



LOCAL GOVERNMENT ACT 2000

## **REGISTER OF URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION – Part 3 Annexe 2: Officer Delegations – Chief Executive

- 1) SUBJECT: Temporary Closure of Cattle Market Toilets, Barnstaple
- 2) REQUESTED DECISION: To temporarily close the toilets until a review is undertaken on the 10<sup>th</sup> January 2023 in order to prevent further criminal activity at this location
- 3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

### Introduction

Incidents of drug taking and alleged dealing from the public toilets at Tuly Street (Cattle Market) have increased in recent months. Council staff are now clearing drug taking paraphernalia from the toilets on a daily basis. Officers have reported numerous issues including one officer having to resuscitate one person who had suffered an overdose. Consideration has therefore been given to the possible closure of the facility in order to prevent further health and safety issues.

### Considerations taken into account

Reports from the CCTV team show nearly 100 incidents involving street drinking and drug taking/dealing around the toilets during this year. Because the incidents often take place within the cubicles and out of direct sight, it is difficult to be able to say with certainty how often issues occur but the team are aware of regular times and people involved. Issues do get reported to the police and they have responded to a number of the incidents mentioned above. Cleansing staff report having to remove drug taking paraphernalia from the floors every day and the cleaning schedule of 4 visits per day is, at times, insufficient to maintain the toilets to a decent standard of cleanliness.

The Council's internal Health and Safety officer considers that the condition in which the toilets are being left represents a risk to the safety of the public and staff.

The Street Marshalls employed by the Council visit the site every hour to try to discourage the behaviour but this is having limited impact.

Council officers have met with the Police Designing Out Crime officer to try to identify measures that could be introduced to discourage the use. The recommendation was to look at introducing a charging system which would cost around £3500 and would

involve closing elements of the block to leave two units open and chargeable. However this would take some time to introduce and in the meantime it is clear that the behaviour is not being discouraged.

Officers have consulted with the Drug and Alcohol Advisory service, the Town Council and the police. Concerns are raised about displacing the use to other areas and about stigmatising the people that are addicted. The Drug and Alcohol Advisory service operate a needle exchange and will remind their clients that using the toilets for this purpose should not happen.

The service has since provided a copy of an advice note which sets out what steps can be taken to prevent needle litter. Most of those steps have already been taken.

The Town Council are rightly concerned that closure will impact the general public who still use the toilets. It is accepted that closure will have an impact but that can be mitigated at least in part by directing the public to the toilets available in Green Lanes.

Officers have also sought views from the third sector groups supporting people accessing the town centre. Go North Devon have commented that most of their clients use other toilets within Green Lanes or local shops rather than these facilities.

Finally officers have also contacted the police who are also concerned about displacement and consider that other steps might be taken before considering closure and refer the council to national guidance on this issue.

That guidance has been considered and whilst it is accepted that partnership working on issues such as this can have positive impacts, many of the steps recommended or suggested have already been taken. There is an operating needle exchange, the toilets are fitted with syringe bins, cleaning levels have been increased and advice has been provided by the outreach services. On top of that, we have tried to use Street Marshalls to discourage the use and this has been unsuccessful.

Following an informal meeting of Strategy and Resources members, the council wrote to other organisations seeking assistance in trying to discourage use of the toilets. Whilst steps have been taken, no improvement in the situation has been noted.

As well as the health and safety issues identified, there is also a risk that the perception of Barnstaple as a safe town to visit will be damaged by the sight of individuals using the toilets for drug taking and also by the sight of the debris left behind. The toilet block is highly visible and its use is impacting on the town centre.

Over the Christmas period, there will be reduced staffing and flexibility in the cleansing team which also means that there will be a reduced capacity to respond to any issues.

#### Decision

Taking account of all of the above, it is considered that a temporary closure should now be imposed. It is suggested that the closure should commence at 5.00pm on

Christmas Eve and should continue until the 10<sup>th</sup> January 2023. That will give opportunity for officers to review the situation following the Christmas break.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

None

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

See above. The temporary closure will safeguard the safety of the public and allow the council to explore other options for the long term control of the toilets.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None

7) A NOTE OF ANY DISPENSATION IF GRANTED:

None

8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council ( <i>or Deputy Leader</i> )	Y	20/12/22
Chair of Committee (with the Authority to take the decision) ( <i>or Vice-Chair</i> )		
Lead Member	Y	20/12/22
Ward Member(s)	Y	21/12/22
Head of Service (name) SarahJane Mckenzie-Shapland	Y	20/12/22
Finance	N	
Legal	N	

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Head of Place Property and Regeneration

12) APPROVED BY CHIEF EXECUTIVE: Y

13) DATE OF DECISION: 22/12/22

14) CHIEF EXECUTIVE'S COMMENTS:

The closure of the toilets on a temporary basis will remove the risk to the public and also to the reputation of the council

15) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

## GUIDANCE NOTES

### NOTE:

#### PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).

3. The Chief Executive will make his decision.

## PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

### **Officer Delegations: the Chief Executive:**

#### **Urgent Decision Making**

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
  - 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
  - 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
  - 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.