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COUNCIL

Minutes of a Special Council Meeting held on Thursday 8 March 2018 in the Council Chamber, Town Hall, Matlock at 6.00pm.

PRESENT

Councillor Richard FitzHerbert - In the Chair

Councillors Deborah Botham, Richard Bright, Sue Bull, Martin Burfoot, Sue Burfoot, Albert Catt, David Chapman, Tom Donnelly, Ann Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Alyson Hill, Susan Hobson, Neil Horton, Vicky Massey Bloodworth, Tony Morley, Dermot Murphy, Joyce Pawley, Lewis Rose OBE, Mark Salt, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell and John Tibenham.

Dorcas Bunton (Chief Executive), Sandra Lamb (Head of Corporate Services), Tim Braund (Head of Regulatory Services), Karen Henriksen (Head of Resources), Ashley Watts (Head of Community and Environmental Services), Mike Galsworthy (Estates and Facilities Manager), Jim Fearn (Communications and Marketing Manager), Chris Laver (Democratic Services Team Leader), James Riggott-Collins (Corporate Support Apprentice) and Jackie Cullen (Committee Assistant).

7 members of the public.

APOLOGIES

Apologies for absence were received from Councillors Jason Atkin, Graham Elliott, Tony Millward BEM, Jean Monks, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Andrew Shirley, Philippa Tilbrook and Joanne Wild.

PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Cllr. David Mallaband (Middleton by Youlgrave Parish Council) made a statement about Middleton By Youlgrave Public Convenience which were leased, by the Parish Council to the District Council until 2043; Mr Roger Truscott and Cllr. Dick Foxon (Over Haddon Parish Council) made a statement on the additional levy of car parking fees towards maintenance of the Over Haddon Public Convenience and proposed that cleaning of the facility should revert to the District Council; and Mr John Coffey (Owner of 'Matlock Boats & Trains' at Hall Leys Park) made a statement about the importance of Hall Leys Park Public Convenience, being used primarily by small children.

A schedule of late representations received after publication of the Agenda was circulated prior to the meeting.

336/17 – REVIEW OF PUBLIC CONVENIENCES – FINAL REPORT

Councillor Alyson Hill arrived at 6.18pm during discussion of this item.

The review of public conveniences was an outcome of the 2017 Savings, Transformation, Efficiency and Performance (STEP) programme approved by the Governance and Resources Committee. The STEP programme is a quick and efficient means of reviewing services which can progress into a full review where significant savings are required, to contribute towards the overall savings target identified in the Medium Term Financial Plan (MTFP), and for driving improvement. This was the case for the Public Convenience Review.

District Council has a savings target of £1.m by 2020/21 The Efficiency Plan, prepared in support of the Medium Term Financial Plan was approved by the Council on 5 March 2018. In approving the Plan, Council agreed to the need in principle to make significant savings in the cost of providing and maintaining public conveniences. The report set out how those savings may be achieved.

Following a 6 week public consultation exercise it became clear in discussions with town and parish councils that the £3,000 per facility set aside as an incentive to enter into a Community Asset Transfer was insufficient. In consultation with the Chairman of the Community and Environment Committee and Leader of the Council, the Head of Corporate Services was given delegated authority to increase that offer to include the estimated cost of backlog repairs, and be roughly in line with one year's running costs of the facility. The full results of the consultation were listed as a background paper to the report and were available on request. The highlights in general terms were listed in the report and a summary of the comments received was tabled as Appendix 2 to the report. An equalities impact assessment had been completed reflecting on the result of the consultation with due regard to the proposals in the report. The Assessment was set out in Appendix 5 to the report.

The composition of the working group and the review methodology in assessing the sites were detailed in the report, together with the findings and analysis in respect of each of the methods tabled in paragraph 3.1.

A detailed analysis of the current facilities and the cost of providing them (based on the outturn of the 2016/17 budget) was attached as Appendix 1 to the report.

Where closure may be an option of last resort, the criteria to be used to evaluate the facilities were listed in paragraph 4.13 of the report. The schedule shown at Appendix 4 (updated) to the report assessed each facility against these criteria, with an added consideration on the viability to charge.

