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Dear Councillor,

30 May 2024

You are summoned to attend a meeting of the **FINANCE POLICY & GENERAL PURPOSES COMMITTEE** to be conducted at the **Pannett Gallery**, on **Tuesday 4 June 2024 at 6:00pm**, the agenda for which is set out below.


Michael King
Town Clerk

To: Councillors Abbott, Barnett, Coughlan, Dalrymple (ex-officio), Harston, Nock, Turner and Wild

Cc: Layman & Riddolls (subs.)

NOTICE OF MEETING – Public notice of the meeting is given in accordance with schedule 12, paragraph 10(2) of the Local Government Act 1972.

AGENDA

1. CHAIR

To elect a Chair of the Finance Policy & General Purposes Committee for the ensuing year.

2. APOLOGIES

To receive apologies for inability to attend.

3. VICE-CHAIR

To appoint a Vice-Chair of the Finance Policy & General Purposes Committee for the ensuing year.

4. DECLARATION OF INTERESTS

To declare any disclosable pecuniary interests or any other interests which members may have in the following agenda items and consider any dispensation requests.

5. PUBLIC PARTICIPATION

Standing Orders will be suspended for up to 15 minutes to allow for questions or statements about business items on the agenda, submitted by members of the public (limited to 3 mins per person).

6. TO CONSIDER ACTIONS REQUIRED IN ACCORDANCE WITH TERMS OF REFERENCE AT THE FIRST COMMITTEE MEETING OF A NEW COUNCIL YEAR.

- a. Confirmation of the accuracy of the minutes of the meeting of the committee held on 9 April 2024 (herewith). **(page 3)**

- b. Confirmation of the following adopted at Full Council on 15 May 2024.
 - i) Terms of reference of the committee.
 - ii) Delegation arrangements to staff
 - iii) Standing orders, financial regulations, policies and procedures relating to the functions of the committee and its sub-committees.
- c. Appoint members to the sub-committees of the Finance Policy & General Purposes Committee
 - i) Twinning Sub Committee.
 - ii) Events Sub Committee.
- d. Review of the anticipated committee workload for the coming year.
(Future meetings are scheduled for 6 August, 8 October, 3 December 2024 and 4 February, 8 April 2025)

General Purposes & Policy

7. ACTION OUTSTANDING FROM PREVIOUS MEETINGS

Verbal update from the Clerk on items outstanding from earlier meetings.

8. REPORT OF THE BRITISH TOILET ASSOCIATION VISIT TO WHITBY

(page 7)

Report attached.

9. REVIEW OF DECISION UNDER THE FREEDOM OF INFORMATION ACT

(page 21)

Report attached.

Finance

10. CONSIDERATION OF MODEL FINANCIAL REGULATIONS 2024

Circulated separately with revisions marked. To consider revisions to the NALC model for recommendation to Council in July.

11. APPROVAL OF EXPENDITURE

(page 27)

To approve payments to 30 April 2024.

12. COST CENTRE EXPENDITURE & INCOME TO 31 MARCH 2024

(page 17)

To note income and expenditure to the end of Month 12 – 2023-24, unaudited figures.

WHITBY TOWN COUNCIL

Minutes of the meeting of the **Finance Policy & General Purposes** Committee held in Pannett Art Gallery, Whitby, on **Tuesday 9 April 2024** at 6pm.

Present Councillor Mrs L Wild (Chair) and Councillors Mrs H Coughlan, R Dalrymple, J Harston, and A Jones.

Also Mr King, Town Clerk, Councillors Harrison and Nock.

NOTICE OF MEETING – Public Notice of the Meeting has been given in accordance with Schedule 12, paragraph 10 (2) of the Local Government Act 1972.

426/23 APOLOGIES FOR ABSENCE

Mrs S Turner and Mrs N Wilson

MOVED by Councillor Harston, seconded by Councillor Jones.

RESOLVED that the apologies of Cllrs Turner and Wilson are accepted.

427/23 DECLARATION(S) OF INTERESTS & REQUEST FOR DISPENSATION

None.

428/23 PUBLIC PARTICIPATION

None.

429/23 MINUTES OF MEETING HELD ON 5 DECEMBER 2023.

MOVED by Councillor Dalrymple, seconded by Councillor Coughlan.

RESOLVED that minutes of the Finance Policy & General Purposes Committee held on the 5 December 2023 are approved as a correct record.

430/23 ACTION OUTSTANDING FROM PREVIOUS MEETINGS

The Clerk referenced the conclusion of the 2022-23 audit. Members recognised that the auditor's recommendations would be presented to Council at its May meeting.

MOVED by Councillor Harston, seconded by Councillor Dalrymple.

RESOLVED that the information is noted.

431/23 BANKING HUB

Submitted: correspondence received from the Halifax Bank and Cash Access UK, regarding the closure of local branches and the recommendation of the LINK network that Cash Access UK, a not-for-profit company owned by the biggest high street banking providers in the UK, should provide a banking Hub in Whitby.

MOVED by Councillor Jones, seconded by Councillor Harston

RESOLVED that a meeting is arranged with the Community Engagement Manager for Cash Access UK to put forward suggestions on suitable locations and opportunities to engage with their target groups including U3A.

432/23

NYC BOUNDARY REVIEW

Submitted: a summary of the Local Government Boundary Commission's review of the North Yorkshire Council divisions to redraw them to bring electoral equality.

MOVED by Councillor Harston, seconded by Councillor Jones

RESOLVED that Whitby Town Council submits the recommendation (as drafted) to the Local Government Boundary Commission, and also to North Yorkshire Council to inform their decision-making process.

433/23

APPROVAL OF EXPENDITURE

Submitted: a schedule of invoices dated to 29 February 2024.

MOVED by Councillor Dalrymple, seconded by Councillor Harston

RESOLVED that the schedule of expenditure up to 29 February 2024 in the sum of £43,689.47 (as attached) is approved and submitted to Full Council.

