ITEM 7  PUBLIC CONVENIENCES SERVICE REVIEW – CALL-IN OF CABINET DECISION

Purpose of Report

To consider the recommendations of the Scrutiny Management Board following its consideration of a call-in of a Cabinet decision in respect of the Public Conveniences Service Review. The Scrutiny Management Board considered the item at an additional meeting on Thursday 22nd July 2010.

Recommendations of the Scrutiny Management Board

That the options for the future provision of public conveniences be fully investigated by:

(i) seeking requests for information (quotes) from service providers for managing and maintaining toilet facilities in (a) Loughborough and (b) Charnwood Borough;
(ii) formally approaching Town and Parish Council's to offer them the opportunity of taking over responsibility for toilet facilities in their area, with an initial grant from the Council of the allocated budget for one year's running cost of the relevant facility/facilities; and
(iii) formally approach businesses to invite them to join a Community Toilets Scheme;

and that once the above have been completed, report to a future meeting of Cabinet setting out proposals for the future provision of public conveniences.

Reason

To ensure that all the options were fully explored in order to provide a cost effective and high quality service:

(i) to be able to make a judgement on whether outsourcing provision to a private company, either in (a) just Loughborough or (b) across the whole Borough, would be a viable and cost effective option and within the reduced target budget set by the Service Review Programme as part of the overall budget strategy;
(ii) to ensure that toilet facilities outside Loughborough could be maintained, as existing facilities by the local Parish or Town Council should those communities feel that this would be the preferred option for their area; and
(iii) to ensure that there were enough participants for a Community Toilets Scheme and that the facilities being offered would meet the required standards;
and that Cabinet had the benefit of the above information in coming to a decision on the future provision of public conveniences.

Policy Context

Overview and Scrutiny Procedure Rule 8(c) sets out the procedure by which a report of a scrutiny committee should be considered by Cabinet and Overview and Scrutiny Procedure Rule 13 sets out the procedure for the consideration of decisions which have been called-in.

Background

On 8th July 2010, Cabinet considered a report of the Director of Leisure and Environment, which set out options for the future provision of Public Conveniences. The decision and reasons for the decision of Cabinet are set out in Cabinet Minute 42 (2010/2011).

In accordance with Overview and Scrutiny Procedure Rule 13, the decision was called and under the new scrutiny arrangements was referred to the Scrutiny Management Board for consideration, which met to discuss the matter on 22nd July 2010.

Having received a report, which included the report considered by the Cabinet and the minute outlining the Cabinet's decision and reasons, and having received evidence from the Lead Member for Environment, the Scrutiny Management Board came to the following decisions:

Majority Decision by the Scrutiny Management Board

That the decision be referred back to Cabinet and that it be recommended to Cabinet that the options for the future provision of public conveniences be fully investigated by:

(i) seeking requests for information (quotes) from service providers for managing and maintaining toilet facilities in (a) Loughborough and (b) Charnwood Borough;
(ii) formally approaching Town and Parish Council's to offer them the opportunity of taking over responsibility for toilet facilities in their area, with an initial grant from the Council of the allocated budget for one year's running cost of the relevant facility/facilities; and
(iii) formally approach businesses to invite them to join a Community Toilets Scheme;

and that once the above have been completed, report to a future meeting of Cabinet setting out proposals for the future provision of public conveniences.

The Reason given by the Scrutiny Management Board for the above decision was as follows:
To ensure that all the options were fully explored in order to provide a cost effective and high quality service:

(i). to be able to make a judgement on whether outsourcing provision to a private company, either in (a) just Loughborough or (b) across the whole Borough, would be a viable and cost effective option and within the reduced target budget set by the Service Review Programme as part of the overall budget strategy;
(ii). to ensure that toilet facilities outside Loughborough could be maintained, as existing facilities by the local Parish or Town Council should those communities feel that this would be the preferred option for their area; and
(iii) to ensure that there were enough participants for a Community Toilets Scheme and that the facilities being offered would meet the required standards;
and that Cabinet had the benefit of the above information in coming to a decision on the future provision of public conveniences.

Minority Decision by the Scrutiny Management Board

Following approval of the above, Councillor M. Hunt and Councillor Miah asked that in accordance with Overview and Scrutiny Procedure Rule 8(b) that their minority view be submitted to Cabinet for consideration, which was as follows:

That Option B of the Public Conveniences Service Review be approved, which includes increasing the existing revenue budget for Repairs and Maintenance in order to provide minimal funding to carry out day to day repairs together with an ongoing revenue service pressure for the management of Sileby conveniences; and that a rolling capital investment programme of £357,000 be devised for future years.

The Reason given for the minority view was to acknowledge that toilet provision was a significant public service, which people (especially the vulnerable, elderly and families) relied upon and that the ongoing net saving of £39,400 was insignificant compared to the benefit to the community of maintaining the service.

A copy of the minutes of the meeting of the Scrutiny Management Board are attached as an Appendix.

Financial Implications

None.

Risk Management

There are no specific risks associated with this decision.

Key Decision: No

Background Papers: None
Officer to contact: Darren Tilley
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darren.tilley@charnwood.gov.uk
PRESENT: Councillor M. Hunt (Chair)
Councillor J. Hunt (Vice-chair)
Councillors Burr, Jukes, Miah, Shepherd and Walker.

APOLOGY: Councillor Seaton.

The Chief Executive attended in the role of Lead Director for the Scrutiny Management Board.

10. DISCLOSURES OF PERSONAL INTEREST

No disclosures of personal interest were made.

11. DECLARATIONS OF THE PARTY WHIP

No declarations of the existence of the Party Whip were made.