Consultation so far had confirmed the high level of importance placed on the availability of toilets available for public use by residents, visitors and community groups alike. Therefore, to achieve a balanced approach to rationalisation, the following options had been explored, as detailed in the report:

- Status Quo
- Cease providing the service
- Rationalise stock

- Externalise the service to private contractor

The report recommended charging for the use of certain facilities; the closure of some facilities; the adoption of a Community Toilet Scheme (attached as Appendix 3 to the report), and the future adoption of a Public Convenience Strategy.

337/17 – COMMUNITY ASSET TRANSFERS

Several meetings with representatives of town and parish councils were attended during the review period to provide information on the review and to discuss and negotiate terms for potential Community Asset Transfers. Comments received from town and parish councils are incorporated into the response schedule at Appendix 2.

One of the main talking points and potential barriers to a Community Asset Transfer was the prospect of taking on business rates without the ability of the District Council to offer a discount. The Local Government Finance Bill included draft provisions to enable a 50% reduction in rates to community councils. The Bill is currently shelved and it is unlikely however that it will be introduced into the legislative timetable in the near future.

It was noted that subject to formal agreement, and in line with the amended offer in respect of the incentive to enter into a Community Asset Transfer as set out above, the facilities at Ashford in the Water and Wirksworth were recommended for transfer to the relevant parish and town councils.

The decision in respect of the facilities at Eyam had been delayed by bad weather, however, it was considered that subject to confirmation with Eyam Parish Council, this transfer would take place on an experimental basis for the period of one year, as set out in the Recommendation.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED
(unanimously)

1. That the Community Asset Transfer of the facilities at Ashford in the Water and Wirksworth to the relevant parish and town councils are noted;
2. That the proposed one year lease to transfer the facilities at Eyam to the parish council in return for a 50% contribution towards running costs is noted.

338/17 – CHARGING

The Review identified the facilities that were considered suitable for charging and investigated a number of different models, one of which involved a car parking subsidy to supplement the income from toilets in rural car parks.

Public consultation showed that a majority of respondents were prepared to pay for the use of public conveniences, with 20p being the optimum charge identified.

The main learning points from a desk top survey of national trends in relation to charging were as follows:

- Charging for entry was proven as a means of reducing the opportunity for vandalism and anti-social behaviour.

- Charging enabled the Town Council to provide a higher level of cleaning standards.
- CCTV was installed near the premises to support staff from the perceived threat of abuse and generally in protecting the asset from vandalism and anti-social behaviour.
- Estimated footfall and income projections need to be dampened to cope with resistance to charge.
- Once charging is introduced local residents find alternatives and the main visitors to the facilities were judged to be the visitor economy.
- The Town Council was able to budget for a higher level of spend than the principal authority.
- Good quality conveniences were seen to be a boost to the local economy.
- Multiple coin options were a must to avoid visitors constantly asking staff for change.
- The staff were provided with top quality cleaning equipment.
- Income received enabled a discretionary service to continue maintain/improve standards.

The Head of Corporate Services advised the Council that with regard to Recommendation 3, the site at Baslow had been removed due to the condition of the facilities, and under Recommendation 4 a new site, Bakewell Recreation Ground, had been added.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED
(unanimously)

3. That charging for use is introduced at the following town centre facilities, open 52 weeks of the year:
 - a. Ashbourne Shawcroft
 - b. Bakewell, Granby Road
 - c. Matlock Hall Leys Park,
 - d. Matlock Bus Station
 - e. Matlock Bath Memorial Gardens;
4. That charging for use is introduced in the following rural convenience, open 26 weeks of the year:
 - a. Bakewell Recreation Ground;
5. That the fee for use of the District Council's charged for facilities is set at 20p for 2018/19.

339/17 – MIDDLETON BY YOULGRAVE

In response to one of the speaker's questions, the Head of Corporate Services advised that it was not feasible to revert back to year-round use of these facilities.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Chris Furness and

RESOLVED
(unanimously)

6. That the facility at Middleton by Youlgrave is retained as a 26 week per year facility during April to October each year without charge.