434/23

COST CENTRE INCOME AND EXPENDITURE TO 29 FEBRUARY 2024

Submitted: a summary of income and expenditure to 29 February 2024, by budget heading.

MOVED by Councillor Dalrymple, seconded by Councillor Harston

RESOLVED that cost centre income and expenditure to 29 February is noted.

Signature 4 June 2024

Appendix A – APPROVAL OF EXPENDITURE TO 29 FEBRUARY 2024

Paid date	Tn no	Net	Details	Heading	
04/01/24	326	£208.53	Grenke Leasing	Photocopier Lease	5000/1/2
04/01/24	327	£91.67	Grenke Leasing	Photocopier Equipment Protection	5000/1/2
09/01/24	328	£28.53	Barclays Bank	Commission Charge	5000/1/13
09/01/24	329	£355.61	Wilf Noble Construction	October/November invoices	5001/17
16/01/24	330	£79.00	SAGE UK Ltd	Payroll Software Subscription - Jan	5000/1/9
19/01/24	332	£620.21	Everflow Limited	Water Bill January - Stakesby Vale & Pannett	5002/1/4
23/01/24	333	£14.83	Amazon Services Europe	DTK 45W HP Laptop Charger 19.5V	5000/1/6/1
25/01/24	334	£516.60	TotalEnergies Gas & Power	Electricity Bill Pannett - January	5001/2
25/01/24	335	£1,211.52	ENGIE Gas Limited	Gas Bill Pannett - January	5001/1
26/01/24	331	£923.61	Everflow Limited	Water Bill Toilets - January	5002/2/1
27/01/24	336	£71.49	Cathedral Hygiene	Monthly periodic payment (Invoice M	5001/6
31/01/24	337	£155.15	Document Solutions	January Telecoms Bill	5000/1/5
31/01/24	338	£5.57	Document Solutions	January Photocopier Bill	5000/1/5
05/02/24	339	£8.50	Barclays Bank	Commission Charge	5000/1/13
14/02/24	298	£1,050.00	Powercare	Stage Pyro - Christmas Market	5002/19
14/02/24	340	£450.00	Parish Online	Annual subscription	5002/42
16/02/24	341	£79.00	SAGE UK Ltd	Payroll Software Subscription - Feb	5000/1/9
16/02/24	342	£318.23	Everflow Limited	Water Bill February - Stakesby Vale &	5002/1/4
20/02/24	346	£723.57	TotalEnergies Gas & Power	Electricity Bill Pannett - February	5001/2
22/02/24	348	£1,189.02	ENGIE Gas Limited	Gas Bill Pannett - February	5001/1
22/02/24	356	£279.80	Pitney Bowes	INK CART., BLUE	5000/1/4
23/02/24	350	£533.30	Lay's Auctioneers	Woodcut for Pannett	5000/1/8
23/02/24	351	£12.00	HM Land Registry	Search - Pannett Park and Museum Tit	5000/1/14
23/02/24	352	£28.21	ABE Books	Soper Book	5000/1/23
23/02/24	353	£2.92	The Works Stores Ltd	Stationery	5000/1/1
23/02/24	354	£3.49	Post Office	Stamps	5000/1/4
27/02/24	347	£631.00	Pitney Bowes	February Invoice - Purchase Power	5000/1/4
27/02/24	355	£207.93	Green End Electrical	Tea Room Emergency Light	5001/17
27/02/24	357	£71.49	Cathedral Hygiene	Monthly periodic payment (Invoice M	5001/6
29/02/24	358	£21.02	Document Solutions	Photocopier Bill	5000/1/5
29/02/24	359	£155.15	Document Solutions	February Telecoms Bill	5000/1/5
Sub Total		£10,046.95			
		£33,642.52	Confidential Transactions		
Total		£43,689.47			



Consultation Service Report
for



and



Whitby Town Council

Public Toilet Report
2024

INDEX

	Page
Contents Listing	2
Aims and Objectives	3
Council Facilities – Data Sheets, Overviews & Considerations	4 - 9
1 The Abbey	Major Visitor Attraction
2 Market Place	In the town centre
3 New Quay	Beside main car park & below restaurant
4 Pier Road	Close to beach entrance
5 Carrs road, Ruswarp	Remote location
6 West Cliff	Open grassland and paddling pools



Opening Times

- 1 November until the 31 of March, open by 08:00 and closed at 19:00
- 1 April until 15 of July, open by 08:00 and closed at 21:00
- 16 July until 15 of August, open by 08:00 and closed at 22:00
- 16 August until 31 of October, open by 08:00 and closed at 21:00

Executive Summary	10-12
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Aims and objectives of this initial survey

The BTA has been commissioned by DANFO (UK) to meet with local councillors and Danfo representatives to complete a review of the toilet provision in the Whitby Town Council area. This review will consider improvements in:

- The provision of safe, accessible and environmentally friendly public toilets
- The quality levels and maintenance of the current realm
- Potential areas for future improvement
- Accessing the current levels of hygiene and cleanliness.

The purpose of the review is to assess the cleaning regime and levels of hygiene and cleanliness are being achieved on an ongoing basis. Warning was given to the time & date of our arrival (Friday 15th March at 09:00am) and we duly met with the Town Clerk Michael King and a number of concerned members of the town council.

The provision partnership between DANFO (UK) and Whitby is clearly very strong and the special attention to everyday maintenance and regular deep-cleaning, particularly regarding accessibility units, reflects a genuine concern and pride; to provide the best quality service to both residents and visitors. However, a number of anti-social issues were identified.

