

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 9 November 2023**

#### **Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.34 pm

#### **18 Minutes of the previous meeting held on 12 October 2023**

The minutes of the previous meeting held on 12 October 2023 were signed as a true and accurate record.

#### **19 Declarations of interest**

Cllr P Arnott – Minute 23; Affects Non-Registerable Interest: Member of Colyton Parish Council.

Cllr B Bailey - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr I Barlow - Minute 23; Affects Non-Registerable Interest: Member of Sidmouth Town Council, which pays for a large number of its public toilets.

Cllr J Brown - Minute 23; Affects Non-Registerable Interest: Member of Honiton Town Council.

Cllr M Goodman - Minute 23; Affects Non-Registerable Interest: Member of Sidmouth Town Council, which pays for a large number of its public toilets.

Cllr J Heath - Minute 23; Affects Non-Registerable Interest: Member of Beer Parish Council, which has public toilets due for renovation over 2024-2025.

Cllr N Hookway - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr T Dumper - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr C Nicholas - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllrs G Jung, wished it to be recorded for minute 23 that he is Portfolio Holder for Coast, Country and Environment.

Cllrs P Fernley and T Olive wished it to be recorded for minute 23 that they are Assistant Portfolio Holders for Coast, Country and Environment.

#### **20 Public Speaking**

No members of the public had registered to speak at the meeting.

21 **Matters of urgency**

There were no matters of urgency.

22 **Confidential/exempt item(s)**

There were no confidential or exempt items.

23 **Public Toilets update report**

The Assistant Director – Place, Assets and Commercialisation introduced this update report which set out the background to the Public Toilets Review Project, the progress to date, next steps and current timetable implications.

The context for the report at this time was explained as:

- a) It is an opportunity to update Members more widely on the fundamentals of the Public Toilets Review, the progress made so far and the next steps. Through doing so, using our Membership to ensure the wider public is better informed. There was lots of attention by Members and the public on this back in 2021 at the time of the public consultation and the various Overview and Cabinet reports, an update to All Members back in March this year, but whilst there has been lots going on in the background by Officers, with a large number of newly elected Members back in May, and the fact that the project is going 'public' shortly with planning applications being submitted, now is a very timely opportunity to update.
- b) We are at a bit of a crossroads in terms of how we move specific challenging elements forward, and hence as Officers and as a Cabinet would welcome feedback from Overview Committee on next steps in terms of moving this project forward.

Discussion and clarification included the following points:

- It is not a statutory requirement for a district council to provide public toilets and no funding for them is provided by central government. Publicly accessible toilets are a basic necessity however, particularly for the elderly, disabled and young children, and East Devon is a tourist area with visitors expecting a suitable provision.
- It would be appropriate for this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to ask other councils in Devon and Cornwall to also do so.
- In accordance with an existing Cabinet decision, charging for use of public toilets on Category A sites will be implemented at such time as those sites reopen following the build projects, with new facilities. It is expected to cost £250k to install paid access and this will enable the Council to charge people when they enter the cubicles, at a currently agreed rate of 40 pence per use. The paid access equipment will also be a means of measuring the amount of usage.
- One Member raised that a council in Cornwall is installing a system whereby only tourists pay to use public toilets and suggested EDDC consider a similar system for toilets on Category A sites, given that most residents already pay Council Tax. She added that the charge per use could be increased to 50 pence. Another Member suggested exploring alternative ways of financing the toilets such as sponsoring and advertising or asking people to donate.
- The Assistant Director – Place, Assets & Commercialisation stated that charging for public toilets is an existing Cabinet decision and to undo an element of this would have implications on revenue requirements moving forward, and impact on the financial business case.

