

Scrutiny Panel Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Tuesday, 13 January 2015 at 18:00**

The Scrutiny Panel examines the policies and strategies from a borough-wide perspective and ensure the actions of the Cabinet accord with the Council's policies and budget. The Panel reviews corporate strategies that form the Council's Strategic Plan, Council partnerships and the Council's budgetary guidelines, and scrutinises Cabinet or Portfolio Holder decisions which have been called in.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

Audio Recording, Filming, Mobile phones and other devices

The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council, with the exception of Committee members at all meetings of the Planning Committee, Licensing Committee, Licensing Sub-Committee and Governance Committee. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Where permitted, Councillors' use of devices is limited to receiving messages and accessing papers and information via the internet.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please use one of the contact details at the bottom of this page and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester, CO1 1JB

telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

Scrutiny Panel – Terms of Reference

1. To fulfil all the functions of an overview and scrutiny committee under section 9F of the Local Government Act 2000 (as amended by the Localism Act 2011) and in particular (but not limited to):

- (a) To review corporate strategies;
- (b) To ensure that actions of the Cabinet accord with the policies and budget of the Council;
- (c) To monitor and scrutinise the financial performance of the Council, performance reporting and to make recommendations to the Cabinet particularly in relation to annual revenue and capital guidelines, bids and submissions;
- (d) To review the Council's spending proposals to the policy priorities and review progress towards achieving those priorities against the Strategic and Implementation Plans;
- (e) To review the financial performance of the Council and to make recommendations to the Cabinet in relation to financial outturns, revenue and capital expenditure monitors;
- (f) To review or scrutinise executive decisions made by Cabinet, the North Essex Parking Partnership Joint Committee (in relation to decisions relating to offstreet matters only) and the Colchester and Ipswich Joint Museums Committee which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure;
- (g) To review or scrutinise executive decisions made by Portfolio Holders and officers taking key decisions which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure;
- (h) To monitor the effectiveness and application of the Call-In Procedure, to report on the number and reasons for Call-In and to make recommendations to the Council on any changes required to ensure the efficient and effective operation of the process;
- (i) To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are not the responsibility of the Cabinet;
- (j) At the request of the Cabinet, to make decisions about the priority of referrals made in the event of the volume of reports to the Cabinet or creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business;

2. To fulfil all the functions of the Council's designated Crime and Disorder Committee ("the Committee") under the Police and Justice Act 2006 and in particular (but not limited to):

- (a) To review and scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (b) To make reports and recommendations to the Council or the Cabinet with respect to the discharge of those functions.

COLCHESTER BOROUGH COUNCIL
Scrutiny Panel
Tuesday, 13 January 2015 at 18:00

Member:

Councillor Beverly Davies
Councillor Marcus Harrington
Councillor Mark Cable
Councillor Dominic Graham
Councillor Jo Hayes
Councillor Peter Higgins
Councillor Mike Hogg
Councillor Sue Lissimore
Councillor Chris Pearson

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;
 - location of toilets;
 - introduction of members of the meeting.

2 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will

be considered.

4 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

5 Have Your Say!

a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

6 Decisions Taken Under Special Urgency Provisions

To consider any Cabinet decisions taken under the special urgency provisions.

7 Decisions taken under special urgency provisions

To consider any Portfolio Holder decisions taken under the special urgency provisions.

8 Referred items under the Call in Procedure

To review the decision relating to the Closure of Public Conveniences in Dedham, West Mersea, and Wivenhoe.

See report attached of Assistant Chief Executive.

Call-In Procedure - Public Conveniences in Dedham, West Mersea and Wivenhoe	9 - 12
--	--------

Portfolio Holder report for Closure of Public Toilets Dec 14 - FINAL	13 - 20
---	---------

Call-in submission form	21 - 22
--------------------------------	---------

11 Items requested by members of the Panel and other Members

(a) To evaluate requests by members of the Panel for an item relevant to the Panel's functions to be considered.

(b) To evaluate requests by other members of the Council for an item relevant to the Panel's functions to be considered.

Members of the panel may use agenda item 'a' (all other members will use agenda item 'b') as the appropriate route for referring a 'local government matter' in the context of the Councillor Call for Action to the panel. Please refer to the panel's terms of reference for further procedural arrangements.

12 Exclusion of the Public (Scrutiny)

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local

Government Act 1972).

