

Present: Councillor Bill Bilton (*in the Chair*), Councillor David Clarkson, Councillor Tom Dyer, Councillor Jane Loffhagen, Councillor Hilton Spratt, Councillor Mark Storer, Councillor Edmund Strengiel and Councillor Calum Watt

Apologies for Absence: Councillor Gary Hewson

8. Declarations of Interest

There were no declarations of interest.

9. Call In of Decision - Public Conveniences-Service Review

The Chair reported that a decision by the Executive on 24 June 2021 on the Public Conveniences Service Review had been called in by Councillors Tom Dyer, Christopher Reid and Mark Storer, who had cited five reasons for the call in, and had suggested three outcomes, which were set out pages 4 and 5 of the agenda and reports pack.

The Chair also referred to the Council's consideration of a petition on the Westgate public conveniences public conveniences on 27 July 2021 and reported that the Council had resolved that this Committee would consider the content of the Council's debate as part of its consideration of the request for the call in.

A. Reasons for the Call in Request and Suggested Outcomes

Reasons for the Request for the Call In

Councillor Tom Dyer, as the lead call in member, provided detail on each of the grounds for the call in request as follows:

- (a) There had been a lack of consultation with the City of Lincoln councillors on the proposals. In addition, the public consultation exercise had been tendentious in that it had sought the answers which the organisation had wanted and had not sought the views of the public on the detail of final proposals. Furthermore, the promotion of the consultation was not up to standard, for example more use could have been made of social media and the website. The consultation could have been promoted more widely in Lincolnshire. The strength of public feeling was referenced, and this was evidenced by the petition on the closure of Westgate Toilets, which had been presented to the Council on 27 July 2021.
- (b) The proposal for the public conveniences would leave a cluster of three facilities at Tentercroft Street, the bus station, and eventually at Lincoln Market, whilst other facilities such as Lucy Tower Street and Westgate would be closed. This would represent a disproportionate level of public convenience provision.

- (c) There was a need for information on the level of income provided by each public convenience. Whilst the charge of 20p did not cover the full operational costs of public conveniences, it represented a significant contribution to the income. There could have been consideration of an increase in the charge to say 25p or 30p and how this would impact on the revenue. A charge for the use of Westgate toilets had not been explored as part of the decision.
- (d) There was a need for detailed use analysis of both the public conveniences identified for closure, and any impact on the immediate locality to inform the consultation.
- (e) Other than headline figures, no details had been disclosed on how the Council would balance its budget. The target saving figure of £82,000 was precise. There was no rationale for this target saving figure. Whilst the proposals had been discussed by the Policy Scrutiny Committee prior to the decision of the Executive on 24 June 2021, the overall context of these savings proposals within the Council's savings targets were not disclosed. No reason had been put forward why public conveniences had been the first service subjected to reductions. There was no indication of which, if any, services had been protected by these savings.
- (f) Owing to the Executive not having undertaken adequate consultation in advance of its decision, and not putting forward valid reasons for its decision, grounds three, four and five in support of the call in had been met.

Suggested Outcomes

Councillor Tom Dyer also explained the three suggested outcomes:

- (i) The Executive confirm what decisions they have made to conclude why this decision was made, over possible savings from other areas within this directorate;
- (ii) The Executive to open the final recommendations to a full public consultation, including local businesses to fully understand the views on their proposals; and
- (iii) The Executive to carry out a full equality and diversity impact assessment and understand fully the impact on elderly and vulnerable individuals.

Statement from Councillor Mark Storer in Support of the Call In Request

Councillor Mark Storer, as a signatory to the call in, made the following statements in support of the request for call in.

- (a) The decision had been taken within insufficient public consultation. The consultation had been undertaken before the final proposals had been made public.
- (b) The overwhelming majority of people were not in favour of the proposal, which had been evidenced by the petition.

(c) The report to the Executive on 24 June 2021 did not provide full detail on the consultation responses.

B. Questions from Members of the Committee to the Councillor Tom Dyer, the Lead Signatory to the Call In Request

Following questions from members of the Committee the following points were confirmed:

- All three suggested outcomes to the call in had been put forward, and any one (or more) of them could be accepted as a recommendation from the Committee to the Executive.
- The call in reasons had included the ground that the consultation had not been adequate overall. As a detailed point, the consultation had not been undertaken on the final proposals considered by the Executive. A suggestion was made that a consultation be undertaken in one year's time, as part of a review of the decision.

