

**COLCHESTER BOROUGH COUNCIL
FINANCE & AUDIT SCRUTINY PANEL
19 August 2008 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the press)

Pages

8. Referred items under the Call in Procedure

To consider any Portfolio Holder decisions, taken under the Call in Procedure.

The panel may a) confirm the decision, which may then be implemented immediately, b) confirm the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or c) refer the matter 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.

8. Referred items under the Call in Procedure

a. Call in of Decision STS-001-0008 Dedham Amenities

5 - 10

The service decision, reference STS-001-0008, Dedham Amenities taken by the Portfolio Holder for Street and Waste Services on the 1 August 2008.

This decision has been called in by Councillor Christopher Garnett, supported by four Councillors.

The panel may:-

- a) confirm the decision, which may then be implemented immediately,
- b) confirm the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
- c) refer the matter 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.

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

Explanatory Note

This form may be used to request a call in of any decision (except urgent decisions) taken by the Cabinet or by a Cabinet Member acting under delegated powers or a Key Decision taken by an Officer under delegated powers.

This form must be signed by at least five Councillors (or by one Councillor and supported by four other Councillors via e-mail) and must be delivered to the Proper Officer within five working days of publication of the decision.

We, the undersigned, request that the following decision be scrutinised by the Strategic Overview and Scrutiny Panel or Finance and Audit Scrutiny Panel as appropriate for the reasons set out below:-

The decision of the Portfolio Holder for Street and Waste Services on 1 August 2008, decision STS-001-008 Dedham Amenities.

Reason(s) for call in:

Duchy Field toilets are unable to cope with visitors, estimated at 60,000 per annum. These toilets are adequate for using the play areas and sports field. A new toilet would reduce the coach traffic using the High Street for the toilet amenity, thus removing a major traffic hazard.

There has been no consultation with the Council's partners Dedham Parish Council and the Dedham Vale and Stour Valley Partnership on the impact of reversing the decision to provide capital funding taken on 8th May 2008.

The proposed decision lacks transparency because it relies upon the ranking given to supporting tourism and public health within the new Administration's priorities. These priorities are unknown because they have yet to be published and will require debate and formal adoption before they can be used to justify any portfolio holder decision.

The portfolio holder has sought to reallocate an unspecified sum from an £800k capital investment in public conveniences an unspecified sum into other unspecified spending programmes. The original investment was authorised by full Council on the recommendation of Cabinet. Power to make this reallocation has not been delegated to the portfolio holder who has therefore sought to act beyond his powers. Furthermore, the failure to identify the sum involved and the destination programmes will make tracking expenditure against budgets in those areas impossible.

Signatures

Names in Capital Letters

- | | | |
|---------|--------------------------------|--------------------------|
| 1. | Councillor Christopher Garnett | <input type="checkbox"/> |
| 2. | Councillor Wyn Foster | <input type="checkbox"/> |
| 3. | Councillor Nigel Chapman | <input type="checkbox"/> |
| 4. | Councillor Beverly Davies | <input type="checkbox"/> |
| 5. | Councillor Christopher Arnold | <input type="checkbox"/> |

NB Councillor Garnett will attend and present the case at the Panel meeting.

For Office Use:

Date and time of receipt:

To be heard at the Finance and Audit and Scrutiny Panel meeting of 19 August 08

COLCHESTER BOROUGH COUNCIL

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

Explanatory Note

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

Such decisions are subject to review under the Call-in Procedure. From the date the decision is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed 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 request has been made, the matter will be referred to either the Finance and Audit Scrutiny Panel if the Type of Decision is Service, or the Strategic Overview and Scrutiny Panel if the Type of Decision is Strategic/Corporate.

For decisions which are deemed to be Key Decisions, these must be included in the Forward Plan and 14 days must elapse between publication of the Forward Plan and the decision being taken.

In addition, any report (excluding confidential ones) relating to a Key Decision must have been made available to the public at least five clear days prior to the decision being signed.

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

Title of Report

Dedham Amenities

Delegated Power

To procure the specified service in the provision, implementation, maintenance and management of public conveniences and baths

Decision Taken

To withhold the capital new build of additional public toilets in Mill Road Car Park, Dedham.

Key Decision

No

Forward Plan

N/A

Reasons for the Decision

Dedham village currently has public toilets on the Duchy Field which are managed by Colchester Borough Council. There is currently no evidence other than public opinion to justify the need for additional toilets to be located in the Mill Road Car Park serving visitors as they arrive in the village, particularly in view of the administrations revised priorities for capital spend.

