

PLACE SCRUTINY COMMITTEE (SPECIAL)

Friday 26 April 2019

Present:

Councillor Sills (Chair)
Councillors Henson, D, Mitchell, Owen, Prowse, Begley, Lyons, Pattison and Robson

Apologies:

Councillor Wood

Also present:

Director (DB), Corporate Manager Democratic and Civic Support, Interim Public & Green Space Service Manager, Interim Principal Accountant (AR) and Democratic Services Officer (SLS)

In Attendance:

Councillor Edwards	- Leader
Councillor Harvey	- Portfolio Holder for Place & Commercialisation
Councillor Foggin	- Speaking Under Standing Order 44
Councillor Holland	- Speaking Under Standing Order 17
Councillor Musgrave	- Speaking Under Standing Order 17 and 44
Councillor Pierce	- Speaking Under Standing Order 17
Councillor Mrs Thompson	- Speaking Under Standing Order 17

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DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

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RESULTS OF CONSULTATION ON PUBLIC TOILETS

The Chair advised that, in accordance with Standing Order 17, a special meeting of Place Scrutiny Committee had been called following the decision made by Executive on 9 April 2019, for the closure of a number of public conveniences in Exeter. The decision had been taken in support of the Council decision made on 26 February 2019 to remove £60,000 from the budget, so that a balanced budget could be set.

Following the publication of the decision made by Executive and in accordance with Standing Order 13 (1) Councillors D. Henson, Holland, Mitchell, Musgrave, Pierce, Prowse and Mrs Thompson indicated that they wished to Call-In the decision. The Members, also known as the Subscribers gave the following reasons and grounds on which they had submitted the Call-In:-

The decision maker had failed to take account of relevant factors by:-

1. not adequately addressing the issues raised within the Equalities Impact Assessment, with particular regard to the impact upon individuals with disabilities, long term health conditions and members of the homeless community, and

2. not adequately addressing and committing to the implementation of a community toilet scheme, which is cited within the Equalities Impact Assessment as the means of mitigating against the negative impact of the closures upon the groups mentioned above.

It was noted that the report of the Interim Public & Green Space Service Manager to the Executive on 9 April had set out the responses from the public consultation on the future of public toilets across the City, and Members had endorsed the approach to achieve the required budget savings, whilst retaining some degree of service provision. The Executive on 9 April 2019 had resolved the following:-

- (1) the results of the consultation exercise be noted;
- (2) the decision to close all of the 13 public conveniences listed in the report presented to the meeting be supported with immediate effect, in addition to the two already closed. (Leaving 11 public conveniences in operation as detailed in Appendix 1 to the report);
- (3) the City Surveyor be authorised to divest the running of the toilets to other organisations, or to explore alternative uses including potential disposal, to achieve best value for the authority. Priority consideration should be given to alternative uses which would incorporate a publically accessible toilet; and
- (4) the introduction of a Community Toilet scheme be investigated.

The Chair invited Members to review the process by which the Executive made their decision, paying particular attention to the information provided. If it was considered that the Executive did not have all the relevant information in front of them at the meeting on the 9 April, a recommendation could be made to the Executive to reconsider this matter giving the reasons for doing so, and to this effect a meeting of the Executive had been provisionally scheduled for 29 April 2019. He confirmed that the Leader of the Council and Councillor Harvey, as the relevant Portfolio Holder for Place and Commercialisation, were present to answer any questions put forward. The Director and Interim Public & Green Space Service Manager were also present to answer questions of an operational nature, whilst the Chief Finance Officer's representative would be able to advise on any budgetary implications emanating from the discussion.

The Chair invited those subscribers who had requested to speak, to put their points relating to the Call-In Notice.

Councillor Mrs Thompson spoke and stated that she understood from personal experience the potential distress from her own family members of not being able to access a public convenience. She understood there was no legal obligation for the City Council to provide public conveniences, but she considered there to be a moral obligation. She referred to a working group which had been convened to study the public convenience provision in Exeter and along with other members of that group, she visited Oxford in 2012, to see a community toilet scheme in operation at the time, with a view to considering a similar scheme in Exeter.

Councillor Pierce referred to the results of the public consultation and the overwhelming desire from local residents to keep the public convenience in Topsham open. She hoped the many comments made in the consultation and subsequently, would be taken into consideration. She was strongly opposed to the closure of the toilets in Topsham, and was concerned about the effect that would have both on the local population as well as visitors to such a popular visitor destination.

Councillor Musgrave spoke as a subscriber but also having given notice to speak Under Standing Order 44.

