

**FALKIRK COUNCIL**

**Subject:** NEWTOWN PARK, BO'NESS  
**Meeting:** FALKIRK COUNCIL  
**Date:** 6 March 2013  
**Author:** CHIEF GOVERNANCE OFFICER

**1. INTRODUCTION**

- 1.1 Members will recall the report to Council on 22 June 2011 when it was agreed in principle that Newtown Park, Bo'ness, currently held in trust by the Council (the Newtown Park Trust), be transferred to a new community based trust with broader objects than the playing of professional football. This report updates Members on the plans for the new trust and to seek the appointment of a number of members as trustees of the current Trust.

**2. THE NEWTOWN PARK COMMUNITY TRUST**

- 2.1 As mentioned above, the current Newtown Park Trust has as its primary object the playing of professional football. Bo'ness United FC have occupied the park and played professional football there for many years. It has not been possible, so far, to suitably develop and maintain the park due to an inability to raise grant funding.
- 2.2 The proposed new Trust Deed is attached as appendix 1. The main objects are to:
- (a) acquire the area of land known as Newtown Park, Bo'ness;
  - (b) make the land and any additional or alternative areas of land available, primarily to the people of Bo'ness and surrounding areas (the Community), for the playing of football and other sports and recreational, educational and other activities, specifically excluding organised dog racing;
  - (c) promote participation in football and other sports;
  - (d) provide recreational facilities and arrange recreational activities with the object of improving the conditions of life of the community.
  - (e) maintain, alter, build on, develop, improve, all or part of the land in order to ensure that it may be used extensively and safely in pursuance of the trust purposes;
  - (f) encourage community development involvement, strengthen community cohesion and become a focal point for a range of community based activities and programmes.
- 2.3 As explained in the June 2011 report, the proposed method of transfer is through the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990. This requires the transfer to be to another public trust. In due course the prospective trustees of the new trust, The Newtown Park Community Trust, intend to transfer the park to a company limited by guarantee known as the Newtown Park Association Limited. The intention is that this company would then apply for charitable status. The prospective trustees of the new trust consider this to be a more suitable vehicle for accessing funds and developing the park for community use. The Articles of Association of Newtown Park Association Limited are attached as appendix 2.

### **3. THE NEWTOWN PARK TRUST**

- 3.1 The trusteeship of the current trust, The Newtown Park Trust, passed to Falkirk Council on local government reorganisation in 1996. In order to transfer the park and thereafter to dissolve the trust the Council will require to appoint from its number a sufficient number of their councillors to act as trustees. This is in terms of Section 16 of the Local Government Etc. (Scotland) Act 1994.
- 3.2 The local Members for the Bo'ness area together with the Provost would, it is suggested, be a sufficient number.
- 3.3 Future progress will continue to be reported to Council and the trustees would act on the direction and authority of the Council.

### **4. RECOMMENDATIONS**

#### **4.1 It is recommended that Council:**

- (i) notes the proposed formation of Newtown Park Community Trust as a suitable alternative public trust to receive transfer of the Park;**
- (ii) appoints a sufficient number of councillors as named trustees for the current Newtown Park Trust.**

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**Chief Governance Officer**  
**Date: 21 February 2013**  
**Contact Officer: Alistair Steel ext 6091**

### **LIST OF BACKGROUND PAPERS**

Nil