Methodology

To undertake the review the BTA director was focussed on establishing the standards of cleanliness and hygiene; so, he followed the prescribed basic methodology

Phase 1 – Pre-plan survey access and routes

Phase 2 – Log personal site visits and carry-out an assessment of cleanliness levels

Phase 3 – Survey, recording of facilities and gather photographic evidence

Phase 4 – Preparation of the follow-up Review reports

Phase 5 – Submission to Danfo for consideration by management and Wyre Council

Works to be completed before the end of April of 2024

Toilet Hygiene Grading System

The BTA is now awarding a 1 – 5 star rating system for hygiene control and cleanliness.

This (TAG) grade should clearly reflect the consistent levels of management and attention to detail being levied upon each individual unit. All surfaces must be clear from detritus, dirt and debris and clean to the touch. All sanitary ware must be visually and practically clean; ready for use. The facility must inspire public confidence when approached and entered

No ratings are given below a 3 star level – i.e.: units falling below BTA basic standard

3-Star this rating is given to a public facility that is basically “fit-for-purpose” It must contain the expected standard of provision to allow a member of the public to find relief and then wash and dry their hands before returning to the main thoroughfare.

4-Star this increased rating reflects the additional facilities provided and an increased perception of cleansing/hygiene. Much can be determined from the interior design/fittings. All sanitary ware and fittings must be hygienically clean and fully serviceable.

5-Star this top level rating reflects a public facility that has full provision - in full working order. Hygienically clean, it has both interior and exterior appeal for users and has adequate provision of facilities for young families and anyone with accessible needs.

BTA INSPECTORS REPORT



DANFO / WH / RBM153-01

**New Quay
New Quay Road roundabout
YO21 1DH**

Reviewed – 15/03/24



New Cleaning & Hygiene Award



STATUS REPORT:

All sanitary ware and surfaces are hygienically clean and free from any dirt or detritus
 All recommended equipment is provided and fully functional
 All the walls are tiled and show no signs of attack, graffiti or anti-social behaviour
 The fascia boards and doors are bleached/stained and really should be replaced
 The floor is in very poor condition and in need of immediate attention. The application of a rubber/vinyl based non-slip hard wearing floor paint should be sufficient to brighten the aspect and make the toilets more immediately appealing upon entry.

ACCESSIBILITY

The single accessible toilet unit was clean & fully functional
 All the prescribed rails were in place and holding
 There was no separate sanitary bin provided
 The Emergency Alarm cord has been cut short.
 The Warm air dryer is mounted too high for a wheelchair user
 The “disabled signage” could be updated to Accessible for all



Certain repairs cannot be started or completed until a major leak – originating in the restaurant above – is properly fixed - as this could only cause further damage
 The adjacent storage area needs to be better managed – less unsightly

**The unit deserves its 4* TAG award for providing a high level of cleanliness & provision
 However it needs constant attention to stop it falling below.**



Market Place Sandgate & Market Place YO22 4DD

Reviewed – 15/03/24



New Cleaning & Hygiene Award



STATUS REPORT:

This appears to have been refurbished in the last two to five years. The fittings are modern and functioning well. Access feels quite narrow and only allows for a single person to pass when entering or leaving.

New signage would be helpful to alert visitors to the facility.

All sanitary ware and surfaces are hygienically clean and free from any dirt or detritus
All recommended equipment is provided and the majority was fully functional.

The units contained a number of “Ambulant” cubicles to help and support persons with mobility issues. One unit in each of the facilities also contained a baby-change bed for the care of young children and families.

ACCESSIBILITY

There was NO Accessible toilet at this location

**The unit deserves its 4* TAG award for providing a high level of hygiene & provision
Unfortunately, without Accessible provision it could not receive any higher grade.**

BTA INSPECTORS REPORT



DANFO / WH / RBM153-03

Pier Road Toilets

Pier Road

YO21 3PU

Reviewed – 15/03/24



New Cleaning & Hygiene Award



STATUS REPORT:

This is a substantial sized toilet block with what appears to be adequate provision for most of the year. However, the close proximity to the beach entrance appears to be the cause of continuous misuse of the washing basins. Internal signage shows that these are being used to remove sand from bather’s feet and other limbs. Residues in the WC pans would suggest that they are also used as a foot bath. This can only lead to malfunctions in the equipment.

Suggestions were made to the councillors to consider the instalment of external “cold” water taps or points so that bathers could be encouraged to stop using the expensive Wallgate units for this purpose. An area was identified beside the Accessible toilet that might be suitable for this adoption.

All sanitary ware and surfaces are hygienically clean and free from any dirt or detritus
 All recommended equipment is provided and fully functional.

ACCESSIBILITY

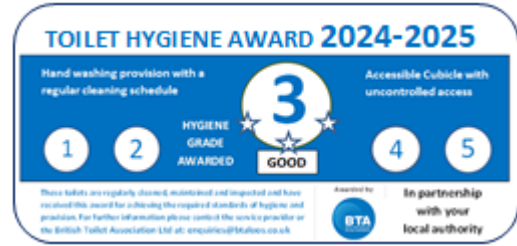
The toilet is well fitted with modern rails and fixtures. The SD bin is poorly positioned. It needs to be beside the WC toilet for easy access – not on a shelf.

**The unit deserves its 4* TAG award for providing a good level of hygiene & provision
 With some thought and funding to overcome the issues it could gain a higher grade.**



**West Cliff
North Terrace
YO21 3HT**

Reviewed – 15/03/24



New Cleaning & Hygiene Award



STATUS REPORT:

This is an old Art Deco circular building facing onto an extensive grassed area with many local amenities in close proximity. Bumper boats, Go Kart track, a Pizza restaurant and a Paddling pool all draws significant volumes of visitors to its doors. It also has local bus stops and on-street parking adjacent. The front lobby area needs attention. Consensus was that there are too many windows and access into the toilets could be improved by reconfiguring the lobby. The sanitary ware and fixtures are clean and free from any dirt or detritus. However, they lack modern appeal. The central pillars hosting the litter bins and warm air dryers constrict movement in & out and these fixtures should be re-sited. The Gents urinal is a 6-8 bay porcelain urinal – and should be updated to single use wall mounted units.