Part B

(not open to the public including the press)

Scrutiny Panel

13 January 2015

Item

8

Report of	Assistant Chief Executive	Author	Jonathan Baker
			☎ 282207
Title	Call-in of Executive Decision – Public Conveniences in Dedham, West Mersea, and Wivenhoe		
Wards affected	Not applicable		

This reports sets out the procedure for the review of the decision relating to Public Conveniences in Dedham, West Mersea and Wivenhoe (Reference No: Hou-008-14).

1. Action required

- 1.1 The Panel is asked to consider the decision taken by the Portfolio Holder for Housing and Public Protection relating to Public Conveniences in Dedham, West Mersea and Wivenhoe (Reference No: Hou-008-14) and to consider the options available as set out in Paragraph 4.8.

2. Reason for action(s).

- 2.1 The Constitution states the Scrutiny Panel will consider decisions taken by a Cabinet Member with delegated authority for taking a decision that are subject to a call-in review.

3. Purpose of the review

- 3.1 The decision has been called-in because Councillors have evidence which suggests that the Decision Taker, in this case, Councillor Tina Bourne, Portfolio Holder for Housing and Public Protection, did not take the decision in accordance with the Principles of decision making set out in Article 12.02 of the Constitution.

4. Procedure

- 4.1 The decision has been called-in by Councillor Sheane, supported by four other councillors. The notice of the decision, the report, together with the completed request for call-in form are attached to this report.
- 4.2 In accordance with Overview and Scrutiny Procedure Rule 13 (9) an informal meeting was arranged with the Chairman of the Scrutiny Panel, the Portfolio Holder and Councillor Sheane as the Lead Councillor of the Call-in. The outcome of the informal meeting will be reported to the meeting.

Have Your Say – Members of the Public

- 4.2 Members of the public may address the Panel on the matter of the call-in for a period not exceeding three minutes.

The speaker may respond to one question asked by a Member of the Panel

With absolute discretion, the Chairman may disallow or terminate any public participation which is considered scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

Have Your Say – Councillors

- 4.3 Councillors may address the Panel on the matter of the call-in. There is not a limit on the time each Councillor can address the Panel, but Councillors are asked not to deviate from the reasons why the decision was called-in, and in the case of more than one speaker, not to repeat statements already made.

Presenting the Case

- 4.4 **The Chairman of the Panel shall remind speakers that the debate is confined to the reasons stated on the call-in form.**
- 4.5 Councillor Sheane will attend the meeting and present the case, expanding on the reasons for the call-in, but not deviating from the reasons given on the call-in form.
- 4.6 Councillor Tina Bourne, Portfolio Holder for Housing and Public Protection will respond to the points made by Councillor Sheane.
- 4.7 The Chairman shall afford Councillors Sheane and Bourne the opportunity to confer with the Panel before inviting them to make closing remarks prior to the Panel formally voting on the matter.

Options available to the Panel

- 4.8 The Panel may:
- confirm the decision, which may then be implemented immediately, or
 - refer the decision back to the Decision Taker for further consideration setting out in writing the nature of its concerns, or
 - refer the decision to full Council in the event that the panel considers the decision to be contrary to the Policy Framework of the Council or contrary to, or not wholly in accordance with the Budget.
- 4.9 If the decision is referred back to the Portfolio Holder to reconsider the decision and he/she agrees with the views of the Panel then the decision may be implemented immediately.
- 4.10 If the Portfolio Holder does not agree with the views expressed then the matter will be referred to the Cabinet who will determine the matter.

5. Standard and Strategic Plan References

- 5.1 The Council's governance arrangements form part of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision. Scrutiny is a key function to ensure decisions have been subject to full appraisal and that they are in line with the aims of the Strategic Plan. The role of scrutiny is also an important part of the Council's risk management process, helping to check that risks are identified and challenged.

- 5.2 Publicity, equality and diversity, human rights, community safety, health and safety, risk management or financial implications regarding this matter, are included within the Portfolio Holders decision dated 11 December 2014.

COLCHESTER BOROUGH COUNCIL

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

Explanatory Note

The Leader of the Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Cabinet member decisions are subject to review under the Call-in Procedure.

From the date the notice of the decision made is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed (called in) and deliver it to the Proper Officer.

If, at the end of the period, no request has been made, the decision may be implemented. If a valid call- in request has been made, the matter will be referred to the Scrutiny Panel

Part A – To be completed by the appropriate Cabinet Member/Officer

Title of Report

Public Conveniences in Dedham, West Mersea and Wivenhoe.