- Some concerns were raised by Members on the increasing cost estimate for delivery of the Category A investment works. The Assistant Director – Place, Assets & Commercialisation confirmed that considerable expertise by consultants had gone into calculating the build costs on the Category A sites, their costs being provided for within the capital budget. Work will be tendered but costs are high, the design has adapted since the earlier estimates to ensure best practice is adopted and there has been considerable build cost inflation since the earlier estimates were produced. Furthermore, to withstand heavy public usage and to withstand abuse, building materials are costly. All kit will be robust to withstand high usage, with facilities designed such that they are easy to clean and maintain. It was clarified that costs include demolition and removal of old structures.
- Two suppliers of public conveniences have reported that sales of self-cleaning cubicles have dropped off as they have proven ineffective and do require additional cleaning. Specification for toilets on Category A sites is therefore for easy-cleaning vandal-proof toilets, but not self-cleaning.
- Officers are in regular contact with the Department for Levelling Up, Housing and Communities (DLUHC), and they are aware that this Council is not in a position to deliver the Changing Places facilities by the specified deadline of 31<sup>st</sup> March 2024, this being a condition of the grant funding. However, it is anticipated based on communications to date that the funding will still be available to complete the facilities if this Council remains in communication with DLUHC and is able to demonstrate that at the very least, planning permission is in place and contractors appointed by that date.
- The Committee considered reasons why town and parish councils have been unwilling to take on public toilets at Category B and C sites. It was understood that reasons include the level of financial risk, and the amount of control that EDDC still required over the use of the sites, as set out in the heads of terms previously consulted on. It was suggested by Members that those Councils would favour freehold transfer instead.
- It was noted that Lympstone and Woodbury Parish Councils and Ottery Town Council have to manage their own public toilets and the Ward Members for these areas were of the view that other town and parish councils should not be subsidised by EDDC and should pay for their own public toilets if these are to stay open.
- It was suggested by Members that EDDC could consider extending the revenue budget to keep toilets open at Category B and C sites for a further 12 months from 31 March 2024, to allow for further negotiations with town and parish councils to take place, including around potential freehold disposals. The Assistant Director – Place, Assets & Commercialisation stated that whilst this would allow time to deal with the process if we were to remain firm to agreed timescales, it was not possible to know what the outcome of the process would be.
- It would be appropriate for Ward Members to facilitate negotiations by engaging in positive discussions with town and parish clerks to disseminate the message that, unless funding is provided by central government, towns and parish councils will need to step forward to maintain a toilet provision at Category B and C locations if they are to stay open, as EDDC will be unable to do so and it is uncertain at this stage whether commercial businesses will take on this role.

### **RECOMMENDED to Cabinet**

1. To extend the closing date and any necessary revenue budgets for Category B and C sites until 31<sup>st</sup> March 2025 to allow a further 12 months to enable an urgent revisiting of negotiations with town and parish councils to look at freehold disposals and other changes to the offer according to a specified timetable and including a renewed effort through Ward Members to engage town and parish councils, with the reality of reduced or removed public toilet provision at the sites should agreement not be reached.
2. For this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to invite other councils in Devon and Cornwall to also do so.

The Director of Governance and Licensing introduced this item and ran through the core principles set out in the draft protocol with a view to ensuring that the role of the scrutiny committees and the relationship with Cabinet is clear, effective and consistent with best practice.

Members were invited to consider and recommend changes to the draft protocol, and to recommend it for approval in early 2024 alongside any changes recommended by the Scrutiny Committee and Cabinet and taking into account any feedback from the review by the Centre for Governance and Scrutiny.

Discussion and clarification included the following points:

- There is an expectation that reports submitted to the Overview and Scrutiny Committees would normally be authored by Officers.
- It would be helpful to distinguish within the draft protocol between the Scrutiny Committee and the Overview Committee.
- The Constitution allows for Assistant Portfolio Holders (APHs) on the membership of Overview Committee; however, one Member was of the view that this makes the Committee more Cabinet-led than it should be. Other Members stated that they were comfortable with APHs on the Overview Committee membership on the understanding that they could absent themselves from the meeting for items that were particularly contentious and related to their portfolio. The Director of Governance and Licensing clarified that the statutory guidance is clear that APHs can sit on Overview and Scrutiny Committees but cannot take part in discussions relating to matters that they have been involved in in their APH role.
- The Overview and Scrutiny Committees can invite other organisations and external bodies in, for matters which are of relevance to the district.

## **RESOLVED**

That the Overview Committee agrees the draft protocol subject to Members comments being taken into consideration.

## 25 **Work Programme 2023-2024**

The Overview Committee's Work Programme 2023-2024 was received and noted.

The Chair informed Members of the format for the Joint Budget Meeting of the Overview and Scrutiny Committees scheduled for 11 January 2024.

### **Attendance List** **Councillors present:**

B Bailey  
J Brown  
T Dumper  
P Fernley  
A Hall (Chair)  
J Heath  
V Johns  
M Martin  
C Nicholas  
T Olive

H Riddell

**Councillors also present (for some or all the meeting)**

P Arnott  
I Barlow  
C Brown  
P Faithfull  
M Goodman  
P Hayward  
N Hookway  
S Jackson  
G Jung

**Officers in attendance:**

Tim Child, Assistant Director Place, Assets & Commercialisation  
Andrew Hancock, Assistant Director StreetScene  
Sarah James, Democratic Services Officer  
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)  
Jorge Pineda-Langford, Principal Building Surveyor, Property & FM

**Councillor apologies:**

Y Levine  
D Wilson

Chair: .....

Date: .....