

Cunninghame House,
Irvine.

5 October 2017

Audit and Scrutiny Committee

You are requested to attend a Special Meeting of the above mentioned Committee of North Ayrshire Council to be held in Irvine & Kilwinning Committee Room, Cunninghame House, Irvine on **WEDNESDAY 11 OCTOBER 2017** at **3.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Call In: Demolition of the shelter at Douglas Park, Largs

Submit report by the Chief Executive on a Call In Request received in respect of the decision taken by the Cabinet at its meeting on 26 September 2017 in respect of the report on the demolition of the shelter at Douglas Park, Largs (copy enclosed).

Audit & Scrutiny Committee

Sederunt:

Marie Burns (Chair)
Margaret George (Vice Chair)
Joy Brahim
Alan Hill
Tom Marshall
Donald Reid
John Sweeney

Chair:

Attending:

Apologies:

Meeting Ended:

NORTH AYRSHIRE COUNCIL

Agenda Item 2

11 October 2017

Audit and Scrutiny Committee

Title: **Call In: Demolition of the shelter at Douglas Park, Largs**

Purpose: To allow the Committee to consider 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.

Recommendation: That the Committee considers the terms of the Call In and agrees, or otherwise, to make a recommendation to the Cabinet.

1. Executive Summary

- 1.1 In terms of the Scheme of Administration (Section 24), the Audit and Scrutiny Committee has a remit to consider Call in Requests and invite at least one of the Members who has requested the Call In to attend the Committee to explain the request.
- 1.2 This report sets out the background to the Call In Request in respect of the decision taken by Cabinet at its meeting on 26 September 2017 relating to the report on the demolition of the shelter within Douglas Park, Largs.

2. Background

- 2.1 The Cabinet, at its meeting on 26 September 2017, considered a report on the poor state of repair of the shelter and 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.
- 2.2 A request was received in terms of the Call In procedure set out in the Council's Scheme of Administration and Standing Orders, that the Audit and Scrutiny Committee examine the decision taken by the Cabinet.

- 2.3 The Call In request, which was signed by Councillors Murdoch, Hill and Davidson, is 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.

- 2.5 A copy of the original report presented to the Cabinet on 26 September 2017 is attached as an appendix to the report.
- 2.6 The Call In request is valid for consideration by the Committee. The request was received within the appropriate timescale, it was signed by three Elected Members and details were provided on both the reason for the Call In and the desired outcome.
- 2.7 The Elected Members who have submitted the Call In will be invited to address the Audit and Scrutiny Committee to explain the Call In request. The appropriate Cabinet Member, accompanied by senior officers, will then be invited to clarify the reasons for the decision. The Committee will have an opportunity to ask questions of both parties and of those officers in attendance.
- 2.8 The Committee will then debate the Call In request and decide whether or not it agrees with the decision of the Cabinet.
- 2.9 Where the Committee does not agree with the decision of the Cabinet, the matter will be referred to the next meeting of the Cabinet with recommendations from the Audit and Scrutiny Committee for alternative action. The Audit and Scrutiny Committee therefore has to:-

- i) decide if it agrees or not with the decision of the Cabinet; and
- ii) consider what alternative action the Committee would recommend to the Cabinet if it does not agree with the decision.

2.10 When the matter is considered by the Cabinet, the Chairperson or another member of the Audit and Scrutiny Committee will have the right to attend the Cabinet and speak in support of any recommendation.

2.11 In the event the Cabinet declines to accept the recommendation from the Audit and Scrutiny Committee the matter will be referred to the next ordinary meeting of the Council for determination. The decision of the Council will be final.

3. Proposals

3.1 It is proposed that the Committee considers the Call In Request.

4. Implications

Financial:	None arising from this report.
Human Resources:	None arising from this report.
Legal:	None arising from this report.
Equality:	None arising from this report.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	None arising from this report.
Community Benefits:	None arising from this report.

5. Consultation

5.1 No further consultation has been undertaken in compiling this report.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Angela Little, Committee Services Officer on 01294 324132

Background Papers

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NORTH AYRSHIRE COUNCIL

Agenda Item 13

26 September 2017

Cabinet

Title: **Demolition of Shelter within Douglas Park, Largs.**

Purpose: To seek approval for the demolition of the shelter and former public toilets within Douglas Park, Largs.

Recommendation: That members agree (i) subject to the consideration of views arising from the community drop-in session on 22nd September the demolition of the Douglas Park shelter and former public toilets which is held within the Largs Common Good; and (ii) the Largs Common Good are liable for the demolition cost.

1. Executive Summary

- 1.1 Due to significant vandalism and anti-social behaviour issues, Property Management and Investment have developed proposals for the demolition of the shelter and former public toilets within Douglas Park, Largs.
- 1.2 The property falls within the Largs Common Good, therefore, Cabinet require to approve the demolition and funding of the works from the Common Good fund.

2. Background

- 2.1 The shelter and former public toilets located within Douglas Park, Largs, have become a target for vandalism and anti-social behaviour.
- 2.2 The building is also in a poor state of repair, with the condition rapidly deteriorating as the level of vandalism increases. This has included fire-razing. Further arson could present a serious risk to health and safety.

- 2.3 Following representation from local Elected Members and Police Scotland, Property Management and Investment (PMI) have inspected the property and recommended the only viable solution to the problem is to demolish the building.
- 2.4 Consultation with the Ward Members, Police Scotland, the Community Council, Largs Organic Growers and the Fairlie Growers, who have a current Community Asset Transfer Application in process in relation to the park, have confirmed their agreement with this approach. Fairlie Growers, having considered the poor state of the building have confirmed that they are not interested in having the shelter transferred to them.
- 2.5 A further community drop-in event is planned for 22nd September at which future plans for the parks will be outlined including demolition of the shelter. A verbal update will be provided to Cabinet.
- 2.6 To minimise potential for any further anti-social behaviour and vandalism and to mitigate the risk to health and safety, proposals for the demolition have been progressed.
- 2.7 The shelter itself falls within the Largs Common Good and therefore is necessary to seek member approval for the demolition.
- 2.8 It is also necessary for cabinet to approve the costs of the works to be funded from the Common Good, the cost is estimated to be in the order of £11,000.

3. Proposals

- 3.1 It is proposed that members agree (i) subject to the consideration of any views arising from the community consultation event on 22nd September the demolition of the Douglas Park shelter and former public toilets which is held within the Largs Common Good; and (ii) that the Largs Common Good are liable for the demolition cost.

4. Implications

Financial:	The Largs Common Good fund will be liable for the cost of the demolition and making good of the site. This is estimated to be in the order of £11,000
Human Resources:	There are no Human Resource implications as a result of this report.
Legal:	Demolition of the shelter does not comprise a disposal of the common good asset, nor does the property fall into the category of 'inalienable' common good proprieties. The underlying use as a park will also remain the same accordingly no court or other consent is required to the disposal.
Equality:	There are no equality implications as a result of this report.
Environmental & Sustainability:	There are no Environmental and Sustainability implications as a result of this report.
Key Priorities:	Demolition of the property helps us to deliver our strategic priority of 'supporting all of our people to stay safe, healthy and active'.
Community Benefits:	There are no Community Benefit implications as a result of this report.

5. Consultation

- 5.1 Consultation has taken place with local Elected Members, Largs Community Council, Police Scotland, Largs Organic Growers and Fairlie Growers.



CRAIG HATTON
Executive Director (Place)

Reference : CH/LC

For further information please contact Laurence Cree, Senior Manager
(Property Management & Investment) on 01294 324463

Background Papers

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