

Scrutiny Committee – 11<sup>th</sup> September 2007

## 8. Call in of District Executive Decision taken on 2<sup>nd</sup> August 2007 - Public Conveniences in Yeovil

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### Purpose of the Report

To provide details of the Call-in received in line with the Council's Constitution.

### Action Required.

Members of the Scrutiny Committee are asked to consider the information contained in this report and make one of the following recommendations;

- 1) That Members of the Scrutiny Committee are happy with the decision taken by District Executive on 2<sup>nd</sup> August 2007 and no further action should be taken in relation to the Call-in request.

Or

- 2) That members of the Scrutiny Committee are unhappy with the District Executive decision taken on the 2<sup>nd</sup> August 2007 (*members will need to identify the reasons why they are unhappy with the decision*) and recommend that the matter is reconsidered by District Executive

Or

- 3) That members of the Scrutiny Committee are unhappy with the District Executive decision taken on the 2<sup>nd</sup> August 2007 (*members will need to identify the reasons why they are unhappy with the decision*) and recommend that the matter is debated by Full Council.

### What is a 'call-in'?

The Local Government Act 2000 makes provision for Executive decisions to be 'called-in' by the Scrutiny function. Such decisions can be called-in if members feel;

- a) The decision has been made outside the Council's Policy and/or budgetary framework; or
- b) The decision making process was flawed (e.g. inadequate consultation)

South Somerset District Council's Constitution lays out the procedure for initiating and considering Call-Ins. The key elements are detailed below;

**“When items are ‘called-in’ they are reported to the next meeting of the Scrutiny at which one Executive or Area Committee member has the right to attend and make representations to the Committee. If the Scrutiny Committee is unhappy with the decision it can ask the Executive or Area Committee to reconsider the item or it could ask for the item to be debated at Full Council”**

“Requests for Call-In can be made by either the Chairman of the Scrutiny Committee, two other members of the Scrutiny Committee or by ten members of the Council. The request must give the reasons for the Call-In, with the names of the members making the request and be submitted in writing or e-mail to the Democratic Services Manager.”

#### Details of Call-in to be considered by the Scrutiny Committee

On the 7<sup>th</sup> August 2007 a Call-In request was received in accordance with our procedures. The Call-In refers to Agenda Item 8 on the 2<sup>nd</sup> August 2007 District Executive Agenda – **Public Conveniences in Yeovil**. A copy of the District Executive report is attached at Appendix A to this report.

#### Minutes of the ‘called-in’ decision

The decision made by District Executive members is shown in the minutes of that meeting as follows;

- Resolved:(1) that it be strongly re-affirmed that this Council supports the provision of two modern, effective and appropriately located public toilet facilities in Yeovil Town Centre**
- (2) that the Town Council’s bid to the County Area Working Panel for £50,000 be supported and officers be requested to immediately start work with Yeovil Town Council to review the short term and long term provision of toilet facilities in the town with the outcome to be reported back to the District Executive within four months.**

**Reason: to ensure the provision of two modern, effective and appropriately located public toilet facilities in Yeovil Town Centre, and to support the Town Council’s bid to the County Are Working Panel for £50,000 towards temporary facilities.**

#### Members signing the Call-in

The following members have signed the Call-In request;

**Pat Martin  
Alan Smith  
Anne Campbell  
Dave Recardo  
Tony Lock  
Dave Greene  
John Hann  
Ruth Kendall  
Julian Freke  
Andrew Kendall  
John Vincent Chainey**

#### Reasons for Call-In

In accordance with our agreed procedures, the members who have signed the Call-In request have submitted the following reasons;

*We are concerned that the decision of the DX does not effectively address a situation that has arisen in Yeovil regarding the provision of adequate public conveniences, and potentially jeopardises the chances of securing a financial contribution from Somerset County Council*

towards achieving this objective and addressing the current situation in time for the busy Christmas 2007 shopping period.

We also feel that the policy of the District Council needs to be reviewed, as a matter of urgency, for the reasons set out below.

**What area of the Council's activities, policies or performance do you want the Committee to consider reviewing and the reasons for your request?**

The closure of public toilets was raised in 2004 as part of the District Council's Medium Term Financial Plan (MTFP).

During the budget-setting process, it was agreed in February 2005 that, to save money a number of public conveniences should be closed 'to leave one facility per town, but two in Yeovil and Chard'. As far as we are aware, in putting forward this service reduction, no needs analysis was carried out nor any particular toilets specified.

Later that year, in November 2005 the DX report which gave details of an opportunity that had arisen for the District Council to surrender the 99 year lease for the public conveniences in the Quedam Centre, thereby enabling the owners to discontinue their provision.

In putting forward the merits of the proposal, no reference was made in the report to the impact which a subsequent closure would have on the public, or to any consultation with those who would be affected by such a move.

It was noted in the report that Yeovil at that time had four sets of public toilets namely;

- Petters Way
- Bus Station
- Quedam Centre
- Milford Park

The question of which two sets of toilets should be closed to help achieve the savings identified in the MTFP was effectively part determined by the DX decision to surrender the lease as it removed the legal obligation on the owners to accommodate the toilets for the remainder of the lease i.e. for the following 85 years.

Whilst it is accepted that the decision has helped to save the District Council money in the long-term, it has come at a cost. The short-term arguably foreseeable consequence of this decision is that Yeovil has lost its most appropriately located public toilet facility.

We believe that those organisations and individuals most affected by the decision were not consulted nor given the opportunity to take over the lease or to contribute towards the ongoing costs. If such action had been taken, the toilets could have been kept open and the savings identified in the MTFP achieved by the closure of less strategically significant toilets within the town.

Given the subsequent impact of this decision, we would ask the Scrutiny Committee to consider whether the way in which this proposal was considered and determined was the most appropriate way.

Another aspect of the policy that we would like to review is the logic of setting the number of public conveniences to be provided in each town.

**The population of Yeovil and its surrounding parishes is almost three times that of the Chard catchment area, yet under the adopted policy, the set number of public conveniences in each of these towns is the same – two.**

*Taking into consideration the greater number of shoppers who live outside the parishes surrounding Yeovil, and the people who live in the neighbouring Dorset parishes, this difference is even greater, and this would appear to be illogical and inequitable.*

*We feel that the policy of the District Council needs to be reviewed as a matter of urgency, to ensure that the needs of the public are met. As part of this review, alternative ways of providing these facilities need to be explored – in consultation with those affected and with potential funders.*

**Background Papers:** District Executive Agenda 2<sup>nd</sup> August 2007  
(agenda Item 8)

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