340/17 – INDIRECT FUNDING OF CONVENIENCES

Calculations were undertaken for those rural facilities where the estimated usage figures were high and where the strategic need for a facility could be justified, for example in tourist hot-spots. Whilst direct charging of users did not seem viable it was considered that a secondary system of charging through a supplement on the parking charges at adjacent car parks could enable enough income to be raised to maintain a number of these rural facilities. Therefore whilst it would require a change to the Car Parking Order it is recommended that an additional charge of 20p per visit is added to car parking charges in the following locations, in order to be directed to the maintenance of the public conveniences in those areas:

- Baslow
- Hartington
- Over Haddon
-

In response to one of the speaker's questions regarding the cleaning of the facilities at Over Haddon, the Head of Corporate Services advised that, subject to formal confirmation from the Parish council to the contrary, it was assumed that the Parish Council would continue to clean the facilities.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor David Chapman and

RESOLVED
(unanimously)

7. That formal consultation is undertaken as required, to consider the amendment of the Off Street Parking Order for the following proposal:
 - a. That the facilities at Baslow, Over Haddon, and Hartington are retained as rural conveniences and that a 20p levy for car parking spaces and £1 for coach parking, is introduced on the pay and display car parks in those named villages to make a direct contribution to the cost of maintenance;
 - b. That all monies received through the levy be directed to repairs and improvements at the specific locations listed above.

341/17 – FUTURE COMMERCIAL POTENTIAL

The Review critically examined the potential alternative use of facilities from a commercial viewpoint both in terms of sharing a current facility or to dispose of facilities recommended for closure and concluded that there was the potential to introduce a commercial element at Matlock Bus Station and Bakewell Recreation Ground.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Jacquie Stevens and

RESOLVED
(unanimously)

8. That business cases be presented to the relevant Committee in due course to scope the potential to introduce a commercial element at the facilities at the Bus Station, Matlock and Bakewell Recreation Ground.

342/17 – COMMUNITY TOILET SCHEME

The Community Toilet Scheme is an initiative, which could enable the District Council to offer grant aid to local businesses to allow the public to use their facilities. The Scheme may also provide public toilets in areas not currently served by a public facility.

58.05% of respondents to the online consultation favoured the introduction of a Community Toilet Scheme. However, the response from potential participants was low.

It was moved by Councillor Richard Bright, seconded by Councillor Tom Donnelly and

RESOLVED
(unanimously)

9. That the Community Toilet Scheme as set out in Appendix 3 to the report is adopted for use in 2018/19 and that the cost of grant awards is met from the repairs budget.

343/17 – POTENTIAL CLOSURES

Councillor Vicky Massey Bloodworth left the meeting at 7.00pm during discussion of this item.

The Community and Environment Committee agreed the following criteria for evaluation of the facilities where closure may be an option of last resort:

- Running costs proportionate to use
- Cost of maintenance and future liability
- Vandalism and anti-social behaviour
- Complaints
- Equality Act considerations
- Proximity to other facilities
- Potential alternative use of facilities from a commercial viewpoint.

Facilities that matched more than one of these criteria were considered to be at high risk of closure.

Public consultation to date had not focussed specifically on potential closures. Advice regarding the Council's Public Equality duty means that a period of public consultation should be undertaken prior to deciding on closures to assess the potential impact.

The Head of Corporate Services withdrew the facilities at Bonsall and Bradwell from the list of potential closures due to Title Register complications; these would be considered for Community Asset Transfers if possible.

Councillor Peter Slack requested a recorded vote on this item; this was seconded by Councillor Albert Catt.

It was proposed by Councillor Lewis Rose OBE, seconded by Councillor Tony Morley

That a 3 week period of public consultation takes place to assess the potential impact of the proposed closure of the following facilities:

- a. Ashbourne Recreation Ground, Cokayne Avenue
- b. Bakewell Riverside, Agricultural Way
- c. Birchover, Main Street
- d. Cromford, Market Place
- e. Darley Dale, Station Road
- f. Matlock Bath Artists Corner, Dale Road
- g. Matlock Bath Pavilion, South Parade
- h. Matlock Hall Leys Park Play Area, Knowleston Place
- i. Monsal Head
- j. Monyash
- k. Thorpe, Ilam Road.

