

**OVERVIEW AND SCRUTINY
COMMITTEE**

5.00 P.M.

30TH NOVEMBER 2009

PRESENT:- Councillors John Gilbert (Chairman), Susan Bray (Vice-Chairman), Roger Plumb, Bob Roe, Sylvia Rogerson (Substitute for Val Histed) Roger Sherlock and Morgwn Trolinger

Apologies for Absence:

Councillors Val Histed, Karen Leytham and Jude Towers

Also Present:

Councillors Jon Barry, Roger Mace, Sarah Fishwick and Tony Johnson

Cabinet Members observing:

Councillors Evelyn Archer and June Ashworth

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

31 DECLARATIONS OF INTEREST

Councillor Fishwick declared a personal interest as a Parish Councillor for Silverdale, Councillors Roe and Johnson declared a personal interest as members of Carnforth Town Council as the future of the public toilets in both of these locations was being considered as part of the Call-in.

32 REQUEST TO CALL-IN CABINET DECISION - OPTIONS FOR PUBLIC TOILET PROVISION IN THE DISTRICT FROM 2010/2011 - CABINET MINUTE 81

Members were advised that the Cabinet decision in relation to Options for Public Toilet Provision in the District 2010/2011 – Cabinet Minute 81 – had been Called-in by the following 5 Members.

Councillors Bob Roe, Susan Bray, Val Histed, Sarah Fishwick and Tony Johnson.

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)

- (c) Respect for human rights
- (d) A presumption in favour of openness
- (e) Aims and desired outcomes will be clearly expressed

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

The Chairman invited Councillor Barry as Cabinet Member with responsibility for City Council (Direct) Services to explain the reasons for the decision of Cabinet. Councillor Mace informed the meeting that he had voted against the decision and advised of his reasoning.

The Chairman invited signatories to the Call-in to ask questions and Councillor Barry and the Head of City Council (Direct) Services responded.

The Chairman invited Members of the Overview and Scrutiny Committee to ask questions and Councillor Barry, the Corporate Director (Community Services) and the Head of City Council (Direct) Services responded.

**The meeting adjourned at 6.05pm to enable the signatories to prepare a proposal.
The meeting reconvened at 6.15pm**

On behalf of the signatories it was proposed by Councillor Bray and seconded by Councillor Roe:

- (1) "That it be recommended to Cabinet that the decision of the proposed closure of toilets should be deferred for 12 months until such time that the costs have been provided and fully discussed with all the parish councils and a full assessment of any businesses or any other party that may be interested in the community toilet scheme.
- (2) That a full report be prepared including all costs and implications and provided to the Overview and Scrutiny Parish Council Funding Task Group prior to them reporting their findings."

The Chief Executive advised the meeting of the conflicting timescales with the Review and Audit of Parish Funding Task Group due to report in March 2010 and with the agreement of the proposer and her seconder, Councillor Bray withdrew recommendation 2.

It was proposed by Councillor Gilbert, seconded by Councillor Plumb and accepted as a friendly amendment by the proposer and seconder of the original proposition:

"That the decision of the proposed closure of toilets should be deferred for 3 months rather than 12 months."

Upon being put to the vote 6 Members voted in favour and 1 Member abstained from voting, whereupon the Chairman declared the proposition, as amended, to be carried.

Resolved:

That it be recommended to Cabinet that the decision of the proposed closure of toilets should be deferred for 3 months until such time that the costs have been provided and

fully discussed with all the parish councils and a full assessment of any businesses or any other party that may be interested in the community toilet scheme.

Chairman

(The meeting ended at 6.30 p.m.)

**Any queries regarding these Minutes, please contact
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