

CABINET

17 FEBRUARY 2023

REFERENCE FROM COUNCIL

A.2 PETITION: RE-INSTATEMENT OF TOILETS ON MIDDLE PROMENADE, BELOW CONNAUGHT GARDENS EAST, CLACTON-ON-SEA

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To formally report the receipt of a petition submitted requesting the reinstatement of toilets on Middle Promenade, below Connaught Gardens East, Clacton-on-Sea.

EXECUTIVE SUMMARY

An e-petition submitted by Colin Underwood, as lead petitioner, was received on 18 November 2022. The petition was signed by 41 persons and stated:-

“We the undersigned petition the council to re-instate public toilets in the vicinity of the demolished toilets on the middle promenade below Connaught Gardens East”.

Asset management (including the provision of public conveniences) is an executive function and therefore the Cabinet is the appropriate body to consider this matter.

In accordance with the Council's adopted Scheme for Dealing with Petitions the receipt of this Petition was reported, for Members' information, to the meeting of the Full Council held on 24 January 2023. This matter has now been investigated and a report prepared and presented to the Cabinet on the basis that the Petition contained between 30 and 500 signatures.

Having discussed the petition it will be for Cabinet to decide what action, if any, will be taken.

RECOMMENDATION(S)

That, having duly considered the Petition together with the information provided in this report, the Cabinet decides what action, if any, it wishes to take.

REASON(S) FOR THE RECOMMENDATION(S)

To comply with the adopted scheme for dealing with petitions, as set out in the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED

There are several courses of action available to the Cabinet once the petition has been considered, including:

- *No action (with reasons as to why no action is proposed)*
- *Taking the action requested in the petition*
- *Taking an alternative or amended course of action to that requested in the petition (with reasons as to why such action is being taken)*
- *Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners.*
- *Referring the petition to a Committee or an external person/body (such as the County Council or Government body or Public Services or the Ombudsman or Member(s) of Parliament)*
- *Holding a public meeting*
- *Holding an inquiry*
- *Providing a written response to the lead petitioner setting out the Council's views on the request in the petition*
- *Deferring consideration of the petition to a future Cabinet meeting*
- *Calling for a referendum (if permitted under legislation and subject to costs)*

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In respect of the Corporate Plan 2020/24 Priority Themes the Committee's decision will contribute to:

- Strong Finances and Governance (and specifically using assets to support priorities).

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Asset Management is an executive function that is delegated by the Leader of the Council to the Cabinet collectively and, individually, to the Corporate Finance & Governance Portfolio Holder (depending on the nature of the decision required) in schedule 3 of part 3 of the Council's Constitution. The overall function of the Council's Executive is the discharge, in accordance with the Council's policy framework all functions of the Council (including "local choice functions") except those functions which cannot by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and other legislation, be the responsibility of the Executive.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Not applicable.

USE OF RESOURCES AND VALUE FOR MONEY

External Audit expect the following matters to be demonstrated in the Council's decision making:

- A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;*
- B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and*
- C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.*

As such, set out in this section the relevant facts for the proposal set out in this report.

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Not Applicable in this instance.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Nothing in addition to those matters already set out in the report.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Not Applicable in this instance.

MILESTONES AND DELIVERY

Not Applicable in this instance.

ASSOCIATED RISKS AND MITIGATION

Not Applicable in this instance.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Council's adopted Scheme for Dealing with Petitions states, inter alia:-

- Receipt of a petition will be formally acknowledged to the lead petitioner in writing or by email as appropriate, within five working days of its receipt.
- The appropriate Ward Member(s) will be informed of receipt of a petition and when and how the petition will be considered.

- When a petition is being considered by Cabinet or Council/Committee...the lead petitioner will be invited to address the Cabinet or Council/Committee, outlining the reasons for the submission of the petition and what action they would like the Council to take. The lead petitioner (or his or her representative) will have a time limit of three minutes for their speech and the petition will then be discussed by Councillors. A Ward Councillor can, at the request of the lead petitioner, present the petition to Cabinet or Council/Committee on behalf of the relevant petitioners.
- The lead petitioner will be informed, in writing, of the Cabinet or Council's decision and this information will also be published on the Council's website via the Minutes of the relevant meeting at which the petition was dealt with. If a further meeting is to be held to consider the issues raised in the petition, the lead petitioner will be supplied with the relevant details and will also be given the opportunity to attend and address that meeting and if appropriate, answer any questions posed at the meeting.

EQUALITIES

In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex, sexual orientation.

Not Applicable in this instance.

SOCIAL VALUE CONSIDERATIONS

There are no social value considerations relevant to this report having regard to the Public Services (Social Value) Act 2012.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There is no impact on the Council's aim for its activities to be carbon neutral by 2030 including the actions, policies and milestones in its Climate Change Action Plan.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Set out what consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are then set out below.

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	None
Health Inequalities	None
Area or Ward affected	St Paul's

PART 3 – SUPPORTING INFORMATION

ASSISTANT DIRECTOR (BUILDING & PUBLIC REALM)'S ASSESSMENT AND ADVICE

The former public conveniences at this location were closed and demolished around twenty years ago in the light of structural issues and low usage. The East Clacton and Holland-on-Sea seafront remains served by five public conveniences. Around 700m to the West of the proposed location Public Conveniences opposite St Albans Road and around 500m to the East of the location Public Conveniences at Lyndhurst Road remain operational.

The success of the Holland on Sea beach recharging has led to increased visitor numbers in the area. And there is a case for increased provision of facilities to match that.

On 4 November 2022 Cabinet considered a report outlining the Council's financial outlook including a number of housing and property investment requirements that could not be funded.

It is likely that looking forward it will be increasingly necessary to practice asset management in order to deliver property and other obligations and aspirations.

The construction of a significant new public convenience on a shoreline site is likely to be substantially costly and may be hard to prioritise against other investment needs in the prevailing financial landscape.

The Council's Public Conveniences Strategy was adopted in 2017 with a direction of reducing the number of conveniences in order to focus resources on the most necessary locations. The strategy does not envisage the creation of new public conveniences in Holland on Sea. It would be most appropriate to consider any proposals for increased or reprioritised facilities within the context of a review of that strategy.

Portfolio Holder's Comment:

"Although I note, and welcome, the increased visitor usage of the excellent new beaches at Holland on Sea. The Council is in an increasingly worrying financial position and a desire to increase facilities and services, as desirable as that is, cannot sit comfortably among the tough choices that lie ahead.

Reconsidering lavatory provision throughout the towns and coast of the District can only fairly be achieved within the context of an overall review of the strategy. Such a strategy review can take account of the developing financial issues that we face and should follow consideration and resolution of those issues.

I would like to thank the petitioners for their views and consideration, and I acknowledge the increased visitor numbers in the area but believe that we cannot, at present, commit the organisation to the construction of new facilities. I believe that a review of this and other strategies should be carried out at a future juncture once the approach to the Council's financial position can be brought into clear focus."

BACKGROUND

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PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

None

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

E-Petition to the Council submitted by the Lead Petitioner (Mr. Colin Underwood).

APPENDICES

None

REPORT CONTACT OFFICER(S)

Name	Keith Durran
Job Title	Committee Services Officer
Email/Telephone	kdurran@tendringdc.gov.uk (01255) 686585