

**MAIDSTONE BOROUGH COUNCIL**

**MINUTES OF THE ENVIRONMENT AND LEISURE OVERVIEW  
AND SCRUTINY COMMITTEE MEETING HELD ON  
WEDNESDAY 26 AUGUST 2009**

**PRESENT:** Councillors Hinder, Mrs Hinder, Mrs Joy, Marshall, Mrs Marshall, Paine, Verrall and Wilson.

**APOLOGIES:** Apologies for absence were received from Councillors Mrs Blackmore, Butler, Mrs Gooch and Yates.

**30. The Committee to consider whether all items on the agenda should be web-cast.**

**Resolved:** That all items on the agenda be web-cast.

**31. Apologies.**

Apologies were received from Councillors Mrs Blackmore, Butler, Mrs Gooch and Yates due to their involvement in the production of the Overview and Scrutiny Review of Public Conveniences that would be discussed at the meeting.

**32. Notification of Substitute Members.**

It was noted that Councillors Mrs Hinder, Marshall, Mrs Marshall and Paine were substituting for Councillors Mrs Blackmore, Butler, Mrs Gooch and Yates respectively.

**33. Election of Chairman for the Duration of the Meeting.**

**Resolved:** That Councillor Mrs Hinder be elected Chairman for the duration of the meeting.

[Councillor Mrs Hinder in the Chair]

**34. Notification of Visiting Members.**

It was noted that Councillors FitzGerald and Moriarty were in attendance to present their reasons for call-in. Councillors Mortimer, Vizzard, Warner and F Wilson were visiting Members who wished to speak on Agenda Item 7, "Call-In: Public Conveniences". Councillors Ash, Garland, Greer and Mrs Ring were visiting Members who wished to keep a listening brief.

**35. Disclosures by Members and Officers:**

There were no disclosures.

**36. To consider whether any items should be taken in private because of the possible disclosure of exempt information.**

**Resolved:** That all items be taken in public as proposed.

### **37. Call In: Public Conveniences**

[At this stage Councillor Mrs Blackmore entered the room in order to act as a witness for the call-in.]

Councillor FitzGerald and Moriarty presented their reasons for call-in (statements attached at Appendix A) to the Committee.

The Cabinet Member for Environment, Councillor Mark Wooding, stated that he was surprised by some of the reasons for call-in, in particular those suggesting a lack of detail, as he considered the Overview and Scrutiny (O&S) report to be very detailed, and this was supported by additional detail in the Report for Decision. He also highlighted that alternatives to closure of public conveniences had been detailed in the O&S report. Councillor Wooding also suggested that calling in a decision based on an O&S report was also calling in the role of O&S and the Council's democratic processes. Councillor Wooding then raised a number of points in response to the call-in:

- His key aim was to improve the quality of public conveniences in the Borough, as these were in a sub-standard condition and suffered from misuse. He would prefer to provide 12 excellent facilities alongside a community toilet scheme than continue to provide more substandard facilities.
- The cost per use of some facilities in the Borough was very high due to low usage. This included the facilities at Parkwood and Shepway, and consequently the recommendation for closure of these had received cross-party support in the O&S report.
- Providing public conveniences cost the Council £600,000 per year which was the second highest cost in Kent.
- The Town Centre Management Street Scene sub-group had supported the closure of the Palace Avenue facilities. These facilities had high usage but were not in a good location, suffered from significant levels of misuse and were considered an eyesore.
- With regard to football teams using the Greens at Parkwood and Shepway, toilets were provided in the changing rooms.
- It was accepted that the Fairmeadow facilities were in a good position and were important for the river, however the High Street Regeneration programme was moving forward and they were on part of the site planned for redevelopment; it was important that the site was made suitable for marketing and redevelopment. It was hoped that a new facility could be included on the site as part of the redevelopment. These facilities also suffered from significant misuse and were already closed for part of the year when there was a threat of the river flooding.
- The facilities at Church Street and Fairmeadow would not be closed until alternatives were found.

