

**OVERVIEW AND SCRUTINY
COMMITTEE**

6.00 P.M.

3RD MARCH 2009

PRESENT:- Councillors Stuart Langhorn (Chairman), Emily Heath (Vice-Chairman), Susan Bray, Mike Greenall, Val Histed, Roger Plumb, Roger Sherlock, Jude Towers and Tina Clifford (substitute for Karen Leytham)

Apologies for Absence

Councillors Karen Leytham & Jon Barry (Cabinet Member with responsibility)

Also Present

Councillors Abbott Bryning, Bob Roe, Sarah Fishwick & Jean Dent
Councillors Ken Brown, Keith Budden, June Ashworth, John Barnes & Roger Dennison

Cabinet Members Observing

Councillors John Gilbert, Jane Fletcher, Evelyn Archer, David Kerr, Eileen Blamire, Shirley Burns, Susie Charles & Roger Mace

Officers in attendance:-

Mark Cullinan	Chief Executive
Peter Loker	Corporate Director (Community Services)
Mark Davies	Head of City Council (Direct) Services
Stephen Metcalfe	Principal Democratic Support Officer
Liz Bateson	Senior Democratic Support Officer

54 REQUEST TO CALL-IN CABINET DECISION - PUBLIC TOILET REVIEW - CABINET MINUTE 140

It was noted that the meeting had been summoned in accordance with Section 100A (6) of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985. A decision was required urgently by virtue that any recommendation from the Overview and Scrutiny Committee for Cabinet to reconsider would have budgetary implications and would need to be considered by Cabinet prior to Budget Council on 4th March, 2009.

Members were advised that the Cabinet decision in relation to the Public Toilet Review – Cabinet Minute 140, had been Called-in by the following 5 Members:

Councillors Val Histed, Susan Bray, Bob Roe, Jean Dent and Sarah Fishwick.

Members were informed that the Call-in had been made on the basis that the decision had not been made in accordance with all the principles set out in Article 13 (Decision Making) of the Constitution, in particular:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome)
- (b) Due consultation and the taking of professional advice from Officers
- (c) Respect for human rights.

The Chairman acknowledged the receipt of a number of letters relating to the decision of Cabinet to close the public toilets and informed the meeting that these had been circulated to Members of the Committee.

The Chairman outlined the procedure to be followed and invited Councillor Bray to summarise the reasons for the Call-in.

The Chairman invited Councillor Bryning as Leader of the Council to explain the reasons for the decision of Cabinet.

The Leader informed the meeting that if the Overview and Scrutiny Committee resolved to refer the decision back to Cabinet, it was his intention to propose that the public toilets remain open with the exception of those at Regent Road and those adjacent to the Dome as there were alternative facilities in those areas.

The Chairman addressed the Committee in view of comments made by the Leader.

It was proposed by Councillor Langhorn and seconded by Councillor Bray:

“That the Overview and Scrutiny Committee recommend to Cabinet that the toilets remain open with the exception of Regent Road and those adjacent to the Dome.”

By way of an amendment which was accepted as a friendly amendment by the mover and seconder of the original proposition, it was proposed by Councillor Sherlock and seconded by Councillor Plumb:

“That the Overview and Scrutiny Committee recommend to Cabinet that the Parish Councils be consulted as to whether they would be prepared to take over the toilets in the long term.”

Upon being put to the vote Members voted unanimously in favour of the proposals, whereupon the Chairman declared the proposals carried.

By way of further amendment it was proposed by Councillor Heath and seconded by Councillor Towers:

“That the Council continues to look into the possibility of providing alternative or additional public toilets through a community scheme, such as the Richmond Scheme.”

Upon being put to the vote 4 Members voted in favour of the proposal and 5 Members against, whereupon the Chairman declared the proposal to be lost.

Resolved:

- (1) That the Overview and Scrutiny Committee recommend to Cabinet that the toilets remain open with the exception of Regent Road and those adjacent to the Dome.

- (2) That the Overview and Scrutiny Committee recommend to Cabinet that the Parish Councils be consulted as to whether they would be prepared to take over the toilets in the long term.”

Chairman

(The meeting ended at 6.30 p.m.)

**Any queries regarding these Minutes, please contact
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ebateson@lancaster.gov.uk**