

**Customer and Corporate Services Scrutiny
Management Committee (Calling – In)**

3 April 2018

Report of the Assistant Director, Legal and Governance

**Called-in Item Pre-Decision: Removal of Parliament Street Fountain and
St Sampson’s Square Toilets**

Summary

1. The report sets out a brief background to the item called-in and the role of, and options available to, this Committee under the agreed pre-decision call-in arrangements.

Background

2. At its meeting in August 2015, the Executive agreed some operational guidelines for enabling and supporting a pre-decision call-in process. This supplements the pre-existing arrangements for post-decision call in and is intended to provide all backbench and scrutiny Members with opportunities to comment upon relevant upcoming Executive or Executive Member decisions.
3. In accordance with the arrangements for pre-decision scrutiny call-in, three Members (Councillors Craghill, D’Agorne and D Taylor) have called in the intended decision in relation to the removal of the Parliament Street Fountain and St Sampson’s Square Toilets, for the following reasons:
 - i) *Whilst we understand that the St Sampson’s Square toilets building no longer provides any toilet facilities for people with disabilities, we believe its loss will be seen by many residents as part of the picture of declining public toilet facilities in central York, which needs much more attention.*
 - ii) *We are very aware of the importance for many York residents of the fountain in its current location as a meeting point and (when it was still operating) an important feature giving interest and variety to the streetscene at the heart of York – which should be a matter of civic pride.*
 - iii) *We understand that much of the current fountain mechanisms cannot be repaired but would need to be replaced to make the*

existing fountain work again. However, we would like the forthcoming Executive Member decision to ensure that, if it is decided to remove the current fountain, this is followed by a quick to install temporary use including plentiful seating and that a longer term solution is sought through an open public consultation with all options open including the possibility of a new fountain or ground level 'pop-up' fountains.

- iv) We would particularly like the Executive Member decision to guarantee that the space will not simply be paved over and used for more market stalls or left as a completely empty space.*
- v) We would like to see clear costings which enable everyone to compare the costs of all the options.*
- vi) We believe a cross party pre-decision public scrutiny is appropriate to help ensure we find a way forward that takes account of everyone's views.*

Consultation

4. In accordance with the requirements of the Constitution, the Calling-in Members have been invited to attend and/or speak at the Call-in meeting, as appropriate, together with the appropriate Executive Member, and Officers.

Options

5. In relation to dealing with this pre decision call-in, in accordance with the new agreed arrangements, Members may choose to provide feedback to Officers to be presented at a meeting of the Executive Member for Transport and Planning on 12 April 2018.

Analysis

6. Members need to consider the reasons for call-in and any comments made at the meeting by speakers, as well as having regard to the information in the Officer's draft report on this matter, which is attached as Annex 1 to this report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to consider and handle the pre decision call-in. However, if it were to become clear to the Committee from information received that there were implications associated with any comments/recommendations it wished to make, then it would be appropriate for the Committee also to recommend that any such implications be looked into prior to the Executive Member making a decision which might be affected by those implications.

Risk Management

9. There are no direct risk management implications associated with considering the call in of this matter. However, the Committee would be advised to invite the Executive to take account of any risks associated with any comments/recommendations which the Committee may wish to make on the matter in hand, prior to implementing any decision.

Recommendations:

10. Having considered the reasons for call-in, Members are asked to consider whether:
 - i. They wish to make specific recommendations or comments to the Executive Member on the report, in light of the reasons given for the pre-decision call-in. If this option is chosen, their comments will be considered by the Executive Member at the Decision Session to be held on 12 April 2018.

Or;

- ii. They agree that there are no grounds to make specific recommendations or comments to the Executive Member in respect of the report.

Reason: To provide Scrutiny's views on the report ahead of it being presented to the Executive Member.

Contact details:

Author:

Dawn Steel
Head of Civic and Democratic
Services
dawn.steel@york.gov.uk
(01904) 551030

**Chief Officer Responsible for the
report:**

Andrew Docherty
Assistant Director of Legal and
Governance
andrew.docherty@york.gov.uk
(01904) 551004

**Report
Approved**



Date 21/3/18

Specialist Implications Officer(s) None

For further information please contact the author of the report

Annexes:

**Annex 1: Draft report to Executive Member Decision Session -
*Removal of Parliament Street Fountain and Saint Samson Square Toilets***