Councillor Musgrave asked of the Portfolio Holder, whether the consultation results only detailed usage of facilities earmarked for closure, or would the Council publish any additional on public toilets. The Portfolio Holder Place and Commercialisation responded and stated that the consultation had only asked questions based on the proposals to close a certain number of public toilets with an option to make comment on other toilets if required. No comments had been made on any toilets other than the ones listed in the consultation. Councillor Musgrave also asked that, with the closure of Musgrave Row toilets already agreed, what provision was planned for homeless residents should community groups not come forward to run the City Centre facilities. The Portfolio Holder Place and Commercialisation responded that there were no plans for making any provision for public toilets for homeless people in the city. There were a number of different groups of people who congregated on the streets at different times of the day and night and not all of those people were homeless, those who were genuinely homeless, the City Council and their partners offered a wide range of support, including the night shelter and covered areas such as mental health support and drug and alcohol dependency. The City Council had received over £1million in external funding as part of the ambition to put an end to rough sleeping in the city within five years. Communication had been maintained with the Police as part of the review of the Council's public conveniences and they had not raised any concerns and were supportive of the closure of the facilities in Musgrave Row due to the instances of anti-social behaviour. Councillor Musgrave referred to the Safe Sleep Initiative and introduction of the Public Spaces Protection Order (PSPO), and he asked the Portfolio Holder to reconsider the provision for homeless people. The Portfolio Holder stated that he was not able to.

Councillor Musgrave was concerned that the consultation exercise had been used as the basis for closure of a public facility. He also referred to the previous assurance that the toilets in Musgrave Row would remain open beyond the 7pm closing time to offer a toilet facility to the homeless and street attached. There had been no such provision resulting in numerous instances of street urination. He was also concerned that people with a range of health issues would not be properly catered for, and many residents had contacted him about the closures, commenting on the potential for greater isolation in part due to the reduced opportunities to find a public convenience.

Councillor Foggin also spoke having given notice under Standing Order 44 and voiced her concern about the closure of the public facilities in Heavitree. She asked if any other options had been considered, and suggested the CCTV Control Room could make a charge for using their cameras for greater vigilance and thereby provide a source of income from the police for that service. She suggested that a further review of the opening hours, such as the potential for only opening between 9.00am and 5.00pm which could help to reduce instances of vandalism.

The Director referred to the authority's challenging financial situation, and their due regard to the approach and rigour. The reasoning behind the closures had included the Government's reduced funding to local authorities, which had an impact on non-statutory services. Although substantial savings had already been made, further significant savings in the current and next financial year were required. He reiterated that 11 public conveniences would remain open across the city, together with alternative provision in and around the city. It was not clear why the community toilet scheme had not been introduced in Exeter, but he would continue to investigate and monitor this option.

The Portfolio Holder Place and Commercialisation confirmed that the Executive had sufficient information to enable an informed decision to be made. The Leader has had to make some very difficult decisions, some of which would be unpopular, but the fact remained that £2.7m of savings had to be identified, and the £60,000 savings would still have to be found from another service.

The Chair advised the three options under the Call-In Procedure which were to:-

- resolve to take no further action;
- refer the matter back to the Executive for reconsideration, setting out in writing the reason for its request; or
- refer the matter to Council who may refer the decision back to the Executive for reconsideration setting out in writing the reasons for its request.

The Director responded to Members' questions and stated that it was the responsibility of Members to set a balanced budget and put forward any suggestions to identify where savings could be made. Many of the public conveniences that had been closed, were in a poor condition and the cost of bringing them to an acceptable standard was approximately £100,000.

Councillor Musgrave referred to the lead in time for the closure of these toilets, and the previous discussion on community toilets in the city centre and potentially operating in other centres in and around the city. He felt it would have been more beneficial to implement a scheme first and then close the toilets. He suggested identifying the £60,000 from another budget and asked that the community toilet scheme be investigated without any commitment. The Director advised that many businesses were not in favour of a community toilet scheme, and that further engagement with them was required to establish their view. The City Surveyor had been tasked to study the options. He also took on the suggestion of seeking sponsorship for costs associated with the running of the toilets.

A Member spoke in support of the decision made at Executive, and said that the fact remained that a sum of £60,000 would have to be identified, along with further continued savings over the coming years. He felt the Executive in making the decision on the 9 April were in possession of the facts to make an informed decision in the correct manner.

Councillor Pattison made a proposal that no further action be taken. Councillor Lyons seconded the proposal.

RESOLVED that in accordance with Standing Order 17 5(a), no further action be taken in respect of the Call-In.

It was noted that the proposed meeting of the Executive to be scheduled for 29 April would be cancelled.

(The meeting commenced at 5.30 pm and closed at 6.30 pm)

Chair