C. Response to the Call In Request from Councillor Ric Metcalfe, the Leader of the Council

In his response to the call in request, Councillor Ric Metcalfe, the Leader of the Council made the following points:

- (a) The intention of the overview and scrutiny function was to improve the quality of decision making. As part of this function the call in facility was required to focus on whether there were any defects in the decision making process, rather than to address any councillors or members of the public, who had preferred a different decision.
- (b) The City of Lincoln council's overall budgetary position had been detailed in reports to the Council at the time of the budget setting for 2021/22, and these had been clear about the Council's finances, particular in the light of the impact of Covid-19. It was inevitable that a revenue-hungry service such as public conveniences would be reviewed for savings.
- (c) There had been very little damage to front line services as a result of previous budget reductions of £8 million. These savings had been made without undermining the services provided to the public. Savings on public conveniences were not at the top of any list of savings.
- (d) These proposals had been subject to a comprehensive business and impact assessment prepared by the Directorate of Communities. The focus of this work had not been on making savings of £82,000, but had been a thorough review of the service in terms of how each facility was functioning, any areas of concern, which had led to closure.
- (e) Over 800 responses to the public consultation constituted an adequate consultation, which had taken place over several weeks. The responses received were considered in detail and following this the Executive sought to include mitigations, such as the continuation of access to Westgate for those with radar keys. There was no case for seeking further consultation.

- (f) There was nothing defective about the decision, which had been made following a comprehensive business case; due consultation, which had been considered in detail; and with all relevant matters considered.
- (g) In relation to the first suggested outcome, all budgets were being considered for potential savings, and savings would only be made after due assessment of the impact.
- (h) On the second suggested outcome, the Executive could not consult yet again.
- (i) On the third outcome suggestion, a full equality and diversity impact assessment had already been undertaken.

D. Questions from Members of the Committee to Councillor Ric Metcalfe, the Leader of the Council

Following questions from members of the Committee the following points were confirmed:

- In response to a question as to why the views of over 1,500 signatories to a petition on Westgate public conveniences had not been captured by the consultation exercise, it was stated that most members of the public would be inclined to support any petition seeking to keep toilets open.
- Local businesses had been involved in the consultation and many of them submitted responses.
- The Westgate public conveniences would not be demolished. Reconfiguration of the Westgate facilities to enable charging retained the risk that sufficient income would not be forthcoming to support the Council's finances.
- The Council had an overall savings target of £1.75 million, and budgets were continually being assessed to see if any savings or efficiencies could be made or income generated to meet that target. This approach meant that budget reductions could not all be made at the same time, as business cases would be required for each proposal.
- The consultation had adhered to restrictions arising from the Covid-19 pandemic.
- The citizens panel, which consisted of circa 500 Lincoln residents had been invited to complete the consultation. Homeless charities; the local NHS and disability charities along with many others had also been invited to participate in the consultation;
- Budget deficits could not wholly be addressed by increases in fees and charges, as income could not always be guaranteed from these sources.
- The running costs for Westgate public conveniences were estimated at £8,000 per annum, and this was an element of the overall saving of £82,000.
- The 800 responses to the consultation represented a statistically significant sample, with the threshold for statistical significance being 300 responses.

E. Decision

After consideration of all the information submitted, it was **RESOLVED** that the request for the call in of decision of the Executive on the public conveniences service review on 24 June 2021 be refused for the following reasons:

- (1) There was sufficient public consultation with over 800 responses received, which represented a good response rate and a statistically significant sample. The consultation had taken place over several weeks. The citizens panel, together with several local charities, including a disability group, had responded. The consultation had been promoted widely on social media. There would be a consultation exercise in due course in respect of access to the toilets for people with disabilities.
- (2) The Executive had taken account of and clearly understood the consultation outcomes. These had been balanced against the financial savings which could be made; and whether there could be some mitigation, which included keeping Westgate open to people with disabilities.
- (3) The proposed decision had been considered by the Policy Scrutiny Committee.
- (4) Grounds for call in could not be based on whether an individual disliked a decision that had been made. Some opposition to the proposed decision from members of the public did not constitute valid grounds for call in.
- (5) The Executive had taken into account the Council's financial circumstances, including the effect of the loss of income as a result of the pandemic. It had been a requirement to make changes to the budget and service provision.
- (6) The Executive had taken into account the fact that the Council had made £8 million savings made with very little damage to front line services and it was acknowledged that the proposed decision was a hard one to make.
- (7) As part of the review of all the public conveniences, the Executive had taken into account a comprehensive business case, in which impact assessments had been duly undertaken.
- (8) There was nothing defective about the decision making process and therefore the decision should not be called in.

Note: Councillor Hilton Spratt recorded his dissent from the decision set out above.

10. Call In of Decision - Performance Targets for 2021/22

The Chair reported that a decision by the Executive on 24 June 2021 on the Performance Targets for 2021/22 had been called in by Councillors Tom Dyer, David Clarkson and Christopher Reid, who had cited one reason for the call in,

and had suggested three outcomes, which were set out page 70 the agenda and reports pack.

