

ITEM 6

Call-In resulting in referral back to Council Cabinet of the Key Decision to close the Public Toilets – Council Cabinet Response

MINUTE EXTRACT

Time began	6.00pm
Time ended	7.15pm

COUNCIL CABINET 28 OCTOBER 2008

Present: Councillor Jones (Chair)
Councillors Allen, Care, Carr, Naitta, Skelton and Troup

In attendance: Councillors Hickson and Williamson

This record of decisions was published on 30 October 2008. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

114/08 Late Items Introduced by the Chair

In accordance with Section 100(B) (4) of the Local Government Act 1972, the Chair agreed to admit the following late item on the grounds that it could not wait until the next meeting.

- Call –in of Key Decision

120/08 Call-in of Key Decision

The Council Cabinet considered a report on the Call-in of Key Decision. In accordance with Overview and Scrutiny Procedure Rule OS36, the Monitoring Officer called in for scrutiny a decision in respect of the Environmental Services Budget Implementation - Public Toilets (Minute Number 92/08) made by Council Cabinet at its meeting on 30 September 2008. The call-in meeting of the Community Commission took place on 17 October 2008 and at that meeting the Commission resolved that in making its decision Council Cabinet had breached the following principles of decision making:

- b) due consultation and the taking of advice from officers
- c) respect for human rights
- d) clarity of aims and desired outcomes

The Community Commission resolved to refer the decision back to Council Cabinet for reconsideration. Members considered:

- a) That there should have been proper consultation with the public on the proposed toilet closures
- b) The effect on the human rights of the groups likely to be most affected by the closures should have been considered in detail and fully addressed
- c) That in all cases viable alternatives to the toilets proposed for closure should have been identified and agreement to allow the use of those facilities should have been obtained from the persons/organisations responsible for them.

Decision

To reaffirm the previous decision.

- End of extract -

Also relevant are subsequent resolutions of the Council.

COUNCIL 19 NOVEMBER 2008

Minute 61/08 [part]

It was moved by Councillor Jones and seconded, to approve the minutes and recommendations of the Council Cabinet dated 30 September 2008.

It was moved by Councillor Hickson, and seconded, that the motion be amended by the addition of the following words:

With the exception of paragraph 5 of the resolution in minute number 105/08 which be amended to read:

“To recommend Council approve the Revenue and Budget Strategy, subject to provision being made for the retention of all public conveniences, including those scheduled for closure, and to substitute the existing corporate priorities for the ones proposed.”

The amendment was put to the meeting and carried.

Resolved to approve the minutes and recommendations of the Council Cabinet dated 30 September 2008, as amended.

- End of Extract -

COUNCIL
16 DECEMBER 2008

Resolution (1) Closure of Public Conveniences

“Council notes with concern the Lib Dem administration’s proposal to close 10 public conveniences in the city.

Council recognises that Derby’s population has an increasing percentage of older people and many young families who need access to public conveniences.

Council believes the Council Cabinet’s proposal will discriminate against a large number of local people who will be excluded from utilising and enjoying the city’s new and improving facilities.

Council is opposed to the Lib Dem administration’s plans and therefore calls on the Council Cabinet to reverse its decision and consider ways of increasing the number of public conveniences rather than reducing them.

In view of the recent public statements by the Leader of the Council and Councillor Naitta, Council supports the retention of all 10 public toilets that were earmarked for closure.”

Please note: the above resolution is due to be considered by the Council Cabinet on Tuesday 13 January. The outcome will be included in the Record of Decisions published electronically on Thursday 15 January.