

Minutes of the meeting of the **SCRUTINY (POLICY AND PERFORMANCE)** Committee held at the Council Offices, Whitfield on Wednesday 20 January 2010 at 6.00 pm.

Present:

Chairman: Councillor G Cowan

Councillors: B W Bano
T A Bond
M D Conolly
J H Goodwin
C E Kirby
C J Meredith
J C Record
A F Richardson

Also Present: Councillor P A Watkins (Leader of the Council)
Councillor N J Collor (Portfolio Holder for Access and Property Management)

Officers: Chief Executive
Head of Property, Leisure and Waste Management
Head of Finance and ICT
Democratic Support Officer

Apologies for absence were received from Councillors M R Eddy and D A Mayes.

371 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Rule 4 of the Council Procedure Rules, Councillor B W Bano had been appointed as substitute for Councillor M R Eddy.

372 EAST KENT (JOINT SCRUTINY) COMMITTEE

The Committee considered the Minutes of the meetings of the East Kent (Joint Scrutiny) Committee held on 4 November 2009 and 14 December 2009.

RESOLVED: That the Minutes be noted.

373 ITEMS REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE OR ANOTHER COMMITTEE

There were no items for consideration at the meeting.

374 ITEMS CALLED IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBER OR PUBLIC PETITION – CLOSURE OF PUBLIC TOILETS IN DOVER (BUCKLAND BRIDGE AND MAISON DIEU)

Councillor G Cowan advised the committee that he had requested this item be added to the agenda due to:

- His concerns over what he perceived as the short notice period given prior to the closure of the public toilets at Buckland Bridge and Maison Dieu;

- The need to obtain clarification over the nature of the decision-making process, its constitutionality, who the decision taker was and why there was no formal written decision (such as the minutes of a committee or a decision notice); and
- His concerns about the lack of public consultation prior to the decision being taken to close the public toilets.

The Head of Property, Leisure and Waste Management stated that due to in-year variations in income streams the Council needed to achieve savings in order to preserve key services. As part of this the Council has been negotiating with Town and Parish Councils throughout the District with a view to those bodies taking responsibility for funding the provision of non-statutory local services such as public toilets. A press release to this effect had been issued in autumn 2009 and the Leader of the Council had addressed the District's annual meeting with Town and Parish Councils on this point.

The Committee was advised that the Council remained committed to the localism agenda and that Town and Parish Councils had the opportunity to become more involved in the management and operation of services and potentially providing an enhanced level of service if they accepted responsibility for funding the provision of public toilets in the District.

The Council gave notice on 23 December 2009 that it intended to close the public toilets at Buckland Bridge and Maison Dieu with effect from 4 January 2010. The decision to temporarily close the toilets was taken by the Head of Property, Leisure and Waste Management using powers delegated under the scheme of officer delegations after consulting with the Portfolio Holder for Access and Property Management and the Leader of the Council.

The decision to close the toilets at Maison Dieu had been taken due to the cost in maintaining and operating the facility and the level of use when compared to others public toilets in Dover provided by the Council. It would be reviewed in due course and if the option to permanently close the toilets were taken a report would be made to the Cabinet.

The Leader of the Council advised the Committee that had he been aware of Dover Town Council's intention to hold a public meeting on 20 January 2010 to consult on this issue he would have asked the Head of Property, Leisure and Waste Management to consider delaying the closure of the toilets.

The Head of Property, Leisure and Waste Management stated that the cleansing contract had a provision for variation in the amount of work required without requiring compensatory payment and this had been used following the closure of the toilets. In response to a question from Cllr Goodwin he advised that the Council had not yet removed any sanitary-ware from either of the two toilets although hand-driers and 'sanibins' on hire had been removed. Both the Maison Dieu and Buckland Bridge toilets could be returned to use in a relatively short time.

In response to a question from Councillor G Cowan it was stated that discussions were ongoing with the Sea Sports Centre over the option of it providing access for the public to its toilets as an alternative to the seafront public toilets.

The Committee was advised that the option of introducing a charge for using the District's public toilets had been rejected, as it was not cost effective to do so based on the estimated number of users and the costs involved in collecting and processing cash.