ACCESSIBILITY

This unit does not comply to either the current BS8300 standard or any previous ones. The fixtures and wall are “white-on-white” This can be a significant problem for persons with poor or diminished eyesight – leading to trips or falls. Both the wash basin and the SD bin are positioned too far away from the WC. The Emergency Alarm is too short, the transfer rail is too high, as is the door rail and the toilet flush is mounted too high.

**The unit only deserves a 3* TAG award for providing a basic level of provision
With some remedial works & attention this unit could easily achieve a higher grade.**

BTA INSPECTORS REPORT



DANFO / WH / RBM153-05

The Abbey
Abbey Lane
YO22 4JT

Reviewed – 15/03/24

New Cleaning & Hygiene Award



STATUS REPORT:

Due to its remote location this unit has been extensively fitted to withstand the rigours of any attack or anti-social activity. The entrance way is quite narrow and in peak periods may cause some restriction – and allow repeated access with a loss of revenue.

Primarily all the fixtures are therefore stainless steel. Some of the internal fittings are old tech and would need to be replaced.

All sanitary ware and surfaces are hygienically clean and free from any dirt or detritus
 In the Male and Female units all recommended equipment is provided and fully functional

ACCESSIBILITY

The accessible toilet is very clean and will be a welcome sight for disabled visitors. However, it has a host of issues that will be of concern to its users. The Transfer rail, mirror and tissue dispenser are all fitted too high. The washbasin is an old fashioned “box” wallgate and not at all suitable for this type of facility. The flushing handle is awkwardly positioned for persons with restricted movement or turning ability. There was no SD bin and the single litter bin is badly positioned - causing difficulty to wheelchair users.

The unit deserves its 4* TAG award for providing a reasonable and acceptable level of hygiene & provision. The unit appears well presented and serviced regularly.

BTA INSPECTORS REPORT

DANFO / WH / RBM153-06

**Carrs Road
Ruswarp
YO21 1RL**



Reviewed – 15/03/24

New Cleaning & Hygiene Award



STATUS REPORT:

Located well away from the town centre in the nearby village this post war building contains just simply Male and Female toilets and does not have any Accessible facilities.

The internal fittings are extremely basic and lack any welcoming appeal to the visitor. The floors are extensively marked and stained and many of the sanitary fitting are cracked and discoloured. The high-level cistern speaks of a time long gone as does the porcelain urinal. Both sets of toilets have a single mini stainless steel wash basin with only cold-water feed. Open to bins often attract flies and insects and cannot contain smells from items disposed.

The sanitary ware was obviously clean and free from detritus and no smells were detected.

This unit needs a considerable amount of attention to bring it back to its former glory. The lack of signage suggests that local residents are not keen on promoting this toilet as a visitor attraction or even a local amenity.

ACCESSIBILITY

There was NO accessible facility or Ambulant rails at this location.

The unit only deserves a 3* TAG award for providing basic provision.

EXECUTIVE SUMMARY

Thank you for inviting the BTA to do an independent inspection on the public toilet in Whitby. The following pages contain our notes and thoughts (based on a single visit) that may be of help to the council and the contractor in developing future ideas and resolutions.

With visitor numbers in the hundreds of thousands each year the town of Whitby is certainly one of the UK's most popular holiday destinations, Added to the over 13,000 residents the town is experiencing a vast over capacity demand on its publicly accessible toilet facilities. Only four toilet blocks directly service the main town with another situated at one of the main tourist attractions, the Abbey and a sixth in the village of Ruswarp.

Parking in the town is at a premium and insufficient for the numbers of visitors arriving by car; so, it needs to cope with significantly large volumes of pedestrian traffic. It is therefore understood that - once in the town most visitors will remain for extended periods shopping browsing and enjoying the historic sites and views. This obviously puts a considerable pressure on the public toilet blocks and that can be evidenced by the visible wear and tear on the internal fixtures and fittings. Some units have been modernised in recent years whilst others are awaiting remedial works when the council can find the funding and an allowable timeslot could be found to close the facilities to let upgrades be completed.

We understand from both the council representatives and the contractor Danfo UK; that the sheer visitor numbers and demand for the toilets regularly makes even daily cleaning and servicing extremely difficult or almost impossible without closing the block down. This is unacceptable from the council's perspective and so we have tried to highlight the issues and problems experienced by our surveyor and will try to suggest alternative solutions within.

In discussions with the councillors, we had suggested that the council pay attention to the imminent introduction of a "Tourist Tax." Being described as a Customer/Visitor Levy or tourism levy all national governments are expected to introduce this tax in 2024/2025.

Manchester was the first city to do so, and they already charge £1 for every visitor night spent in local accommodation. This additional revenue is expected to raise around £3m to be spent on enhancing the visitor experience. Street cleaning, toilets, parks and open spaces, events, festivals and projects – all aimed at securing future bookings.

A growing number of local community groups, who have taken on the responsibility of running the local toilet blocks are also turning their attention to "charge-card" technology.

With digital card readers in every retail & leisure facility it could be worthwhile investing in a "WHITBY VISIITOR CARD" This card could be purchased from local shops and businesses for example £5 and it would normally allow the holder (or all their family members) 12 x visits to the towns facilities (std charge 40p) By reducing this to 10 visits per card the council would receive an overpayment of £1 on the purchase. All or a % of that revenue to be "ring-fenced" and spent on improving the toilet facilities and their cleaning & servicing regimes.

Under local planning rules a council can apply for a S106 order to force a builder to include toilet facilities into a new development or construct. Particularly where town centre space is at premium

– we have seen an apartment block erected with 21 separate homes and on the frontage (at ground level) is a fully compliant toilet block that IOW council maintains.

This model also goes for “Franchising” where a toilet block is completely refurbished and a certain proportion of the block is then franchised to a vendor for a significant rent. This income is then set against the cost of the toilets – often making them cost neutral or even in profit. For example: Taxi stands, TIC’s, Ticketmaster outlets, Cycle rental or simply a shop.

