

CABINET

26 JULY 2024

REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS

A.10 PETITION: REQUEST FOR PROVISION OF PUBLIC CONVENIENCES IN JAYWICK SANDS BEACH AREA

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To formally report the receipt of a petition submitted requesting the provision of public conveniences in the Jaywick Sands beach area.

EXECUTIVE SUMMARY

A paper petition submitted by Danny Sloggett as lead petitioner, on behalf of the Jaywick Sands Happy Club, was received during April 2024. The petition contains 86 names and addresses that are legible and those persons are on the electoral register.

The petition requests that public conveniences be provided in the Jaywick Sands beach area. The explanatory text for the petition states:-

“We have been approached by holiday makers and locals concerning the lack of toilets by the beach to the point of locals finding people defecating in their gardens.

It’s only going to get worse now the summer is here and the holiday makers are flooding in. We have a beautiful beach to enjoy but nowhere for people to go to the toilet.”

Public Conveniences are an executive function (Assets Portfolio) and therefore the Cabinet is the appropriate body to consider this matter.

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 Cabinet 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 committee, Cabinet or Council meeting*
- *Calling for a referendum (if permitted under the legislation and subject to costs)*

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In respect of the Corporate Plan 2024/28 Priority Themes the Cabinet's decision will contribute to:

- Financial Sustainability and Openness

To continue to deliver effective services and get things done we must look after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents. We will give clarity on where the Council spends the money it is provided with.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Asset Management (including public conveniences) is an executive function that is delegated by the Leader of the Council to the Cabinet collectively and, individually, to the Assets Portfolio Holder 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

There are no direct implications immediately resulting from consideration of this report. However, should Cabinet be minded to explore the possible provision of public conveniences at Jaywick Sands beach then various matters would need to be considered and decided upon such as the allocation of a Budget; procurement; planning application(s); project management; cleaning and maintenance; opening hours; charging; public utility connections et cetera.

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 but would need to be seriously considered if there was a desire by Cabinet to provide these public conveniences.
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	West Clacton & Jaywick Sands

PART 3 – SUPPORTING INFORMATION

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

Tendring District Council owns two existing public convenience locations in the Jaywick area: new facilities centrally located and recently opened on the Sunspot site and nearby older facilities at Tamarisk way which have been closed following severe vandalism. The new facilities are within around 700m of all parts of Jaywick Beach. Holiday makers at the nearby holiday parks have the benefit of facilities provided on those sites for their use.

By comparison the beach area of Clacton and Holland is served by six public conveniences (some seasonal) along its approximately 6 Km frontage. There is some signposting to nearest facilities.

Tendring District Council's public convenience strategy for Tendring adopted in June 2017 was to provide accessible, safe, high quality public conveniences for residents and visitors. The Council has committed to a full review of this strategy in the current financial year.

The strategy proposed to achieve this aim by rationalising existing facilities that were considered to be operating from buildings that could no longer be maintained cost effectively, were located in areas which resulted in under use, or unacceptable levels of misuse and investing savings from closing such facilities into the refurbishment and improvement of remaining public toilets, bringing them up to appropriate standards.

The assessment also noted that provision of public toilets is a discretionary and not a statutory service provided by the local authority and as such is reflected in budgets.

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 convenience strategy has ensured that all areas of the district that previously had public toilets would continue to be served by them. Jaywick Sands previously had an older building situated behind a local shop that experienced a high level of antisocial behaviour and vandalism. This site has been replaced by new modern facilities located at the Sunspot.

A review of all public conveniences will be completed and a new strategy produced this financial year.

Assets Portfolio Holder’s Comment:

“Whilst I note and welcome the substantial visitor usage of the excellent beaches at Jaywick Sands we must recognise that the Council is in a restrained financial position. Although I support the idea of increasing facilities and services it is hard to recommend among the current economic climate.

Reconsidering public convenience provision throughout the towns and coast of Tendring 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 have asked officers to complete a review of the strategy in the current year accordingly.

I would like to thank the petitioners for their views and consideration. I acknowledge the 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

In accordance with the Petitions Scheme, Danny Sloggett has been invited to attend this meeting to address the Cabinet, 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.

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

Cabinet, at its meeting held on 17 February 2023, considered a petition submitted requesting the reinstatement of toilets on Middle Promenade, below Connaught Gardens East, Clacton-on-Sea. At that meeting Cabinet resolved:-

“That Cabinet notes the petition, thanks the petitioner but that no action be taken at this present time to comply with the request as it is not possible to commit the Council to the construction of new public toilet facilities. However, Cabinet supports the suggestion that a review of this request could be carried out at a future juncture once the approach to the Council’s financial position can be brought into a clearer focus.”

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Petition submitted by Danny Sloggett, on behalf of Jaywick Sands Happy Club.

APPENDICES

None

REPORT CONTACT OFFICER(S)

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