

Response to Scrutiny Committee recommendations on Minster Leas Modular Toilet Contract Award

The recommendation from Scrutiny to Cabinet, with responses, is as follows:

Recommendation	Response
<p>“That the Scrutiny Committee recommends to Cabinet that the report to Cabinet was inadequate to make a proper decision for the following reasons:</p>	
<p>Recommendation 1:</p> <p><i>The correspondence and views of Ward Councillors and the Parish Council should be referred back to Cabinet for their reconsideration.</i></p>	<p>The Head of Commissioning, Environment and Leisure acknowledged and apologised for not ‘formally’ consulting with SBC Ward members, however we refute that they weren’t made aware of the proposal. The Head of CELs attended a Minster Parish Council meeting on the basic principles of the project with Cllr Ingleton chairing the meeting on 19th September. Both Cllr Ingleton and Cllr Pugh are members of Minster PC. Furthermore, a summary of five possible locations for the toilet was sent to Minster PC which formed part of their agenda for the Planning and Transportation Committee on 9th January 2020. The PC expressed a preference for two sites. One corresponds to location B in the cabinet report, the other is close to location A but is further from the road, on the corner of the footpath that runs in a NW direction. This exact location was later excluded for technical reasons. Location A is a few paces from this preferred location.</p> <p>The Cabinet member for Environment and Head of CELs walked the site with Cllr Darby on 6th February and looked at the various locations. This informal meeting was not recorded in the report and we therefore acknowledge that Cllr Darby’s view was not represented.</p> <p>The agenda for the Cabinet meeting on 22nd April was published two weeks in advance and circulated to Members. Officers received no formal contact from the ward members prior to the meeting, therefore we could not have considered their views.</p> <p>The Head of CELs apologised for not including the Minster PC minutes within the report.</p> <p>Despite the Ward Members not being present at the Cabinet meeting to share their views, other members expressed the view that they were not supportive of Location A and preferred location B. There was an extensive discussion of the issues and a democratic vote which resulted in Location A being selected.</p>

<p>Recommendation 2</p> <p><i>Cabinet carry out a formal consultation with public to consider all location options.</i></p>	<p>The scheme falls within the Council’s permitted development rights as the building is below 4m in height and therefore consultation is not required.</p> <p>However, the Council issued a press release in the week before the Cabinet meeting. This resulted in an article in the local paper. The council received 6 letters of objection, 4 of which were identified as from residents of The Leas. Anti-social behaviour was a common concern. Three objected to any public toilet, 3 supported a public toilet but not at location A. Three suggested a toilet in the car park was preferable – a location that was not supported by Minster PC. One complained of anti-social behaviour in the car park.</p> <p>An open public consultation will likely only capture those living in near proximity and will not capture visitors who would be likely to benefit from the selected location as it will be more visible from the promenade. Furthermore, any consultation would need to detail the pros and cons of each location from a technical and visual amenity basis, which would be difficult to convey in a short survey. A long, technical consultation document may reduce the number of responses received.</p> <p>As with all projects, following an initial idea, research is undertaken into the options. It is perfectly normal for options to be discarded before presenting for final decision. In this particular project the five options were shortlisted to two in order to get the contractors’ views on feasibility. Two would have required major engineering to the sea wall defences, with one of those also having an impact on local wildlife. The officers confirmed at Scrutiny that we could not consult on locations that are not viable.</p> <p>The car park location was an initial consideration. This was eventually dismissed as it is furthest away from the beach/promenade, is at the top of a steep hill and the pedestrian access is difficult (especially for those with mobility issues) due to the pathways and car park (grasscrete) surface.</p> <p>Consultation on the range of options was undertaken with various members who agreed with the shortlist ahead of tender.</p>

	<p>Going to public consultation will require the cancellation of the current tender process. This will delay the installation of a much-needed facility, potentially cost the Council more in the current financial climate and run the risk of fewer tenders being received a second time around due to loss of confidence from the industry.</p>
<p>Recommendation 3 <i>Cabinet to retender again, based on the outcome of the public consultation as not all location options were considered by Cabinet</i></p>	<p>Re-tendering for multiple locations is not a plausible option. It will give further uncertainty to the industry, and would be likely to receive fewer bids than the current tender.</p> <p>We would therefore need to retender on one location only and give assurance to companies that it is an agreed location.</p> <p>It is refuted that Cabinet were not aware of the various locations as discussions had been held outside of the formal Cabinet meeting with a number of the members. Furthermore, 5 initial locations were mentioned in the Cabinet Report.</p>
<p>...and should be referred back to Cabinet with all of the points included above so that an adequate decision can be made.</p>	

In summary

It is acknowledged that mistakes were made in not detailing the Parish Council views in the report however Ward members had every opportunity to make their views known and did not. There was a thorough debate at Cabinet in which views in support of location B were expressed. A democratic vote resulted in Location A being selected.

Public consultation is acknowledged as important but was not required for this small-scale project. It would be hard to capture a full range of views given the dual usage of the facility by locals and visitors alike and the need to balance visual amenity with technical concerns. An article in the local paper had elicited responses from local residents.

The location and design of the toilet has been carefully considered by officers and members. The block, is small, can be clad in wood and will have a sedum roof, all of which will minimise the visual impact. Being placed in a convenient, open location is important to the utility of the development and will help to discourage an anti-social behaviour.