- Community based schemes were working well in other councils, for example Richmond, and detailed work would be undertaken to implement this.
- The closure of public toilets in parishes was a last resort; it was hoped that the Council could work with parish councils to hand over responsibility as it was felt that they could manage the facilities more efficiently.

Councillor Annabelle Blackmore, Chairman of the Environment and Leisure Overview and Scrutiny Committee that produced the Public Conveniences Review, stated that the review demonstrated that the Council did not get best value when it came to the public conveniences that it managed. It was the Council's responsibility therefore to identify better ways of providing the service, although it was not a statutory requirement therefore the Council did not have a legal duty to provide public conveniences. Councillor Mrs Blackmore suggested that charging to use public conveniences was one option, but she did not believe anyone would consider this to be acceptable and even charging £5 per use in some areas would not cover the costs of maintaining the facilities. With regard to the potential inclusion of new public conveniences as part of the High Street Regeneration, it was suggested this kind of forward thinking was vital. In the case of the closure of the Church Street facilities, the offer of the Gateway as an alternative was likely which was extremely positive as the Council should demonstrate leadership and lead by example by opening up its facilities.

The Assistant Director of Environmental Services, Steve Goulette, stated that he welcomed any report that proposed improvements to services, and emphasised that the current public conveniences offer did not provide best value so this needed to be addressed.

The Head of Finance, Paul Riley, clarified some of the financial issues that had been raised. He highlighted that the discrepancies between the financial information in the O&S report and the Report for Decision were because the former used 2008-09 actual figures, while the latter used the 2009-10 estimate. The 2009-10 estimate did take into account the £20,000 budget strategy saving and the variance in maintenance costs. The cost of cleaning toilets in parks was around £56,000 each year and this included Whatman Park. With regard to the capital budget, if the public conveniences were not there to be maintained, there would be a reprioritisation and the money would be spent on other projects.

The Chairman then offered visiting Members the opportunity to speak.

Councillor Mortimer stated that if the Parkwood and Shepway public conveniences were closed, there would be no provision for people using the recreation grounds outside of football games. He also stated that the potential closure of the Palace Avenue facilities had been looked into several years ago but the idea had been rejected due

to a lack of alternative, and he raised concern that this was still the case today.

Councillor Warner expressed concern for those that needed access to public conveniences for medical reasons and emphasised that finance should not be a key driver in this decision. He felt that a community toilet scheme would have some benefits but would not be appropriate for everyone. Councillor Wooding emphasised that improving the quality of the service, not saving money, was the reason behind the decision.

Councillor F Wilson agreed that the public conveniences offer needed to be reviewed, but felt that the O&S report missed several key issues. The report identified that the Council spent more than all but one other local authority in Kent on public conveniences but did not identify why. Also, the report acknowledged the need for public conveniences in parks, but did not include the Fairmeadow facilities in this despite their location in the Millennium Linear Park. She also felt that there was not enough consideration of the river and tourism. With regard to the Palace Avenue facilities, she agreed that these needed to be dealt with, however this should have been considered as part of the wider regeneration of that area. These facilities were also used by homeless people in Maidstone and the Council had a responsibility towards them. With regard to surveys referenced in the O&S report, Councillor Wilson suggested that members of the public would not know which public toilets were provided by the Council and so even if the Council closed all of its public conveniences, the public could still think the Council offered a poor service. Councillor Wilson also emphasised that misuse of a facility was not a good enough reason for closure. Councillor Wooding agreed and confirmed that the issue of misuse would be addressed in those facilities that remained open. With regard to tourism, Councillor Mrs Blackmore highlighted that the Tourism Manager had been contacted as part of the O&S Review and informed the Committee that the Tourist Information Centre directed visitors to the lavatories in the Star Arcade rather than those maintained by MBC. Also, other authorities were able to provide a cheaper service as their facilities had been systematically updated over time, which was not the case in Maidstone.

