

**EAST AYRSHIRE COUNCIL**

**COUNCIL MEETING – 24 OCTOBER 2002**

**APPOINTMENT OF TRUSTEES**

**MORTON PARK TRUST, MORTON PARK, DARVEL**

**Report by the Head of Administrative and Legal Services**

**1. PURPOSE OF REPORT**

- 1.1 To request that the Council give consideration to the appointment of trustees to act in terms of the Trust Deed and Disposition of Alexander Morton and others recorded 19 June 1898, which Deed governs the ownership arrangements in respect of the Morton Park, Mairs Road, Darvel.

**2. BACKGROUND**

- 2.1 The lands comprising the Morton Park, Darvel were gifted to the Commissioners of the Burgh of Darvel in terms of the Trust Deed and Disposition of 1898, to be held by them in a Public Trust for use as a public park for the benefit of the community of Darvel. The park is now held by the Council in trust as statutory successor of the Burgh of Darvel, and forms part of the Community Service's portfolio.
- 2.2 Notwithstanding the specification within the Trust Deed and Disposition that the land is held in trust, historically no trustees have been appointed to sit in administration of the trust purposes, either by this authority or its statutory predecessors.

**3. CURRENT POSITION**

- 3.1 The former Band Hall at 1 Mairs Road, Darvel, which is situated within the Morton Park, was declared surplus to operational requirements by the Leisure Sub-Committee on 26<sup>th</sup> August 1997.
- 3.2 In terms of the title to the Morton Park, there is an express prohibition against selling or leasing any part of the park or any of the buildings erected upon it.
- 3.3 There are procedures available which would allow the prohibitions against selling or leasing to be lifted by the Trustees. As a prerequisite it will be necessary for Trustees to be appointed to consider whether this would be appropriate.

**4. POSSIBLE TRUST MEMBERSHIP**

- 4.1 Taking into consideration the purpose of the Trust, the Council may wish to consider the appointment of the Local Member, the Chair and Vice-Chair of Community Services Committee, and the Provost, as ex- officio Trustees.

**5. FINANCIAL IMPLICATIONS**

- 5.1 Administrative expenses will arise in connection with the operation of the trust and members' attendance at Trust meetings.

**6. POLICY IMPLICATIONS**

- 6.1 Nil.

**7. LEGAL IMPLICATIONS**

- 7.1 Nil

**8. RECOMMENDATION**

- 8.1 It is recommended that Council give consideration to appointing Trustees to serve on the Morton Park Public Trust, in accordance with paragraph 4 above.

David Mitchell  
Head of Administrative and Legal Services

19 September 2002  
Ref: IH/CONV/DS/095/MB

**LIST OF BACKGROUND PAPERS**

1. Trust Deed and Disposition by Alexander Morton and others in favour of the Commissioners of the Burgh of Darvel dated 8 June 1897 and recorded in the General Register of Sasines for the County of Ayr on 19 January 1898.

Any person wishing to inspect the background papers, or requiring information on this report, please contact Irene Halpin, Legal Services, Ext. 6072.

Implementation Officer: - Irene Halpin

**AGENDA**