Delegated Power

In respect of all land and buildings owned by the Council (except in its capacity as Housing Authority) to procure a specified service in the provision, implementation, maintenance and management of:-

- Acquisitions and disposals including terms for acquisitions or disposals.

Decision Taken

To approve the transfer or closure of the following public conveniences in West Mersea and Wivenhoe from 1st April 2015:

- West Mersea - Fairhaven
- West Mersea – Coast Road
- West Mersea – High Street
- Wivenhoe – High Street

To approve the cessation of any future maintenance (building repairs, cleaning, opening and closing) of the public convenience at from 1st April 2015:

- Dedham – The Drift

Key Decision

This is not a key decision.

Forward Plan

Not relevant.

Reasons for the Decision

As part of our need to find efficiencies and offer more local sustainable choices, Colchester Borough Council has written to Parish and Town Councils in regard to running public conveniences as a nil cost transfer of asset. Such transfers will enable local communities to positively affect the operational decisions around opening times and secure a sustainable future if they are deemed a local priority. We are pleased to say that this has been successful in some areas.

In the case of Tiptree Parish Council a transfer has been agreed.

In the case of Wivenhoe Town Council work is underway to secure a transfer.

Many existing toilets are out dated and in poor condition. They are subject to vandalism and complaints about their cleanliness. A number of toilet blocks have outlived their usefulness and are located where demand is low.

Any savings achieved through the asset transfer or closure of public conveniences will support future budget pressures and gaps.

There is no statutory requirement for Local Authorities to provide toilets.

Alternative Options

Transfer of the Public Conveniences into local ownership is the most sustainable way forward but where this cannot be agreed then options include closure and demolition or sale of the buildings, the latter of which would be subject to a separate final decision.

Charging has been considered for all public conveniences. For this to be a viable alternative the toilets need usage figures which are unattainable for any Public Convenience outside of Colchester town centre.

Conflict of Interest

None.

Dispensation by Head of Paid Service

None.

Dispensation by Monitoring Officer

None.

Approved by Portfolio Holder for

Signature Councillor Tina Bourne

Date 11 December 2014

(**NB** For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing)

Part B – To be completed by the Proper Officer (Democratic Services)**Portfolio Holder Decision Reference Number**

HOU-008-14

Implementation Date

This decision can be implemented if no request for the decision to be reviewed (call-in) has been made **after 5pm 22 December 2014**

Call-in Procedure

The Decision Notice for this decision was published on the internet and placed in the Members' Room and the Customer Service Centre on **15 December 2014**

A request for reference to the Scrutiny Panel must be made by **5pm on 22 December 2014**

Signature of Proper Officer
K. Barnard

December 2014

Report of	Head of Community Services	Author	Cassandra Clements
Title	Closure of Public Toilets		☎ 282918
Wards affected	Dedham, West Mersea and Wivenhoe		

This report concerns the Public Conveniences in Dedham, West Mersea and Wivenhoe.

1. Decision(s) Required

- 1.2 To approve the transfer or closure of the following public conveniences in West Mersea and Wivenhoe from 1st April 2015:
 - West Mersea - Fairhaven
 - West Mersea – Coast Road
 - West Mersea – High Street
 - Wivenhoe – High Street
- 1.3 To approve the cessation of any future maintenance (building repairs, cleaning, opening and closing) of the public convenience from 1st April 2015 at:
 - Dedham – The Drift

2. Reasons for Decision(s)

- 2.1 As part of our need to find efficiencies and offer more local sustainable choices, Colchester Borough Council has written to Parish and Town Councils in regard to running public conveniences as a nil cost transfer of asset. Such transfers will enable local communities to positively affect the operational decisions around opening times and secure a sustainable future if they are deemed a local priority. We are pleased to say that this has been successful in some areas.
- 2.2 In the case of Tiptree Parish Council a transfer has been agreed.
- 2.3 In the case of Wivenhoe Town Council work is underway to secure a transfer.
- 2.4 Many existing toilets are out dated and in poor condition. They are subject to vandalism and complaints about their cleanliness. A number of toilet blocks have outlived their usefulness and are located where demand is low.
- 2.5 Any savings achieved through the asset transfer or closure of public conveniences will support future budget pressures and gaps.
- 2.6 There is no statutory requirement for Local Authorities to provide toilets.