New Quay

This in-built block appears to have absolutely no room for expansion. The internal space is sufficient for around 8-10 persons at a time (in peak periods we would estimate this rises to around double that number) and so the unit becomes unmanageable to service.

A major problem seems to exist with the restaurant above in that there is a serious leak from the premises that is significantly affecting the ceilings and floors within the toilet block. This needs to be urgently rectified to allow for redecoration and repairs to be executed. The floor area is presenting a very poor reflection on the overall provision and needs repainted to cope with the high traffic volumes being experienced. Again, this is extremely difficult to achieve if the unit cannot be closed to affect the work.

Event venues and large cities with weekend attractions hire in mobile toilet units to cope with vastly increased demand for short periods. Events tend to hire Polyvac (single plastic units) whereas councils in larger conurbations favour mobile trailers with 6.8.10 units on board to service the more respectful public. These mobile units can be purchased outright or hired in and are really a temporary solution to a regular problem. We are suggesting that this type of unit could be used to divert users to another location while the toilets are cleaned & serviced – not as an additional facility or a replacement.

Eg. Westminster brings in 120 toilets (no additional cost) each weekend to cope with the massive increase in visitors into the city and areas like Covent Garden & Embankment.

Market Place

This is a good facility squeezed into a narrow space. It is modern and bright inside and all fixtures and fittings are functional. However, there are no Accessible facilities at this place. Nor did it seem possible to make access easy as the tightness of the corridors and the turns would restrict many persons entry in a wheelchair. There are “Ambulant cubicles” with rails for those with limited mobility and these could be opened out to a full accessible if the demand was being forced. These units were hard to spot when passing by and there was a distinct lack of any visible signage, within the area, directing visitors to the toilet.

Pier Road

A large modern block that is well fitted and has considerable floor space for users. This unit seems to be being abused regularly by beach goers who we understand wash the sand from their feet and body in the integral Wallgate washing units. This practice must be stopped as the damage caused will be considerable to the electronics of the equipment and council will have to bear the costs. Introducing a washing bay on the exterior of the unit seems to be the only plausible solution to tackle this problem. Showers & or low-level taps should be installed to facilitate those arriving up from the beach covered in sand and enforcement. Children always enjoy playing with water features! Perhaps notices warning users to “wash your feet before you enter” – and possibly

“anyone found misusing this washbasin will be fined and prosecuted” maybe even warning of slips and falls.

West Cliff

This building requires a major rethink & refit. It seems to be servicing a vast number of visitors – the whale bones the 199 step, Historic houses on the crescent, bumper boats and go-karts kiddies paddling pools and large picnic/grass area as well as local transport. The unit is old and tired, paint is flaking, windows broken and the internal fittings are badly laid out and not saying much about the beautiful town of Whitby. White walls and white fittings scream of institutions and prisons. Introducing some colour and modern fittings would dramatically improve the visitor experience. The Accessible toilet is very badly fitted and needs urgent attention before an incident occurs and any legal challenge might be raised.

The Abbey

It was extremely welcoming to see a good clean toilet close to a famous landmark. Normally this would not be allowed but the block has been so cleverly integrated into the steps and visitor arrival area that it will dramatically help to reduce the amount & incidents of fouling.

We suspect the narrow entrance way may cause some trouble for persons queuing and waiting for the previous visitor to leave and so they may get entry for free whilst the gate is open. If the visitor centre was open the unit could be controlled by a code system issued at the desk. We concur that it is still difficult to control the numbers jumping in. Inside there are a number of older fittings that need to be replaced – but generally it is being very well maintained and virtually all the equipment and units are functional.

Carrs Road Ruswarp

This unit is really beginning to show its age. We are not sure about the visitor numbers and would surmise that it is primarily local residents and delivery drivers who use this facility. There is some evidence of anti-social behaviour, but it is relatively minor. The internal fittings are old and need replaced. The floor needs to be repainted and the gent's urinal should be replaced with a single or two single wall mounted units. A modern cistern should be considered to replace the old thunderbox & chain.

It is wonderful to see and experience a council, such as Whitby Town Council, that understands the extreme need and value of good quality publicly accessible toilets. We understand your desire to increase the provision in Whitby, to support the growing visitor numbers, to keep the streets free from fouling and degradation for both your residents and visitors.

Likewise, it takes a team of dedicated cleaners and service engineers to keep facilities like these open & operational under such extreme pressures and inordinately high traffic volumes. We will continue to support Danfo UK in all its endeavours to maintain and increase the standards of hygiene and cleanliness in all the publicly accessible toilets that they service/maintain.

That's why the BTA is campaigning, lobbying and working with, this set of ministers and hopefully the next government, to get legislation and significant funding directly to councils for the adequate and improved provision of all publicly accessible toilets.

Raymond Boyd Martin

Managing Director for the British Toilet Association Limited (BTA)

REVIEW OF DECISION UNDER THE FREEDOM OF INFORMATION ACT

Attached is correspondence relating to a request placed under the Freedom of Information Act 2000. The correspondence has been redacted, in line with best practice, the correspondence is also available in public at https://www.whatdotheyknow.com/request/rejected_motions#outgoing-1658340

The original request was:

9. Motions For A Meeting That Require Written Notice To Be Given To The Proper Officer

h. Motions rejected shall be recorded with an explanation by the Proper Officer for the reason for rejection.

For the time period 1st April 2019 until 31st March 2024, please provide a copy, in e-format (ideally PDF), of all of the recorded "Motions rejected", in chronological order, together with the respective explanations of their "reasons for rejection", commensurate with SO9h(above).

The request was responded to and the information originally requested was provided on 22 April 2024 (as attached), which is the table maintained for the purposes of keeping a record compliant with SO9h.