An amendment was proposed by Councillor Joyce Pawley, seconded by Councillor Peter Slack

That Matlock Bath Artist's Corner be removed from the list and considered for retention of a toilet facility in association with a potential commercial use.

Voting:

For	5
Against	22
Abstentions	0

The Chairman declared the amendment LOST.

In accordance with Rule of Procedure 19 (d) Councillor Peter Slack and Councillor Albert Catt requested a recorded vote on this item.

The substantive motion was then put to the vote, as follows, and it was

RESOLVED That a 3 week period of public consultation takes place to assess the potential impact of the proposed closure of the following facilities:

- a) Ashbourne Recreation Ground, Cokayne Avenue
- b) Bakewell Riverside, Agricultural Way
- c) Birchover, Main Street
- d) Bonsall, The Dale
- e) Bradwell, Brookside
- f) Cromford, Market Place
- g) Darley Dale, Station Road
- h) Matlock Bath Artists Corner, Dale Road
- i) Matlock Bath Pavilion, South Parade
- j) Matlock Hall Leys Park Play Area, Knowleston Place
- k) Monsal Head
- l) Monyash
- m) Thorpe, Ilam Road

Voting:

In favour: Councillors Richard Bright, Sue Bull, Albert Catt, David Chapman, Tom Donnelly, Ann Elliott, Richard FitzHerbert, Helen Froggatt, Chris Furness, Alyson Hill, Susan Hobson, Neil Horton, Tony Morley, Dermot Murphy, Lewis Rose OBE, Mark Salt, Andrew Statham, Jacque Stevens, Colin Swindell and John Tibenham (20).

Against: Councillors Deborah Botham, Martin Burfoot, Sue Burfoot, Steve Flitter, Joyce Pawley and Peter Slack (6).

Abstentions: (0)

The Chairman declared the motion carried.

344/17 – CHARGING – FINAL DECISION

The Head of Corporate Services advised that Recommendation 11 should be amended to read: "... presented to a Special meeting of Council in April ..." in view of the 3 week consultation period.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED 10. That having regard to the results of the consultation identified
(unanimously) above, a report is presented to a Special meeting of Council in April 2018 to make an informed and final decision on whether or not to close the above facilities and any associated disposals of assets.

345/17 – DELEGATION ON FUTURE COMMUNITY ASSET TRANSFERS

Council were informed that Bonsall Parish Council were seeking a higher offer in respect of a Community Asset Transfer. The Head of Corporate Services advised that for consistency the agreed formula should continue and that she be allowed further time to negotiate with parish councils on the prospect of further Community Asset Transfers. The agreed formula was an offer based on the estimated cost of backlog repairs plus £3,000 and be roughly in line with one year's running costs of the facility.

It was moved by Councillor Richard Bright, seconded by Councillor Tony Morley and

RESOLVED 11. That the Head of Corporate Services be authorised to
(unanimously) continue negotiations with willing partners on the prospect of further Community Asset Transfers on the terms agreed in paragraph 1.2 of the report.

346/17 – STAFF

It was moved by Councillor Jacque Stevens, seconded by Councillor Tom Donnelly and

RESOLVED 12. That consultation continues to take place with the staff
(unanimously) employed to clean the facilities on the review generally and the potential to move to more flexible working hours.

347/17 – SIGNAGE AND ADVERTISING

It was moved by Councillor Chris Furness, seconded by Councillor Tony Morley and

- RESOLVED** (unanimously) 14. That the Communications and Marketing Hub be requested to include signage, sponsorship and advertising of public conveniences as part of its work plan for 2018/19.

348/17 – POTENTIAL TO OUTSOURCE THE SERVICE

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Jacquie Stevens and

- RESOLVED** (unanimously) 15. That a specification is drawn up to invite tenders to outsource the cleaning of the District Council's public convenience facilities during 2019/20;

349/17 – STRATEGY

It was moved by Councillor Susan Hobson, seconded by Councillor Peter Slack and

- RESOLVED** (unanimously) 16. That as a final step in the review of Public Conveniences, a policy on the provision of public conveniences is drawn up to reflect the final agreed principles of this Review.

MEETING CLOSED 7.26PM

CHAIRMAN