A. Reasons for the Call in Request and Suggested Outcomes

Reasons for the Request for the Call In

Councillor Tom Dyer, as the lead call in member, provided detail on the ground for the call in as follows:

- (a) The single ground for the call in request was, having regard to the nature of the decision and the circumstances in which it had been made, the decision had been taken on the basis of inappropriate or insufficient consultation.
- (b) The process to agree the performance targets, which had been considered by the Performance Scrutiny Committee, had not been transparent. The Performance Scrutiny Committee on 22 June 2021 did not accept the performance targets. In most years amendments to the performance targets were relatively minor and agreed through consultation with the portfolio holder. However, for 2021/22 the changes to the targets were significant, with minimal explanation for these changes included in the report, and neither the portfolio holders nor the relevant senior officers had been present at the meeting of the Performance Scrutiny Committee to provide an explanation for the changes.
- (c) The performance targets set out in the report ranged from business rate collection to the levels of recycling. Because there had been no rationale presented for amendments to the performance targets, they should remain as they were for 2020/21.
- (d) As a result of the impact of Covid-19, several service areas had not achieved their performance targets for accepted reasons. However, the Council should be ambitious in its targets, particularly those seeking to support the achievement of net zero.

Suggested Outcomes

Councillor Tom Dyer also explained the three suggested outcomes;

- (i) The Executive retain the targets from the previous year and report on those targets.
- (ii) Before any amendments are made, a further in-depth explanation is provided to the Performance Scrutiny Committee, with senior officers available to directly answer questions for their service areas.
- (iii) The reporting and decision making around target setting for the 2022/23 financial year are presented in a clearer and more transparent way for members.

Statement from Councillor David Clarkson in Support of the Call In Request

Councillor David Clarkson, as a signatory to the call in, made a statement in support of the call in request:

- (a) Definitions of key performance indicators included one where these indicators were defined as a measurable value that identified how an organisation was achieving key measurable objectives. Performance targets must be set appropriately and according to the International Organization for Standardization could also be used to measure the effectiveness of an organisation's quality management systems.
- (b) Targets should be set so that they were specific, measurable, achievable, relevant and timebound, in order both to define the success of any project and to involve all staff. For processes to be measured an organisation should have control of all elements of the process. Processes themselves should not be impacted by external factors such as the Covid-19 pandemic and these factors, because of their transient nature, were not a valid reason to amend a performance target.
- (c) For the above reasons, the Executive should continue to report on the 2021/22 targets, with supporting narrative to explain any significant variations in performance.

B. Questions from Members of the Committee to the Councillor Tom Dyer, the Lead Signatory to the Request for Call In

Following questions from members of the Committee the following points were confirmed:

- At the meeting of the Performance Scrutiny Committee on 24 June 2021, it had not been made clear who had made the decision for changes to the performance targets to be 'light-touch'.
- In relation to the suggested outcomes (ii) and (iii) above, it was understood that since the date of the call in request (30 June 2021) work was in hand, but had not been formally confirmed.
- The Council operated an approach where its targets were specific, measurable, achievable, relevant and timebound.
- With reference to paragraph 4.2 of the report to the Executive (pages 76-77 of the agenda and reports pack), explanations had not been disclosed for all the changes proposed.
- The number of senior staff in attendance at the Performance Scrutiny Committee on 22 June 2021 had been limited, as a measure to reduce the risk of the spread of Covid-19.

C. Response to the Call In Request from Councillor Ric Metcalfe, the Leader of the Council

In his response to the call in request, Councillor Ric Metcalfe, the Leader of the Council made the following points:

- (a) The changes to the targets did not represent a loss of ambition, but had been made so the targets remained achievable.

- (b) If there were a perception that the consultation on the revised targets had not been adequate, this would be accepted.
- (c) It was not acceptable to continue with targets from 2020/21, because of the impacts on services and staff of setting targets that would be impossible to achieve.

D. Questions from Members of the Committee to Councillor Ric Metcalfe, the Leader of the Council

Following questions from members of the Committee the following points were confirmed:

- Following the conclusions by the Performance Scrutiny Committee on 22 June 2021, at the meeting of the Executive on 24 June 2021, an indication had been given that the rationale for revising the performance targets for 2021/22 would be considered by the Performance Scrutiny Committee. However, the Committee's consideration would not affect the decision on the targets themselves.
- There would be consideration of any alternative ways of recording customer satisfaction, given its importance, in the light of the measures to be removed, as listed in paragraph 4.2a of the report to the Executive (page 76 of the agenda and reports pack).
- The Performance Scrutiny Committee received quarterly performance report and was able to raise any issues directly with the Executive. The performance figures for quarter one would be submitted to a forthcoming meeting of the Committee.

E. Decision

Following discussion, the suggested outcome, as set out in (i) above, was withdrawn by Councillors Tom Dyer and David Clarkson.

Following further discussion, the request for call in was withdrawn by Councillors Tom Dyer and David Clarkson, on the basis that the Leader of the Council and relevant senior officers would be present at the meeting of the Performance Scrutiny Committee on 10 August 2021 to provide information on the rationale for the changes to the performance targets.

It was unanimously **RESOLVED**

- (1) That the withdrawal of the request for call in be noted.
- (2) That the Performance Scrutiny Committee at its meeting on 10 August 2021 be requested to consider the rationale for the changes to the performance targets, with the relevant portfolio holders and senior officers in attendance to provide further information.

The Chair thanked everyone for their attendance and contributions and formally closed the meeting.