3. Alternative Options

- 3.1 Transfer of the Public Conveniences into local ownership is the most sustainable way forward but where this cannot be agreed then options include closure and demolition or sale of the buildings, the latter of which would be subject to a separate final decision.
- 3.2 Charging has been considered for all public conveniences. For this to be a viable alternative the toilets need usage figures which are unattainable for any Public Convenience outside of Colchester town centre.

4. Supporting Information

- 4.1 As there is no statutory requirement for Local Authorities to provide toilets.
- 4.2 Community Toilet Schemes will be explored in all areas. The public are generally more content with using toilets in shops, restaurants and pubs, with the agreement of these venues, appropriate signage would assist visitors to locate available facilities. Toilet facilities in commercial venues can be a mutually beneficial factor in attracting the public to use them.
- 4.3 Failure to agree closures will inevitably lead to declining facility standards and escalating costs as maintenance becomes a more significant burden on ageing buildings.

5. Proposals

- 5.1 This report proposes to cease maintaining the Public Convenience, from the 1st April 2015, located at Dedham – The Drift.
- 5.2 This report proposes to transfer or close the Public Convenience, from the 1st April 2015, located at West Mersea – Coast Road, High Street and Fairhaven Avenue.
- 5.3 This report proposes to transfer or close the Public Convenience, from the 1st April 2015, located at Wivenhoe – High Street.

6. Strategic Plan References

- 6.1 Our desire to transfer ownership supports the enabling local communities to help themselves priority within the Strategic Plan 2012 – 2015.

7. Consultation

- 7.1 Ward Members have been made aware of this work and discussions have taken place with Town and Parish Councils though the offer of transfer has been declined. Cabinet are in full support. There has been no resident consultation as the provision of this service is not statutory.

8. Standard References

- 8.1.1 **Equality Impact Assessment:** The EQIA for Closure of Public Toilets can be viewed here: <http://www.colchester.gov.uk/article/12744/Community-Services>
- 8.1.2 The decision to reduce funding for public toilets could lead to some facilities closing. This could have a disproportionate impact on a number of groups especially older people and people with disabilities). It should be noted that the provision of public toilets is not a statutory duty and many district councils do not provide facilities. As such, any specific funding decisions must be considered against the background of a substantial reduction in income for district councils between 2010 and 2015. In this context, the Council believes that this decision is a “proportionate means” of achieving a legitimate aim; the “legitimate aim”, in this case, is the balancing of the Council’s budget, which

must be achieved for the Council *to continue to meet its core statutory duties and equality objectives*. It is therefore held that any disproportionate impacts will not amount to unlawful discrimination under the terms of the Equality Act 2010.

- 8.1.3 In order to mitigate any such adverse impact the Council has sought to negotiate the transfer of service provision to local ownership and the Town or Parish Council. It is felt that this provides the opportunity for a sustainable and cost effective approach with Community facilities and it has been successful in Tiptree and is progressing well in Wivenhoe.

Other factors which mitigate the closure of these public toilets are noted below, specific to each:

- Dedham – The Drift
Charging was considered but usage is not high enough to make charging viable in this location. Dedham toilets are used all year round, but with shorter opening hours in the winter. In the summer this is a tourist destination however there are toilets available in the local businesses, such as pubs and the Tiptree Tea Room and it is reasonable to expect that tourists would be making use of these facilities during their visit. Additionally there is a Community Toilet Scheme running in the Arts and Crafts Centre on the High Street. The opening times are 9am – 16.00pm Monday to Saturday.

- West Mersea – Willoughby and Fairhaven
Meetings with Beach Hut users and the Town Council have taken place to try to engage in a more cost effective solution in West Mersea. Both these toilets are located on Victoria Esplanade and users will include people using the beach huts, beach, café and play park. Charging is not a viable alternative due to low usage figures. The café does not have a public toilet so is also reliant on the public one at Willoughby Road.

The closure of Fairhaven will be mitigated by retaining Willoughby Public Toilet.

- West Mersea – High Street
The high street toilets are located in the Car Park and are used by residents and visitors to the town. Charging is not a viable alternative due to low usage figures. The closure will be mitigated by the fact that there is alternative toilets available for public use, including local pubs but also a Community Centre and a public library.

- West Mersea – The Coast Road Toilets
These toilets are located in the car park opposite the jetty and the users are visitors and fishermen predominantly. Charging is not a viable alternative due to low usage figures. Alternatives are available in nearby pubs and restaurants.

