



REPORT TO: CORPORATE COMMITTEE ON 31 JANUARY 2023

SUBJECT: PUBLIC TRUST: FIFE PARK PAVILION, KEITH

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To invite the Committee to consider a proposal to demolish the changing pavilion in Fife Park, Keith.
- 1.2 This report is submitted to Committee in terms of Section III(B)(20) of the Council's Scheme of Administration relating to the management of Trust property.

2. RECOMMENDATION

2.1 The Committee is invited to:

- (i) **instruct the Property Asset Manager to seek viable proposals from the community for suitable alternative uses for the Fife Park pavilion;**
- (ii) **in the event of a potentially viable proposal coming forward, approve in principle expenditure of up to £35,000 to undertake repairs, subject to final approval by this committee of detailed proposals; and**
- (iii) **in the absence of any viable proposals coming forward within a period of 1 month of the opportunity being advertised, proceed with the demolition of the changing pavilion in Fife Park, Keith, for reasons of public safety.**

3. BACKGROUND

- 3.1 Fife Park is held as a public trust. The trust deed provides that the ground is to be used as a public park for the use and enjoyment of the inhabitants of the former burgh. The changing pavilion has been declared surplus to operational requirements and, due to its location and the restrictions in the title, options to dispose of the building are limited. It is clear that there is very little demand for changing facilities at Fife Park, with organised football, such as youth leagues, now centred around other locations in the town.

- 3.2 There are public safety concerns due to the condition of the pavilion roof. The pavilion has not been used in the last 5 years and its condition has now deteriorated to the extent that the roof is considered to be category D, life expired, with the ceilings having collapsed internally. Photos of the roof are included in **Appendix I**. There have been regular reports of children climbing onto the roof, thus exposing themselves to significant risk. There have also been occasional reports of antisocial behaviour at this location.
- 3.3 The pavilion has been mothballed with all utilities disconnected. The likely cost to bring the pavilion back into use is estimated at £35,000. In the absence of a suitable alternative use, demolition, at a likely cost also in the region of £35,000, is now considered necessary to ensure public safety.
- 3.4 Despite efforts to identify a suitable community interest with the capacity and funds to progress an alternative use, none have yet emerged. Any potential income that could be generated by a restored pavilion or other community use is unlikely to be significant, with the cost to operate and maintain the improved asset also being a factor. No community group has yet identified a viable alternative use or willingness to take on the running costs.
- 3.5 To ensure every option is exhausted prior to demolition, and recognising the costs of demolition should only be incurred if they cannot be put to a more productive and sustainable use, a further marketing exercise should be undertaken over a limited period of time seeking viable proposals for an acceptable alternative use. This would involve making the pavilion available for lease with the tenant being responsible for all future operating costs following completion of repairs by the Council to a value not exceeding the likely costs of demolition. No works would be instructed until such time as there is an agreement in place with a suitable tenant.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Where a property is held on a public trust title, the trust purposes take precedence over the Council's Corporate Plan and 10 Year Plan.

(b) Policy and Legal

Any alternative use must be compatible with the trust purposes, which provide that the ground is to be utilised as a public park for the use and enjoyment of the inhabitants of the former Burgh. Demolition of the pavilion would not detract from the trust purposes.

(c) Financial Implications

The likely cost of bringing the changing pavilion back into use for its original purpose is estimated at £35,000. No suitable alternative use has yet been identified. The risk to public safety could be reduced significantly by replacing the roof at an estimated cost of £20,000. However, this would not be sufficient to bring the facility back into use.

In the absence of identified alternative uses, and in light of the lack of demand as a pavilion, there is little prospect of generating an income from restoration/refurbishment. However, a further marketing campaign

has the possibility of bringing forward a suitable alternative proposal at a cost of up to £35,000 but with no ongoing revenue costs thereafter.

The average maintenance costs over the last 5 years amounted to £400 per annum. There were no other operating costs.

The likely cost of demolishing the building is estimated to be £35,000. Fife Park trust has no funds. There is no budget to cover any ongoing operating costs. Demolition costs would be a charge against the Council's corporate buildings maintenance budget.

When the Council approved the budget for 2022/23 on 22 February 2022 (paragraph 3 of the Minute refers) it balanced only by using reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

(d) Risk Implications

There is a serious ongoing public safety risk due to the deteriorating condition of the roof over the changing pavilion in Fife Park, Keith. The roof is in lowest condition category D, i.e. life expired. Regular reports have been received of children climbing onto the roof.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property Implications

The property implications are as detailed in this report.

(g) Equalities/Socio Economic Impact

There are no equalities or socio-economic implications arising from this report.

(h) Climate Change and Biodiversity Impact

There are no climate change or biodiversity implications arising from this report.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Chief Financial Officer, Head of Education Resources and Communities, Head of Environmental and Commercial Services, Sport and Culture Service Manager, Environmental Protection Manager, Legal Services Manager, Property Asset Manager, Senior Accountant, Equal Opportunities Officer, and Lindsey Robinson, Committee Services Officer have been consulted and their comments incorporated in the report.

Keith and Cullen Ward Members, Councillors Colyer, Coull and Gatt, are aware of the proposal and may make their views known at Committee.

5. CONCLUSION

5.1 The mothballed changing pavilion in Fife Park is considered surplus to Council requirements due to a lack of demand.

5.2 The condition of the pavilion has deteriorated since it was closed and, if no suitable alternative proposals come forward, demolition is now deemed necessary to address public safety concerns.

Authors of Report: Andrew Gray, Asset Management Coordinator

Background Papers:

Ref: SPMAN-1285234812-1217