Councillor Vizzard stated that he felt public consultation should have taken place, and that the report should be submitted to Full Council for a debate amongst all Members.

A number of issues were then discussed by the Committee:

#### Allington Public Conveniences

Councillor Wooding explained that a plan for the refurbishment of public conveniences had been agreed by the previous administration and the public toilets at Allington had been the first to be refurbished. For this reason, he was keen to monitor usage over the coming year

as a significant amount of public money had been invested. Usage was higher than for the facilities at Shepway or Parkwood.

#### Church Street Public Conveniences

A Councillor stated that there were unlikely to be alternatives to the Church Street conveniences which would cause problems if the facilities closed. The Mall was reasonably nearby but still too far for residents with young children, for example. Councillor Wooding confirmed that these facilities would remain open until a suitable alternative was found, taking into account the needs of all residents.

#### Fairmeadow Public Conveniences

Councillor Wooding agreed with a number of councillors that provision of public toilets near the river was important and he was keen to ensure that there was a suitable alternative that tied in with the High Street Regeneration project.

#### Shepway and Parkwood Public Conveniences

Councillor Wooding agreed that while toilets would be available for use at the Shepway and Parkwood recreation grounds when football matches were taking place, there would be no facilities available when the grounds were being used outside this time. However, work would take place to investigate a community toilet scheme in the area. Usage figures were low for these two facilities.

#### Palace Avenue Public Conveniences

Councillor Wooding stated that Town Centre Management had supported the closure of the Palace Avenue facilities.

#### Consultation

Councillor Mrs Blackmore highlighted that a survey carried out for the Image of Maidstone report in 2007-08 had shown that 41% of respondents considered Maidstone's public toilets to be in a poor condition. Budget simulator comments reflected this. Parish councils were also contacted whilst the O&S review was being carried out.

#### Parishes

Councillor Wooding highlighted that his decision agreed to consult with parish councils, and officers would, in addition, look into community based schemes in the rural and urban areas.

#### Footfall Figures

A Councillor raised concern that some of the footfall figures were obtained during the summer whilst others were obtained in late Autumn; it was felt that usage figures would inevitably be higher in

the summer. Councillor Mrs Blackmore agreed that it would have been preferable to have all figures obtained at a similar time, though Councillor Wooding stated that he did not believe this would have a significant impact on the figures.

#### Community Toilet Scheme

Councillor Mrs Blackmore highlighted that Appendix F to the O&S report outlined a number of businesses in Maidstone Town Centre that had shown an interest in taking part in a community toilet scheme. This showed that toilets would be available to the public from approximately 7 a.m. to midnight, an improvement on the Council's public conveniences which were available from 7 a.m. to 9 p.m.

A Councillor suggested that while a community toilet scheme could be very good as an overall strategy, it would not be so convenient for parents with young children or elderly residents. Councillor Wooding emphasised that the list of possible community toilet scheme locations was not exhaustive and was the result of preliminary work. When the decision had been taken to implement a community toilet scheme, more detailed work could take place. The only closures that would take place prior to the implementation of an alternative scheme were Palace Avenue, Shepway and Parkwood.

In response to a question about standards, Mr Goulette advised Members that proposed criteria for community based facilities were included as Appendix C to the Report for Decision.

#### Finance

A Councillor asked whether the £5,000 allocated for website improvements was correct. Mr Goulette explained that this was an estimate and would allow for a consultant to be hired to improve the website at short notice, though efforts would be made to keep this cost to a minimum.

The Committee then voted on what action to take and it was agreed to take no further action on the decision. Councillors Joy, J Wilson and Mrs Marshall asked that their dissent from this decision be noted.

**Resolved:** That the Cabinet Member for Environment's decision with regard to Public Conveniences be implemented as taken on 14 August 2009.

### **38. Duration of the Meeting.**

6:30 p.m. to 8:30 p.m.