12. PUBLIC CONVENIENCES SERVICE REVIEW – CALL-IN OF CABINET DECISION

The decision of the Cabinet on this matter at its meeting on 8th July 2010 had been called-in under Overview and Scrutiny Procedure Rule 13 and required consideration by the Scrutiny Management Board.

A report of the Deputy Director of Programmes and Resources was submitted, which included the report considered by the Cabinet and the minute outlining the Cabinet’s decision and reasons, together with reasons for the call-in and the outcome looked for and the process for reviewing the decision as set out in Overview and Scrutiny Rule 13(d) (item 4 on the agenda filed with these minutes).

There were two separate call-ins relating to this item. In accordance with Overview and Scrutiny Procedure Rule 13(c), Councillor Edwards, as a signatory to the first call-in received, addressed the Scrutiny Management Board. Councillor Edwards highlighted the following issues:

(a) it was recognised that the Council needed to make budgetary savings and that there were problems with the current provision, especially with unsupervised toilets being susceptible to vandalism and anti-social behaviour;

(b) the Investigation and Review Scrutiny Panel on Public Conveniences recommended outsourcing provision, a solution which had been applied by many local authorities, allowed for the employment of local staff and provision of vandal proof facilities; however, this option was not explored further in the Service Review; and
(c) Cabinet’s selected option of a Community Toilets Scheme raises questions of suitability in terms of access and equalities and there was not a definitive list of businesses who wished to sign up to the scheme; additionally parishes had concerns about taking ownership and paying for toilet provision while also paying for facilities in Loughborough; also there was no longer to be a facility provided at Charnwood Water where there was unlikely to be any alternative.

Councillor Edwards urged the Scrutiny Management Board to reconsider the position and recommend to Cabinet that their original decision be changed to ensure that provision was made for Shepshed and Charnwood Water and that prior to closing any toilet facilities, there should be suitable alternative provision established.

The Scrutiny Management Board invited Councillor Legge, as a signatory to the second call-in received, to address the Scrutiny Management Board. Councillor Legge highlighted the following issues:

(a) the reasons given for the Cabinet’s decision conflicted with the policy justification. Councillor Legge questioned whether the reason was to save money or because of staff safety? She added that, in the case of staff safety, vandalism and anti-social behaviour should be tackled;

(b) there was an inconsistent approach by keeping open the toilets at Outwoods while closing the toilets at Charnwood Water, other options should be looked at for staffing and maintaining facilities, especially since there was usage by the people in the area at Charnwood Water and no alternative provision close by; and

(c) the Community Toilets Scheme raise questions of suitability in terms of access and equalities and there was not a definitive list of businesses who wished to sign up to the scheme; there was an inconsistent approach by undertaking a consultation in Loughborough but not across the whole Borough and any decision to close facilities required investment and therefore the decision would not be easily reversed.

The Cabinet Lead Member for Environment, Councillor Fryer, had been invited to assist the Scrutiny Management Board with its consideration of this matter. She was assisted by the Director of Leisure and Environment and the Head of Street Management.

In considering the matter, reference was made to the following issues:

(a) the outsourcing option was considered by approaching an industry supplier for an estimate, however, this did not allow for savings to be made as it was more expensive than the existing service budget;
expressions of interest had been received from parishes who wished to consider maintaining their own toilets and from businesses wishing to take part in the Community Toilets Scheme; however, this had not been formalised since the Cabinet decision was yet to have effect;

c) there were issues of vandalism and anti-social behaviour on a regular basis at many of the facilities provided, including advertising of anti-social behaviour on websites, this was presenting risks to the staff who maintained those facilities and was also costing the Council on an ongoing basis to refurbish and maintain the facilities to a reasonable standard; and

d) the Community Toilets scheme presented the opportunity to provide more and better quality facilities in an area, however, authority needed to be given to formally establish the scheme.

Councillor Fryer updated Scrutiny Management Board on usage at the following toilet facilities:
(i) Shepshed – undertaken on 9th July 2010: 62 ladies, 64 men and 2 disabled;
(ii) Biggin Street – undertaken on 15th July 2010: 690; and

RESOLVED that the decision be referred back to Cabinet and that it be recommended to Cabinet that the options for the future provision of public conveniences be fully investigated by:
(iv) seeking requests for information (quotes) from industry providers for managing and maintaining toilet facilities in (a) Loughborough and (b) Charnwood Borough;
(v) formally approaching Town and Parish Council’s to offer them the opportunity of taking over responsibility for toilet facilities in their area, with an initial grant from the Council of the allocated budget for one year’s running cost of the relevant facility/facilities; and
(vi) formally approach businesses to invite them to join a Community Toilets Scheme;

and that once the above have been completed, report to a future meeting of Cabinet setting out proposals for the future provision of public conveniences.

Reason

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Following approval of the above, Councillor M. Hunt and Councillor Miah asked that in accordance with Overview and Scrutiny Procedure Rule 8(b) that their minority view be submitted to Cabinet for consideration, which was as follows:

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The Reason given for the minority view was to acknowledge that toilet provision was a significant public service, which people (especially the vulnerable, elderly and families) relied upon and that the ongoing net saving of £39,400 was insignificant compared to the benefit to the community of maintaining the service.

NOTES:

1. No reference may be made to these minutes at Council on 13th September 2010 unless notice to that effect is given to the Head of Democratic Services by five members of the Council no later than 5.00pm on Friday 30th July 2010.

2. These minutes are subject to confirmation as a correct record at the next meeting of the Scrutiny Management Board on 13th October 2010.