The committee should note that any comments relating to the operation of the council's administrative processes necessarily fall outside the terms of the original request or its review.

The council's FOI Policy provides a right of appeal against a refusal to provide information.

Recommendation

The committee must decide whether there has been a refusal to provide the information requested and whether it upholds or overturns that decision.

Appendix

Dear Data Controller / Data Processor,

Thank you for your response:

<https://web.archive.org/web/202405071221...>

I am dissatisfied with your response for the following reasons:

1) For convenience of reference, my request read:

'For the time period 1st April 2019 until 31st March 2024, please provide a copy, in e-format (ideally PDF), of all of the recorded "Motions rejected", in chronological order, together with the respective explanations of their "reasons for rejection", commensurate with SO9h (above).'

As is clearly stated, my request comprises two distinct elements, as specified under SO9h, namely:

- a) 'all of the Motions rejected' (in the specified time period); and
- b) 'the respective explanations of their "reasons for rejection"'. .

Both of these elements should be located within a single document which the Proper Officer is required to keep and maintain on a rolling basis, in order to discharge the duty to comply with Standing Order 9h. This "record" (i.e. log) of "Motions rejected" and "reasons for rejection" should fall immediately to hand in the Council's records, but your response has omitted to confirm that this record exists, as is required in accordance with S1(1)(a) FOIA.

Your response appears to be newly created information, which is contrary to the ICO guidance:

"Do we need to create information to satisfy an information request?"

No. FOIA only applies to information that a public authority already holds in recorded form at the time of the request."

In any event, your response entirely omits any reference to 'all of the Motions rejected', and is, therefore, incomplete.

Further, as specified in my original request of 1st April 2024, my request arises under the terms of Standing Order 9h, which reads as follows:

'9. Motions For A Meeting That Require Written Notice To Be Given To The Proper Officer

h. Motions rejected shall be recorded with an explanation by the Proper Officer for the reason for rejection.'

The natural and ordinary meaning of the above form of words makes clear that a record of both elements of my request must be maintained by the Proper Officer.

As stated, it is this written record (or log) that forms the substance of the requested information.

Unfortunately, not only is your response only a partial response, it gives every appearance of having been created specifically to fulfil the terms of my request.

ICO Guidance states:

<https://ico.org.uk/for-organisations/foi...>

"You do not have to create new information in response to a request. FOIA only applies to information which you already held at the time of the request."

2) Accordingly, your response is unsatisfactory at a second level; namely, that you appear to have created a new document comprising the "reasons for rejection" but excluding the "Motions rejected" AFTER receipt of my request of 1st April 2024. (The metadata of your PDF show, conclusively, that your response was created on 7th May 2024). This is not the information requested. The information requested was the "record", since 1st April 2019, that SO9h requires the Proper Officer to maintain.

It follows, then, that it would appear to be the case that your correct response, in the event that this record has not been maintained, should have been, under s.1(1)(a), that the requested information was "NOT HELD".

It is plain to see that had you responded correctly and accurately (i.e. "Information NOT HELD") to my request, you would, in doing so, have incriminated the Proper Officer on the matter of having failed to comply with the duty under SO9h; namely, to maintain a record comprising "Motions rejected shall be recorded together with an explanation by the Proper Officer for the reason for rejection."

This potential weakness is a serious matter of interest to the External Auditor.

EITHER - (A) - there exists a record of "Motions rejected shall be recorded together with an explanation by the Proper Officer for the reason for rejection", as required under SO9h (in which case, you have failed to disclose it);

OR - (B) - the Proper Officer has not complied with SO9h by maintaining such record.

Please state which is the case. You may respond to this request for information with a simple "A" or "B" response. Thank you.

Therefore, I repeat my request for Internal Review by Full Council, in accordance with precedent.

Please ensure that the entirety of this correspondence (redacted, as necessary) is provided to all Councillors.

Yours, etc

██████████

Freedom of Information Request – FOI240401

Dear Mr [REDACTED]

I acknowledge receipt of your email dated 1 April 2024 requesting information under the Freedom of Information Act 2000.

You asked for:

For the time period 1st April 2019 until 31st March 2024, please provide a copy, in e-format (ideally PDF), of all of the recorded "Motions rejected", in chronological order, together with the respective explanations of their "reasons for rejection", commensurate with SO9h(above).

Details of motions rejected over the period 1 April 2019 to 31 March 2024 are:

Date/ Response	Reason for Refusal
28/01/24 07/02/24	No reply received responding to proposed amendments to the submitted motions, which are considered improper as drafted, these have been rejected for the reasons stated in an email of Monday 5 February.
02/01/24 04/01/24	Submitted on Tuesday 2 January at 11:11pm (five clear days before the meeting) Standing Orders require that any motion is submitted 'at least seven clear days before the meeting.'
29/12/23 04/01/24	Not accepted the motion for the agenda for three reasons. The meeting to be held on 8 January is not a valid parish meeting. Any meeting of electors, whether convened under statute or otherwise cannot be binding on the town council and any outcome of a meeting yet to be held cannot be properly considered without notice. The views of members of the public may be articulated in the council meeting under a relevant heading by any councillor or by a member of the public during public participation without the need for a motion facilitating that.
28/07/23 04/08/23	Motion 4 requires more information to understand its impact – a reference for the particular 'government guidance' to be followed. Motion 5 requires more focus, is separately partially under consideration by the Web Page Working Group and may be, without more clarification, ultra vires. Motion 6 is not framed as a motion and cannot be included.
26/06/23 28/06/23	1)c) Quoted statute does not cover the minutes of meetings of an authority or its committees. 3) Covered by 'six-month rule' – requires a special motion supported by ten members. 4) Covered by 'six-month rule' – requires a special motion supported by ten members.
26/08/22 30/08/22	2) Covered by 'six-month rule' – (requires a special motion supported by ten members) or consideration after 17 November 2022.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of the decision, you should write

to Chair of the Finance Policy & General Purposes Committee, Whitby Town Council, Pannett Park, Whitby YO21 1RE.