- Wivenhoe – High Street
These toilets are located in a Colchester Borough Council Car Park on the High Street. They are used by local residents and are located close to a play park and open space. Wivenhoe Town Council are currently negotiating the transfer of both the toilets and the car park. Should this not happen then a closure will be undertaken. There are facilities nearby in the local library as well as a pub and Council Offices.

We will ensure that the public are given adequate notice of any resulting closures.

However, these factors will not necessarily negate the identified adverse impact and on this basis the full Equality Impact Assessment has been completed.

9. Financial Implications

9.1.1 If attempts to transfer fail then closure will take place from the 1st April 2015. If no alternative use, transfer or sale of the building is possible then demolition costs could occur and are likely to be £6,000 - £8,000 per toilet.

9.1.2 Possible efficiencies are estimated at £27,500.00 in total per annum inc NNDR.

10. Publicity Considerations

10.1 The decision will be of public interest and while consultation is not a legal requirement the Service and Council Communications Team will ensure regular and consistent messages to the public so they are aware of timescales and activities.

Background Papers

None

COLCHESTER BOROUGH COUNCIL

REQUEST FOR CALL IN OF DECISIONS TAKEN BY THE CABINET OR UNDER DELEGATED POWERS

Public Conveniences in Dedham, West Mersea and Wivenhoe

We, the undersigned, request that the following decision be scrutinised by the Scrutiny Panel for the reasons set out below:-

The decision contained in the Record of Decisions Taken Under Delegated Powers, Reference No. HOU-008-14

■ Insert date

● Insert minute no.

✕ Insert reference no.

Reason(s) for call in:

Consideration of all options available

While the Portfolio Holder mentions an option of an alternative charging strategy for the use of the toilets, no data is evidenced to evaluate whether this option might be viable.

The option of being taken over by some publicly funded body does not appear to have been fully explored in the report. Only the Town and Parish Councils have been consulted. The Portfolio Holder has not considered the option of local commercial interests who might sponsor the facility.

The Portfolio Holder does not appear to have formally consulted with the tourism industry to ascertain whether options for funding might be available.

The Portfolio Holder has failed to consider whether other service providers, such as DANFO, might be able to run the service at a cost acceptable to the Council.

Having regard to due consultation

Only Town or Parish Councils have been brought into dialogue and any consultation has been minimal.

No survey or opinion poll has been taken of actual users of these facilities to ascertain their views and whether they think there are alternatives available which would mitigate the effects of closure.

Consideration of professional advice from officers

The report does not state whether advice was sought from the Police. The Police's view on prosecuting persons "caught short" and having no choice but to urinate or defecate in public needs to be known.

The report fails to indicate whether professional advice was sought in regard to current directives such as the Provision of Public Toilets Directive 6th October 2008 and DEFRA's Directive 2006/7/EC, and whether it is permissible to remove public toilets which are fundamental to a Directive.

Clarity of aims and desired outcomes

There is a clear conflict of priorities in the public declaration of support to trying to make our Borough an attractive place for other people to visit and closing its most basic and essential facilities for those visitors.

£ 100,000 has just been spent on an app to promote tourism in the Borough. This development seems at odds with the proposed closure of the public toilets which would not send out a positive message to potential tourists and sailors. Fishermen would also be compromised with no public amenities.

Having respect and regard for human rights

Those most in need of public toilets are babies, young children and the elderly. The proposed decision will therefore adversely discriminate against these particular groups of society.

It is a basic human right that individuals should be able to relieve themselves in the privacy of a toilet rather than have to urinate or defecate in public!

There are significant public health issues involved with this proposed decision which have the Portfolio Holder has failed to consider/

Presumption of openness

Despite the Council having a top-of range financial management system, no financial data or a business case have been supplied about the cost of running the public toilets. Withholding this information is contrary to the principle of openness.

Signatures

1. Peter M. Shearn
2. Councillor A. Ellis
3. Councillor M. Cable
4. Councillor J. Jones
5. Councillor K. Bentley

Names in Capital Letters

- P. M. SHEARN
(e-mail - 21/12/14 - 15:35)
(e-mail - 21/12/14 - 21:34)
(e-mail - 21/12/14 23:54)
(e-mail - 22/12/14 - 06:26)



NB Please tick representative to attend and present case at the Scrutiny Panel meeting.

For Office Use:

Date and time of Receipt: 21/12/14 - 10:33

Action: _____