There was concern expressed by members of the Committee that discussions between Dover Town Council and Dover District Council had not been as productive as had happened elsewhere in the District. The committee was advised that Dover District Council remained receptive to entering into negotiations with Dover Town Council over the future provision of public toilets in the town.

- RESOLVED: (a) That it be recommended to Cabinet:
- (i) That this committee encourages Dover District Council and Dover Town Council to positively engage over the continued provision of public toilets in Dover and that clear lines of communication be established for this purpose.
 - (ii) That all options for the continued provision of public toilets be explored.
 - (iii) That the Committee express its concern over the timing and period of notice given for the closure of the public toilets at Maison Dieu and Buckland Bridge.
- (b) That the Chief Executive's comment that the closure of the public toilets at Maison Dieu and Buckland Bridge is a temporary decision be noted.
- (c) That the progress of negotiations with Town and Parish Councils on the provision of public toilets be reported to a future meeting of the Scrutiny (Policy and Performance) Committee.

(Councillor G Cowan declared a personal interest by reason of his registerable interest as a member of Dover Town Council.)

375 FORWARD PLAN

The Democratic Support Officer presented the Forward Plan to the committee for its consideration.

- RESOLVED: (a) That the Forward Plan be noted.
- (b) That a decision on whether to include Item 26 (to consider entering into agreements for Higher Level Stewardship funding) on the work programme be delegated to Chairman of the Committee in consultation with the Controlling Group Spokesperson.

376 SCRUTINY WORK PROGRAMME

The Democratic Support Officer presented the Scrutiny Work Programme to the committee for its consideration. The Committee was advised that the rescheduling of the budget scrutiny meeting to February 2010 would require adjustments in the work programme accordingly.

RESOLVED: That the scrutiny work programme be noted.

377 EAST KENT JOINT SERVICES – STRATEGIC CASE

The Chief Executive presented the East Kent Joint Services – Strategic Case report to the Committee. The Chairman provided a summary of the events of the meeting of the East Kent (Joint Scrutiny) Committee held on 14 January 2010 and a draft of the Minutes were circulated to the Committee.

The Head of Finance and ICT emphasised to the Committee that the report was focussed on the strategic case for joint services and did not have the same level of detail, as a business case analysis would do. At this point Members were being asked to sign up to the principle of joint working and the framework within which the individual business cases for services would be developed.

The Committee noted the position of Shepway District Council in respect of joint services and was reassured that a model based on three authorities was still viable.

RESOLVED: That it be recommended to the Cabinet that decision CAB 90 be endorsed and the report as set out at Annex 1 of the report entitled 'East Kent Joint Services – Strategic Case' be approved as an appropriate basis for progressing joint services with the Council's East Kent Partners.

378 EAST KENT WASTE PROJECT

The Head of Property, Leisure and Waste Management presented the report on the East Kent Waste Project to the Committee.

The Committee gave consideration to the level of service that would be received across the District and sought reassurances that the projected savings would be delivered by the legally binding framework set out in the Memorandum of Understanding.

In response to points raised by members of the committee, the Head of Property, Leisure and Waste Management stated that those households that were not provided with wheeled refuse bins under the new contract would still continue to receive a weekly waste collection.

RESOLVED: That it be recommended to the Cabinet:

- (a) That Cabinet decision CAB 91 be endorsed as follows:
 - (i) That, subject to (b), the Council's support and commitment to the East Kent Waste Project be confirmed by endorsing the Memorandum of Understanding set out at Annex 1 to the East Kent (Joint Arrangements) Committee report of 25 November 2009.

- (ii) That the Solicitor to the Council be authorised to approve any amendments to the Memorandum of Understanding considered necessary in order to achieve agreement between the parties, provided that any such amendments are consistent with the overall purpose of the document.
 - (iii) That the Chief Executive be authorised to sign the Memorandum of Understanding on behalf of the Council.
 - (iv) That the Head of Property, Leisure and Waste Management, in consultation with the Portfolio Holder for Environment, Waste and Planning, be authorised to take all necessary steps to progress the project together with the partner authorities, including finalising the legal agreement (based upon the Memorandum of Understanding) with the project partners.
- (b) That the Cabinet be requested to guarantee that every household in the District will receive weekly waste collections including food waste for the duration of the contract.

The meeting ended at 9.20 pm.