Alternative Options

To pursue the build of additional public toilets in Mill Road car park

Conflict of Interest

None

Type of Decision

Service

Dispensation

N/A

Authorisation

Signature _____ Councillor Tim Young _____

Designation _____ Portfolio Holder for Street and Waste Services _____

Date _____ 1/8/08 _____

(NB For Key Decisions five clear days must have elapsed between the report being made available (see date in **Key Decision** box above) and the decision being taken i.e. signed)

Part B – To be completed by the Proper Officer

Call-in Procedure

Date published on The Hub and placed in Members' Room and Customer Service Centre
_____ 8 August 2008 _____

Date by which request for reference must be made to the Finance and Audit Scrutiny Panel if the Type of Decision is Service or the Strategic Overview and Scrutiny Panel if the Type of Decision is Strategic/Corporate

5pm _____ 15 August 2008 _____

Signed _____ Diane Harrison _____

Proper Officer

Reference Number

STS-001-08

Implementation

Date decision can be implemented if no request (Call-in) for the decision to be reviewed has been made

After 5pm _____ 15 August 2008 _____

Report of	Head of Street Services	Author	Dave McManus
Title	Dedham amenities		☎ 282625
Wards affected	Dedham and Langham		

This report concerns the provision of public toilets in Dedham

1. Decision(s) Required

- 1.1 To withhold the capital funding for the new build of additional public toilets in Mill Road Car Park, Dedham.

2. Reasons for Decision(s)

- 2.1 Dedham village currently has public toilets on the Duchy Field which are managed by Colchester Borough Council. There is currently no survey or usage statistical evidence other than public opinion to justify the need for additional toilets to be located in the Mill Road Car Park serving visitors as they arrive in the village, particularly in view of the administrations revised priorities for capital spend.

3. Alternative Options

- 3.1 To pursue the build of additional public toilets in Mill Road car park.

4. Supporting Information

- 4.1 The new administration has highlighted priorities for capital investment. At this time the new build of additional toilet facilities in Dedham is not considered of a high enough priority given the current provision of similar facilities in the village.
- 4.2 The Councils toilet strategy outlines the existing toilets on the Duchy Field as a priority for refurbishment. This refurbishment will go ahead and is currently subject to a feasibility study in order to ascertain indicative costs.
- 4.3 The Dedham toilets on the Duchy Field have been included as part of the Creative Conveniences project and artists have been commissioned to design elements of this work.
- 4.4 In recent years Colchester Borough Council have financially supported the use of portable toilets in Mill Lane car park at periods of high demand such as bank holidays. It is anticipated that this funding arrangement will continue for the periods of high demand only.

5. Proposals

- 5.1 The provision of additional public toilets at Mill Road Car Park, Dedham is not supported by funding allocated from the Council's Capital Programme.

6. Strategic Plan References

6.1 There are no specific Strategic Plan references.

7. Consultation

7.1 Extensive consultation has taken place and will continue as proposals are developed to refurbish the existing facilities on the Duchy field.

7.2 Dedham Parish Council carried out consultation with residents and local businesses. It was the opinion of the Parish Council, when presented to officers, that additional toilet facilities in Mill Road car park were required.

8. Publicity Considerations

8.1 This is a high profile project for the area and as such the commitment to review the level of investment is likely to generate media coverage. Accordingly a media statement will be produced to provide appropriate information to encourage accurate reporting.

9. Financial implications

9.1 Cabinet has released £300,000 from the capital programme to implement the next phase of the toilet strategy. Following refurbishment of the existing toilets the remaining capital will be re-allocated to other priorities in the Councils Capital D programmes.

9.2 The remaining Capital will be used to meet funding gaps identified in various capital projects since 1st May 2008, as outlined in section 7.1 of the report to cabinet dated 9 July 2008, 2009/10 Budget Strategy, Medium term Financial Forecast and Budget Timetable.

9.2 Dedham toilets at Duchy Field have been included as part of the Creative Conveniences project. Funding has been secured for commissioning artists to interpret the surrounding area in a variety of media in the toilets.

10. Equality, Diversity and Human Rights implications

10.1 There are no particular equality, diversity or human rights implications in taking this decision. Toilets specifically designed for disabled use are provided in the existing toilets on the Duchy field.

11. Community Safety Implications

11.1 There are no particular community safety implications.

12. Health and Safety Implications

12.1 There are no particular health and safety implications.

13. Risk Management Implications

13.1 There are no particular risk management implications.

Background Papers