

Maidstone Borough Council

Environment and Leisure Overview and Scrutiny Committee

26 August 2009

Call-In: Public Conveniences

Report of: Overview and Scrutiny Officer

1. Background

- 1.1. Councillors FitzGerald and Moriarty have called-in the decision of the Cabinet Member for Environment with regard to Public Conveniences.
- 1.2. In order to assist Members in their consideration of this issue the following documents have been attached to this agenda:

Document
Call-in Form
<i>Report for Decision:</i> Report of the Assistant Director of Environmental Service - Public Conveniences.
<i>Record of Decision of the Cabinet Member for Environment:</i> Public Conveniences.
Public Conveniences Review – Report of the Environment and Leisure Overview and Scrutiny Committee.

- 1.3. The Cabinet Member for Environment, Councillor Mark Wooding, the Environment and Leisure Overview and Scrutiny Committee Chairman, Councillor Mrs Blackmore, and the Assistant Director of Environmental Services, Steve Goulette will be in attendance at the meeting for interview.

2. Recommendation

- 2.1. The reasons for calling-in the Cabinet Member's decision are stated as:

"Lack of financial detail / information / discrepancies in funding.
Inequality of decision.
Premature decision in advance of alternatives being in place.
No consideration to alternative solutions in the urban area before closing."

- 2.2. The Committee should consider the decision of the Cabinet Member against the above reasons.
- 2.3. Having considered the call-in the Committee has three options for action with regard to the Cabinet Member's decision:

- (i) **Take no action** – the decision will be implemented as taken by the Cabinet Member on 14 August 2009.
- (ii) **Refer to the Cabinet Member**– the comments of the Committee will be referred to the Cabinet Member for reconsideration of the decision within five working days, after which a final decision will be made.
- (iii) **Refer to Council** – the comments of the Committee and decision of the Cabinet Member will be referred to Council. If Council does not object to the Cabinet Member’s decision it will be implemented. If Council does object, it does not have power to make a decision unless the Cabinet Member’s decision is against the policy framework or contrary to or inconsistent with the budget. Unless that is the case, Council will refer its comments back to the Cabinet Member for reconsideration of the decision within five working days, after which a final decision will be made.

2.4 Councillors may also choose to take no action on the decision itself (i.e. allowing it to be implemented as taken) but request further information or clarification on issues raised during the call-in. This information must be provided within one month, as is the case with ordinary requests and recommendations from Overview and Scrutiny.

3. Reasons for Urgency

3.1 Call-ins of Cabinet decisions must be heard within ten working days of the expiry of the call-in period. The completed call-in form was received by the Acting Overview and Scrutiny Manager on 21 August 2009 and the call-in period expired on 21 August 2009. The Chair of the Environment and Leisure Overview and Scrutiny Committee has agreed to take the call-in at an urgent meeting of the Committee on 26 August 2009.