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Meriel A McCullagh
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Wednesday 13th December 2006

Dear Ms McCullagh,

Supplementary Charter granted to Carnegie Dunfermline & Hero Trust.

With reference to your letter of 6th December re the above I would comment as follows:

You appear to be taking the same line as the Trust Chairman Angus Hogg who attempts to misinterpret Andrew Carnegie's 1903 letter by selectively quoting extracts from the letter out of context. While I might expect such sophistry from Mr Hogg who is hell bent on finding justification for his goal of finding revenue from commercial tenants within Carnegie's people's park, I would have expected better from you.

If I understand your role correctly you are advising Her Majesty The Queen and your views are the views relied on by the Queen in making a decision regarding the Supplemental Charter. As such you have chosen to justify the unjustifiable instead of simply admitting that you were misled by the applicant.

No one can dispute the fact that Andrew Carnegie did say with reference to The Glen that "Needed structures will have admirable sites on its edge, in the very centre of population". To this end the original Trustees employed Sir Patrick Geddes to draw up plans for the development of the edges of Pittencrieff Park (The Glen) by building structures **solely for recreational purposes!** I can supply a copy of the Geddes plan which was rejected on the grounds that it detracted too much from the natural beauty of The Glen.

Carnegie's wishes and vision were to some extent satisfied with the building of the Pavillion/outdoor concert area, and winter gardens, though much of what Carnegie wanted by way "needed structures" in The Glen did not materialise. That said there is no doubt what was understood at the time (and to any right-minded person today who reads the letter in context) by Carnegie's reference to "needed structures" and it was the Chair of the Trust Dr John Ross who best defines these structures when he spoke of them in the first Trustees meeting on 28th August 1903 thus:

..... *"The Park and the Glen are ready to our hand. They may be rendered available almost without a day's delay, but to extract from them all the advantages of*

which they are capable may give us work for years to come. Our founder has pointed out that on the skirts of the Park there are sites for numerous structures adapted, of course to purposes in keeping with the scope of our Trust, and already we have suggestions for halls, museums, winter gardens, art galleries, exhibitions and such like”.....[See book “Pittencrieff Glen” attached for full address by Dr Ross]

So by attempting to portray the terms of the Supplemental Charter as being “not inconsistent with the terms of the 1903” letter you (like Mr Hogg) are guilty of the most blatant distortion of the letter by taking it out of context. If Mr Hogg’s/your argument that the added structures on the fringes of The Glen could be for speculative building projects such as the Harvard-style business school (today’s service industry) were taken to its logical conclusion then back in 1903 this would have translated to building iron-works or coal mines (yesterday’s industries) on the fringes of The Glen. This of course is preposterous as it was to give the workers in these industries some recreation, some “sweetness and light” that Carnegie gave over his most precious gift.

There is no doubt that the reason the Trust changed the Royal Charter by supplement was to allow the sale or lease of parts of The Glen to provide income. The Trust need such income so that they can pay the cash-strapped Fife Council, who since 1976 have been burdened with the upkeep cost of the park after the Trust defaulted on this obligation.

The 10-year Action Plan drawn up in 2003 by Scott Wilson for Fife Council identifies the Trust’s problem thus:

“Under the terms of the current Royal Charter bequeathing the Park to the people of Dunfermline the Carnegie Dunfermline Trust is precluded from selling off any of the Park land contained within the boundary walls.”

Then suggests the solution thus:

“The Trust has already sought Senior Counsel’s opinion on this matter which indicated that an application for an amendment to the conditions of the Royal Charter that would allow a partial land sale to raise additional capital directly related to achieving new ways of utilising assets (e.g. commercial development activity) for the enhancement of the Dunfermline residents quality of life would have “a reasonable prospect of success”.

So the Trust changed the Royal Charter to allow them to raise additional capital and for no other reason. This is repugnant to the terms of the original aims of the Trust and that it was done in secret without the beneficiaries of the Trust Deed being advised is nothing short of disgraceful.

It is significant that in your very selective interpretation of the 1903 letter you do not see fit to make any reference to the expressed views of Carnegie that whatever the Trustees do they must take the people with them. You have facilitated a secret change that is repugnant to the terms of the Original Trust Deed and subsequent Royal Charter.

When this matter comes before the courts—as it surely will—the courts will not only have to decide on the secretive charter changes and the wilful misinterpretation of

Carnegie's clearly stated wishes but they will also have to decide if the correct procedures were observed in the Supplemental Charter application/approval.

Quite apart from anything else there is the question of the requirements in term of a special meeting of the Trustees to approve the proposed amendments to the Royal Charter—I know as a matter of fact that no such special meeting—which requires two thirds of the Trustees being present—took place.

I am also aware that the composition of the Trustees with regard to the presence and number of representatives from the local authority and the school board (or their successors) was not as stipulated in the Supplemental Charter of 1979.

The above are just some of the things that the court will have to decide when those of us who represent the people (currently nine thousand three hundred and rising) who have signed a petition that accurately reflects Carnegie's wishes for his beloved people's park challenge any commercial development.

The petition terms are attached as a file and you would do well to read them as the local opposition and anger at the new powers that you have granted the Trust show no sign of abating. I can see no difficulty in collecting 20,000-30,000 signatures to the petition given that we have already collected close on 10,000 with little effort and given that this topic will gain in profile when it features as a local issue in the elections for the Scottish Parliament in May 2007. The Scottish Nationalist Party has quickly latched on to it as a vote-winner in that it shows the undemocratic powers of London based Privy Counsel advisers on Royal Charters at work.

Sadly it will be H M The Queen who will attract the negative publicity that will assuredly come when the Trust attempt to sell or lease parts of The Glen to commercial developers. People on the street simply cannot understand how their ownership of The Glen which they thought was set in stone can be changed without their knowledge.

The Royal Charter people thought was designed to strengthen and protect their bequest as set out in the original Trust Deed has been the vehicle for the opposite to happen, and has been used to provided a Chancer's Charter—to the detriment of the people of Dunfermline—for the benefit of property developers.

Yours sincerely,

Tom Minogue.

C.c. H M The Queen, H R H Prince Charles.