If you are not content with our decision, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the council.

The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Telephone: 08456 306060 or 01625 545745, Web: www.ico.gov.uk

If you have any queries about this response, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Michael King
Town Clerk & Responsible Finance Officer

9. APPROVAL OF EXPENDITURE TO 30 APRIL 2024

Date	Gross	Memo
04/04/2024	250.24	GRENKE LEASING LIM 1580017809 DDR
08/04/2024	8.50	CHARGES COMMISSION FOR PERIOD
09/04/2024	29.93	EVERFLOW LIMITED B303936A DDR
16/04/2024	94.80	SAGE SOFTWARE LTD WXMFGRF DDR
16/04/2024	348.70	EVERFLOW LIMITED B303936A DDR
22/04/2024	1,287.42	TOTALENERGIES G&P 1112074 DDR
23/04/2024	717.66	NORTH YORKSHIRE CO 490014011 BBP
23/04/2024	10.70	WHITBY LITERARY AN WTC 1144/1164 BBP
23/04/2024	400.00	WHITBY LITERARY AN WTC 1144/1165 BBP
23/04/2024	1,802.13	EDGE IT SYSTEMS LT WTC ANNUAL 365 FEE BB
23/04/2024	6,041.35	NORTH YORKSHIRE CO 490000880 BBP
23/04/2024	140.00	LAMPLOUGH WTC TREE REMOVAL BBP
23/04/2024	250.00	EUROPEAN WATER TEC WHITBY TC BBP
23/04/2024	1,589.00	YLCA MEMBERSHIP WTC BBP
23/04/2024	50.00	YLCA WHITBY T C BBP
23/04/2024	805.40	COMPASS POINT PLAN WHITBY TC BBP
23/04/2024	210.00	WHITBY ADVERTISER WHITBYTOWNCOUNCIL BBP
23/04/2024	741.00	MORRIS VERMACOURT WHITBYTOWNCOUNCIL BBP
23/04/2024	363.60	COMGAS HEATING LTD WHITBYTOWNCOUNCIL BBP
23/04/2024	38.99	HOWDEN JOINERY LIM A/C 1102117774 WTC BB
23/04/2024	50.80	RENTOKIL INITIAL C/900083542 BBP
23/04/2024	185.02	SAPPHIRE PRINT LTD WHITBYTOWNCOUNCIL BBP
23/04/2024	25.00	YLCA WHITBY T C BBP
23/04/2024	3,387.20	VISTECH SERVICES L YO21 WHITBY MUSEUM BB
23/04/2024	130.21	NORMANS WHITBYTOWNCOUNCIL BBP
23/04/2024	180.00	OAKLEY WHITBYTOWNCOUNCIL BBP
23/04/2024	429.56	ADT WHITBYTOWNCOUNCIL BBP
23/04/2024	15.95	XXXXXXX EXPENSES BBP
23/04/2024	3.48	XXXXXXX EXPENSES BBP
23/04/2024	996.00	Tenant's Auctions (Recharge to PAG)
23/04/2024	14.10	STATIONERY - BCARD COMMERCIAL 5312141022786911 DDR
23/04/2024	92.65	ENGIE GAS CWHITBY01/SA DDR
29/04/2024	85.79	CATHEDRAL HYGIENE 10414005395543 DDR
30/04/2024	220.48	DOCUMENT SOLUTIONS 2024 DOC SOL DDR
	20,995.66	Total
	12,506.14	Confidential Transactions
	33,501.80	TOTAL

12. COST CENTRE EXPENDITURE & INCOME TO 31 MARCH 2024**Budget Headings Summary****Start of year 01/04/23**

Heading	Net (£)	Vat (£)	Gross (£)
5000 Core & Democratic Expenditure			
5000/1 Administration			
5000/1/1 Stationery	194.73	38.95	233.68
5000/1/2 Photocopying	1,238.61	247.72	1,486.33
5000/1/3 Adverts	0.00	0.00	0.00
5000/1/4 Postage	1,167.43	56.79	1,224.22
5000/1/5 Telephones/broadband/email	2,994.93	599.00	3,593.93
5000/1/6 Office Equipment			
5000/1/6/1 Computing	14.83	2.97	17.80
5000/1/6/2 Furniture	0.00	0.00	0.00
5000/1/6/3 Consumables	0.00	0.00	0.00
5000/1/6/4 Operational Equipment	644.36	128.83	773.19
5000/1/7 Audit	600.00	0.00	600.00
5000/1/8 Rechargeable Pannett	533.30	0.00	533.30
5000/1/9 IT Hosted Applications	4,584.27	916.86	5,501.13
5000/1/10 Website	150.00	30.00	180.00
5000/1/11 Computer Maintenance	0.00	0.00	0.00
5000/1/12 Insurance	15,598.50	168.40	15,766.90
5000/1/13 Bank Charges	145.80	0.00	145.80
5000/1/14 Professional Fees	50.00	423.93	473.93
5000/1/15 Legal Costs	525.00	105.00	630.00
5000/1/16 Data Protection Annual Fee	0.00	0.00	0.00
5000/1/17 HR Advisory Service	2,119.67	0.00	2,119.67
5000/1/18 Staff Training	685.84	137.16	823.00
5000/1/19 Staff Travel Expenses	74.35	0.00	74.35
5000/1/20 Subscriptions			
5000/1/20/1 YLCA/NALC	1,520.00	0.00	1,520.00
5000/1/20/2 SLCC	546.67	109.33	656.00
5000/1/20/3 Yorkshire Society	0.00	0.00	0.00
5000/1/20/4 Rural Services Network	133.00	26.60	159.60
5000/1/21 Room Hire	0.00	0.00	0.00
5000/1/22 Health & Safety	0.00	0.00	0.00
5000/1/23 Publications	28.21	0.00	28.21
5000/1 Administration Total	33,549.50	2,991.54	36,541.04
5000/2 Civic & Councillors			
5000/2/1 Mayor's Allowance	333.45	61.40	394.85
5000/2/2 Councillors' Training	187.36	13.08	200.44
5000/2/3 Civic Regalia	16.67	3.33	20.00
5000/2/4 Election/Polls	0.00	0.00	0.00
5000/2/5 Mayoral Board	325.00	65.00	390.00

