

# 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: \_\_\_\_\_