

Audit and Scrutiny Committee  
11 October 2017

**Irvine, 11 October 2017** - At a Special Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 3.00 p.m.

**Present**

Marie Burns, Margaret George, Joy Brahim, Alan Hill, Tom Marshall and John Sweeney.

**Also Present**

Joe Cullinane, Ian Murdoch and Alex Gallagher.

**In Attendance**

E. Murray, Chief Executive; C. Hatton, Executive Director and L. Cree, Senior Manager (Property Management and Investment); A. Sutton Head of Service (Connected Communities); A. Fraser, Head of Democratic Services and A. Little, Committee Services Officer (Chief Executive's)

**Also In Attendance**

Catherine Baxter, Tom Black and Ian Ord (Petitioners).

**Chair**

Councillor Burns in the Chair.

**Apologies for Absence**

Donald Reid.

**1. Urgent Item and Order of Business**

The Chair, in terms of Standing Order 9.5, agreed to consider a petition in relation to the shelter at Douglas Park, Largs as an urgent item of business. In terms of Standing Order 9.4, the Chair also agreed to vary the order of business to allow consideration of the urgent item as the first item of business.

**2. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

**3. Petition: Removal of the Disused Public Toilet Building and Shelter at Douglas Park, Largs**

Submitted report by the Chief Executive on a petition of signatures, that had been received requesting that the Council remove the disused public toilet building and shelter at Douglas Park, Largs.

The Head of Democratic Services summarised the procedure for considering the Petition and the terms of the petition for the permanent removal of the toilet and open shelter in Douglas Park, Largs.

The principal petitioner, Catherine Baxter, referred to disturbances that have been experienced by local residents as a result of anti-social behaviour in Douglas Park, Largs. Police Scotland have been contacted on numerous occasions to report the anti social behaviour, that includes youths shouting, girls screaming, loud music played on portable devices, banging of the metal shutters of the shelter. Vandalism is ongoing, there have been instances of deliberate fire-raising and there is evidence of drug use within the park.

Ian Ord, local resident, advised that he uses the park three times a day, seven days a week to walk his dogs. He reported that groups of 60 - 100 youths can congregate in the park at any one time. They appear to have adopted the park as a meeting place and the shelter has become a target for vandalism and anti-social behaviour. The condition of the shelter is rapidly deteriorating as the level of vandalism increases and the building requires extensive repairs. It is no longer a useful amenity for the public and is only used by the youths to take shelter from the wind and rain.

Tom Black, local resident reported that the toilet is no longer in use and members of the public do not make use of the shelter. Local residents are experiencing loud disturbances and noise from the youths in the park, which escalate throughout the evening and when they are leaving the park. Following these gatherings the park is often littered with wine bottles, beer and cider cans and broken glass.

The petitioners considered that the building should be removed at the earliest opportunity.

The Committed agreed to note the petition and take it into consideration in considering the following item.

#### **4. Call In Request: Demolition of the shelter at Douglas Park, Largs**

As Councillor Hill had signed the call in request in terms of Standing Order 25.4 he did not form part of the Committee for consideration of this item.

Submitted report by the Chief Executive on a Call In Request in respect of the decision taken by Cabinet at its meeting on 26 September 2017 in relation to the demolition of the shelter within Douglas Park, Largs. A copy of the Cabinet report was provided at Appendix 1 to the report.

At its meeting on 26 September 2017, the Cabinet received a report by the Executive Director (Place) on the poor state of repair of the shelter and former public toilets within Douglas Park, Largs. An update was also provided regarding Largs Community Council's support, then opposition to the demolition, and on the drop-in session held on 22 September where Fairlie Growers explained their plans for the park, without the shelter. Councillor Marshall, as a Local Member, advised the Cabinet that the former public toilets had become a target for vandalism and anti-social behaviour and the local residents were in support of the recommendation to demolish the former public toilets within Douglas Park, Largs.

The Cabinet agreed (a) to approve the demolition of the Douglas Park shelter and former public toilets held within the Largs Common Good; and (b) that the demolition costs be funded from the Largs Common Good.

