

**MINUTES** of the Meeting of the **PUBLIC CONVENIENCES SUB-COMMITTEE** held at the Council Chamber, Drake Road, Tavistock on **TUESDAY 20<sup>th</sup> AUGUST, 2019** at **6.30PM**

**PRESENT** Councillors J Ellis, A Hutton (ex officio), Mrs A Johnson, B Smith, H Smith, P Williamson (ex officio)

Councillors J Moody, G Parker (Ward Members)

**IN ATTENDANCE** Town Clerk, General Manager.

**123. ELECTION OF CHAIRMAN**

Nominations were invited for the election of Chairman of the Sub-Committee for the ensuing Civic Year.

A nomination was received in respect of Councillor H Smith.

RESOLVED THAT Councillor H Smith be elected Chairman of the Sub-Committee for the ensuing Civic Year.

**124. ELECTION OF VICE CHAIRMAN**

Nominations were invited for the election of Vice Chairman of the Sub-Committee for the ensuing Civic Year.

A nomination was received in respect of Councillor B Smith.

RESOLVED THAT Councillor B Smith be elected Vice-Chairman of the Sub-Committee for the ensuing Civic Year.

**125. APOLOGIES FOR ABSENCE**

There were no apologies for absence, all Members were present.

**126. DECLARATIONS OF INTEREST**

Councillor J Moody declared a personal non-prejudicial interest in the subject matter by virtue of membership of another Authority.

Noted That the views of the Solicitors to the Council were reported. Attention being drawn to the need for those Councillors who sat on

both the Town and Borough Council to establish whether or not they had

- an interest which arose under their respective Council Codes of Conduct;
- In addition, both for those Councillors and for the Council, to establish whether or not a commercial or contractual interest arose which might be prejudiced by participation in discussions involving commercially sensitive or confidential information.

This latter involved recognition both of a duty to keep certain information confidential, alongside a duty to declare knowledge in respective council chambers – a duty which was heightened should they also be an office holder in one or other of those organisations.

It therefore fell to each Member so affected to identify, insofar as confidential deliberations were concerned, in which forum (Town or Borough) they would participate and thereby affirm that they would not participate in the other place in such a way as to present a conflict of interest. Councillor J Moody confirmed that he would participate at the Town and not the Borough Council in respect of same.

#### **127. TERMS OF REFERENCE**

The Sub-Committee noted the Terms of Reference as set out in Minute No 92, namely – to be charged to review and make recommendations in connection with the proposed transfer and future operating arrangements (leading up to 1<sup>st</sup> April, 2020) of Public Conveniences scheduled to be transferred to the Town Council in order to facilitate a timely, informed and co-ordinated transfer of services.

### **EXCLUSION OF PRESS AND PUBLIC**

#### **128. PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

Pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, and having regard to the confidential nature of the business to be transacted it was:-

RESOLVED THAT the Press and Public be excluded from the Meeting for the following items of business.

## **129 PUBLIC CONVENIENCES IN TAVISTOCK**

**(CONFIDENTIAL** - by virtue of relating to matters of a legal, financial and contractual nature).

The Sub-Committee considered the report of the Town Clerk in connection with the above and was further apprised of the views of the Surveyor to the Council in connection with the Heads of Terms (draft) as proposed by the Borough Council.

In the ensuing discussion reference was made to a range of related issues including past discussions with the Borough Council, inconsistencies arising as between and within the Heads of Terms and the emphasis placed upon securing an equitable arrangement for both parties if the matter of transfer of public conveniences were to proceed.

More specifically the Sub-Committee endorsed a response by Officers drawing the attention of the Borough Council to concerns/inconsistencies with previous negotiations arising in connection with full repairing obligations, restriction v overage provisions, assignment/subletting and acknowledgement of past and ongoing contributions by the Town Council to toilet maintenance and cleaning costs.

There followed a wide ranging discussion with regard to the proposed transfer of the public conveniences more generally including reference to:-

- The apparent "tired" condition of public conveniences at the Guildhall and Bedford Car Parks and potential need for capital investment;
- Concerns regarding the frequency and quality of cleaning arrangements;
- The extent to which key management/performance information was/was not yet available to the Council;
- The outcome of Officer and Member inspections of both public conveniences which indicated a range of cleaning/maintenance/inspection shortfalls;
- The importance attached to having adequate and accurate performance/contract monitoring information from the Borough Council;
- Discussion which had taken place elsewhere regarding the Bus Station toilets and the associated options for the Borough Council;
- Potential issues and options associated with the Bedford Car Park toilets;

- Information to be requested from the Borough Council which could assist in leading to a timely and informed decision - the Sub-Committee agreed that Officers seek from West Devon Borough Council, in a timely manner:-
  - A report outlining the number of complaints received from members of the public, over the past three years, in connection with the operation of each of the three public conveniences in Tavistock and the nature of the complaints and action taken;
  - A report on the number of performance issues reported under the contract – either by the contractor, or by contract monitoring Officers of West Devon Borough Council, over the past three years, the nature of the issues and the action taken;
  - A report outlining the maintenance spend on each of the three public conveniences in Tavistock over the past three years;
  - A report on Capital spend on each unit over the past three years, including separate identification of the roofing works recently undertaken in connection with the Bedford Car Park facilities;
  - a copy of the new cleaning contract (i.e. not just the schedule but the contract as between Provider and Council);
  - Request that the Town Council be included in the routine monitoring inspections undertaken by the Borough Council to develop familiarity with the operation of the contract and the inspection regimes.

There was consensus that, in view of the budget setting round, and to provide opportunity for informed decision making time was of the essence and the matter should be moved forward promptly.

The Press and Public were readmitted to the Meeting.

The Meeting closed at 7.55pm.

Signed.....

Dated.....

CHAIRMAN