andrew Carnegie—shrewd man that he was—by ensuring that 9 elected representatives of the people of Dunfermline would always be on the Board of Trustees guaranteed that the people of Dunfermline would always be represented on the Trust. Even if at some future date the nominated Trustees were to become—unlike the original nominees that he had appointed—a cosy club.

The Dunfermline District and Fife Regional Councils were abolished on April 1, 1996 and replaced with the current Unitary Council called Fife Council which to this day fulfills the role of local and regional authority. Despite this radical change to the make-up of the local authority, and unlike the supplement to the Royal Charter which accommodated similar change in respect of local authority representation in 1979, no change was made to the articles of the Trust in 1996.

Although the changes to the membership of the Trust brought about by local government reorganisation in 1996 were not the subject of a Supplemental Charter, the changes were noted in the Trust's Annual Report and Accounts of 1996. The report stated that the 6 Dunfermline and 3 Fife councillors had ceased to be trustees when their councils ceased to exist on 31st March 1996. It was further stated that Fife Council had appointed 3 councillors to serve as representative trustees from that date onwards. So the 9 local authority trustees had, in 1996, been reduced to 3.

The reduced number of Trustees elected or selected to sit on the Trust by Fife Council has since 1996 been of the order of 4-5 members.

The current situation is that a Second Supplemental Charter was granted to the Trust in September 2006 in terms that replace the terms of Carnegie's original Trust Deed and the subsequent First Supplemental Charter of 1979—that a total of nine trustees be drawn from the council—with the number of elected trustees being reduced to between 3 and 6 and not necessarily being drawn from the elected members of the local authority.

So despite the ratepayer's having to shoulder the financial burden (circa £700,000 in 2005) associated with the Council's upkeep of the Glen since 1978/81 their representation has been curtailed and can now be completely dispensed with if the Trustees think fit. This new provision is set out with my emphasis in bold as follows: *“being **not less than three and not exceeding six**”*... *“being selected by the Trustees from such bodies as they may determine in their discretion, **having some connection with the town of Dunfermline**”*

Whether this diminution of status and reduction in numbers was the decision of the Trust or the Fife Council, or whether by agreement between both parties is not clear,

and the first question I would ask you is did Fife Council make the decision to reduce the number of Trustees elected to the Carnegie Dunfermline & Hero Trust post 1996?

The second question I would ask is are Fife Council content that the Royal Charter requirement, that trustees be elected from the local authority, has been removed, and that local authority representation on the Trust is purely at the discretion of the trustees?

Thanking you in anticipation of your assistance.

Yours sincerely,

Tom Minogue.

Tom Minogue

From: "Tom Minogue" <tomminogue@btinternet.com>
To: "Tom Minogue" <tomminogue@btinternet.com>
Sent: 01 November 2007 15:13
Subject: Re: F.a.o. Ronnie Hinds, C.E.O. Fife Council

Dear Mr Hinds, I refer to the e-mail message below dated 28 August 2007 which purports to be an answer to my e-mail and letter of enquiry to you dated 28 August 2007 regarding Fife Council's position regarding their representation on the board of the Carnegie Dunfermline Trust.

The response from Mr Ferguson below does not address the questions put to you, namely:

1/ "whether this diminution [the reduction in local authority representation on the Trust since 1996]of status and reduction in numbers was the decision of the Trust or the Fife Council, or whether by agreement between both parties is not clear, and the first question I would ask you is did Fife Council make the decision to reduce the number of Trustees elected to the Carnegie Dunfermline & Hero Trust post 1996?"
 and

2/ "The second question I would ask is are Fife Council content that the Royal Charter requirement, that trustees be elected from the local authority, has been removed, and that local authority representation on the Trust is purely at the discretion of the trustees?"

Quite apart from not answering my questions to you Mr Ferguson indicates that he is aware of similar--though by no means identical--questions that I put to the Carnegie Dunfermline Trust and their Chairman Dougals Hogg. To admit knowledge of my private correspondence to another party says as much for Mr Ferguson's intelligence as it does for the lack of intelligence and integrity of Mr Hogg and his C.E.O. who were the recipients of my enquiries to the Carnegie Dunfermline Trust.

Please answer my enquiries regarding Fife Council's position as set out above and below without reference to other bodies who are perfectly capable of answering my private correspondence--or as is usually the case with the Trust failing to answer my private enquiries--without the aid of Mr Ferguson. I would have thought that Mr Ferguson had enough on his plate without acting as a spokesperson for the Carnegie Dunfermline Trust.

Thanking you in anticipation of your assistance in this matter.

Yours sincerely, Tom Minogue.

----- Original Message -----

From: "Andrew Ferguson" <Andrew.Ferguson@fife.gov.uk>
 To: <tomminogue@btinternet.com>; "Ronnie Hinds" <Ronnie.Hinds@fife.gov.uk>
 Cc: <nrundell@carnegietrust.com>; "Joan Lamie" <Joan.Lamie@fife.gov.uk>
 Sent: Wednesday, October 03, 2007 11:01 AM
 Subject: Re: F.a.o. Ronnie Hinds, C.E.O. Fife Council

Dear Mr Minogue,

Your query has been passed to me for reply.

Firstly I understand that the substance of this query has already been dealt with by Nora Rundell, Chief Executive of the Trustees. I am not aware of the extent of the Council's involvement in the 2006 decision but it would be, ultimately, a matter for the Trust to seek amendment to its charter.

I confirm that the current representation on the Trust from Fife Council is 4: Cllrs Rosiejak and Lizz Mogg from City of Dunfermline Area Committee, and Cllrs Chapman and McMullan from South West Fife Area Committee.

This mirrors the number of elected representatives on the Trust prior to the May elections (per West Fife Area Services Committee minutes of 12th June 2003 and 1st July 2004; available on FifeDirect).

With regard to your second question, the Council has now, as it has had before, representation on the trust as described. Accordingly the issue of what would happen if the trust decided to appoint trustees in place of elected members has never arisen.

I hope this answers your query.

Yours sincerely,

Please note new phone number, below

Andrew Ferguson
Solicitor,
Democratic Services Team Leader
Law and Administration
Fife House
Glenrothes, Fife KY7 5LT
DX 561506

NB Please note my new number: 08451 555555 ext (following prompt) 442241

>>> "Tom Minogue" <tomminogue@btinternet.com> 28/08/2007 08:37 >>>

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Yours sincerely,

Tom Minogue.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed and should not be disclosed to any other party. If you have received this email in error please notify your system manager and the sender of this message.

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Fife Council

Mr. T. Minogue,
94 Victoria Terrace,
DUNFERMLINE,
Fife,
KY12 0LU.

Direct Line: Ronnie Hinds
08451 555555 ext. 44 2332
E-mail: ronnie.hinds@fife.gov.uk

Our ref: JL/EAL/R9.1

12th November, 2007

Dear Mr. Minogue,

CARNEGIE DUNFERMLINE TRUST

I refer to your recent complaint received by e-mail regarding a response sent to you by Andrew Ferguson, Team Leader, Law and Administration Service, regarding the above.

Having reviewed this matter it is my view that Andrew Ferguson has responded to your enquiry in full. I would also like to take this opportunity to clarify that the Council does not have access to private correspondence between the Carnegie Trust and yourself. In order to respond to your original enquiry, Andrew Ferguson contacted the Chief Executive of the Carnegie Trust to request information. During the course of this discussion it was mentioned that the Trust had already dealt with an enquiry from you on this matter.

I trust this now concludes matters.

Yours sincerely,



Ronnie Hinds,
Chief Executive.