Subsequently, a Call In request was received from Councillor Murdoch, Hill and Davidson in the following terms:-

"Reason for Call In - I would like to call this item in on the following grounds;

I was not fully informed of all the facts before making my decision. I was not made aware of the Asset Transfer until 21 July 2017. I was not given any detailed history until 24 July and even then I was not informed that the shelter was part of the Asset Transfer.

The issue was dealt with during the recess.

The speed that it was pushed through was unnecessary.

I feel there was not enough time for public scrutiny.

Appropriate procedures may not have been followed.

Desired Outcome - To recommend to the Cabinet that the final decision to demolish be delayed for a period of two months to allow time for all options to be fully explored and considered by local Elected Members before a final decision is agreed.

The Head of Democratic Services summarised the procedure for considering the Call In request and set out the circumstances surrounding the Cabinet decision. He confirmed that Fairlie Growers did not wish to acquire the shelter as part of their asset transfer request.

Thereafter, the Members who had requested the Call In were invited to speak. Councillor Murdoch addressed the Committee in support of the Call In request. He outlined emails in July 2017 to and from council officers relating to the poor condition of the shelter, the proposal to demolish the building and his attendance at a meeting of Largs Community Council to gain their views on this matter. Council officers had advised that a report would be presented to Cabinet on the proposed demolition and that discussions had taken place with Fairlie Growers and Largs Organic Growers in respect of a Community Asset Transfer application for part of the park. Councillor Murdoch had then reluctantly agreed with the proposal to demolish the shelter and was not made aware that the shelter was to be included in the Community Asset Transfer until August. He had also not been aware of the interest of an organisation in restoring the shelter when he had agreed with the proposal. Councillor Murdoch expressed his sympathy for local residents who had been experiencing disturbances from youths gathering in the park.

Councillor Hill, as a signatory to the Call In Request, referred to the process for decisions relating to Largs Common Good Fund. He advised that local Members had previously been consulted on proposals for the commitment of Common Good Funds and their views taken into account by the Council. He considered that a further period of time was required to consult with local groups and organisations, local residents and Elected Members and to fully explore all options for the shelter.

The Chair then invited Councillor Cullinane, as the Leader of the Council, to address the meeting. Councillor Cullinane reported that following complaints from local residents and representations from local Elected Members and Police Scotland, officers inspected the shelter at Douglas Park, Largs and concluded that the only viable solution was to demolish the building. Consultations had taken place with local Elected Members and Largs Community Council on the demolition proposal and also with Fairlie Growers who had expressed an interest in a Community Asset Transfer for part of the park. At its meeting on 20 July 2017, Largs Community Council had agreed with the proposal to demolish the shelter, but subsequently changed their position at their meeting in September 2017. Fairlie Growers, who are working with Largs Organic Growers, confirmed that they did not want to take the shelter as part of the potential transfer of part of the park. Three Elected Members had responded to officers in support of the proposal to demolish the shelter, albeit in some cases reluctantly. The fourth Elected Member had been on holiday.

On 26 September 2017, Councillor Marshall, as a local Elected Member, had addressed the Cabinet in support of the proposal to demolish the shelter.

Members asked questions and were provided with further information on the following areas:-

- a scoping exercise that had taken place as part of the Community Asset Transfer process and that no organisation had expressed an interest in the shelter;
- a community drop-in session that had been held in September and the views from this session had been incorporated into the report that had been presented to Cabinet on 26 September 2017;
- that the shelter at Douglas Park had been referred to in the initial discussions with Morrison Construction in respect of community benefits. This had not been progressed and Morrison Construction had instead donated materials to enable a disabled accessible pathway to be created through the community garden.

Councillor Marshall, seconded by Councillor George, moved that the Committee agree with the decision of Cabinet on 26 September 2017 to demolish the shelter at Douglas Park, Largs.

As an amendment, Councillor Brahim, seconded by Councillor Burns, moved to accept the terms of the Call In Request to recommend to Cabinet that the final decision to demolish the shelter be delayed for a period of two months to allow time for all options to be fully explored and considered by local Elected Members before a final decision is agreed.

On a division, there voted for the amendment 2 and for the motion 3, and the motion was declared carried.

Accordingly, the Committee agreed not to support the Call In Request.

The meeting ended at 3.55 p.m.