30/05/24 03:52 PM Vs: 8.99.01

Whitby Town Council**Page 1**

Budget Headings Summary

Start of year 01/04/23

Heading	Net (£)	Vat (£)	Gross (£)
5000/2/6 Honorary Freeman	0.00	0.00	0.00
5000/2/7 Annual Report	0.00	0.00	0.00
5000/2/8 Plaques and Pennant Gifts	0.00	0.00	0.00
5000/2/9 Hospitality	108.85	0.00	108.85
5000/2/10 Contingencies	0.00	0.00	0.00
5000/2/11 Section 137	30.00	0.00	30.00
5000/2/12 Civic Events	0.00	0.00	0.00
5000/2/13 Twinning	0.00	0.00	0.00
5000/2/14 Councillors' Travel & Subsistence	0.00	0.00	0.00
5000/2/15 Parish Meeting	150.00	30.00	180.00
5000/2 Civic & Councillors Total	1,151.33	172.81	1,324.14
5000 Core & Democratic Expenditure Total	34,700.83	3,164.35	37,865.18
5001 Facilities Management			
5001/1 Gas	7,355.15	1,471.04	8,826.19
5001/2 Electricity	11,489.61	2,297.93	13,787.54
5001/3 Water Charges	2,395.90	0.00	2,395.90
5001/4 Trade Waste	679.65	0.00	679.65
5001/5 Business Rates	0.00	0.00	0.00
5001/6 Hygiene Contracts	2,570.13	514.06	3,084.19
5001/7 Security Patrols	7,070.32	1,414.05	8,484.37
5001/8 Alarm Call Outs	0.00	0.00	0.00
5001/9 ADT Contracts	7,899.34	1,579.87	9,479.21
5001/10 ADT Repairs and Maintenance	5,957.44	1,191.48	7,148.92
5001/11 Cleaning/Hygiene Supplies	2,147.77	321.55	2,469.32
5001/12 Fixtures and Fittings (R&M)	367.51	69.51	437.02
5001/13 Lift Maintenance	887.18	177.44	1,064.62
5001/14 Operational Equipment (New)	155.25	31.04	186.29
5001/15 Air Conditioning	2,090.31	418.05	2,508.36
5001/16 Heating System	4,109.87	821.98	4,931.85
5001/17 Repairs & Maintenance (General)	35,809.06	3,119.93	38,928.99
5001/99 Maintenance Reserve	0.00	0.00	0.00
5001 Facilities Management Total	90,984.49	13,427.93	104,412.42
5002 Services			
5002/1 Allotments			
5002/1/1 Infrastructure	0.00	0.00	0.00
5002/1/2 Grounds Maintenance	200.00	0.00	200.00
5002/1/3 Clearance	0.00	0.00	0.00
5002/1/4 Water Charges	735.88	0.00	735.88
5002/1 Allotments Total	935.88	0.00	935.88

Budget Headings Summary

Start of year 01/04/23

Heading	Net (£)	Vat (£)	Gross (£)
5002/2 Public Conveniences			
5002/2/1 Water Charges	32,734.22	0.00	32,734.22
5002/2/2 Additional Works	13,795.11	589.77	14,384.88
5002/2 Public Conveniences Total	46,529.33	589.77	47,119.10
5002/4 Christmas Lights	23,930.86	4,786.17	28,717.03
5002/5 Notice Board	0.00	0.00	0.00
5002/8 Spital Bridge - Residents Parking site	0.00	0.00	0.00
5002/10 Abbey / Caedmon Footpath	0.00	0.00	0.00
5002/11 Twinning	0.00	0.00	0.00
5002/12 Old Town Hall Survey	0.00	0.00	0.00
5002/13 War Memorial	23.99	0.00	23.99
5002/14 Harbour Story Boards (R&M)	0.00	0.00	0.00
5002/15 Welcome to Whitby Sign (R&M)	0.00	0.00	0.00
5002/16 Climate Emergency Engagement	0.00	0.00	0.00
5002/17 Victoria Spa Well (R&M)	0.00	0.00	0.00
5002/18 East Pier Footbridge	6,000.00	0.00	6,000.00
5002/19 Christmas Festival	21,772.02	3,988.45	25,760.47
5002/20 Other Events			
5002/20/1 Armed Forces	1,248.00	169.00	1,417.00
5002/20/2 Coronation	173.10	12.23	185.33
5002/20/3 Fossil Festival	0.00	0.00	0.00
5002/20 Other Events Total	1,421.10	181.23	1,602.33
5002/21 Armistice Day/Remembrance	34.98	7.00	41.98
5002/30 Modern Apprentice Contribution	0.00	0.00	0.00
5002/40 Grants	0.00	0.00	0.00
5002/41 Pannett Extension	658.17	40.96	699.13
5002/42 Neighbourhood Plan	490.00	90.00	580.00
5002/43 Unitary Engagement	0.00	0.00	0.00
5002 Services Total	101,796.33	9,683.58	111,479.91
6000 Staffing			
6000/1 Nett Salaries	146,394.11	0.00	146,394.11
6000/2 Tax	20,324.00	0.00	20,324.00
6000/3 National Insurance			
6000/3/1 Employees' NIC	11,668.13	0.00	11,668.13
6000/3/2 Employer's NIC	17,678.02	0.00	17,678.02
6000/3 National Insurance Total	29,346.15	0.00	29,346.15
6000/4 Pension Contributions			
6000/4/1 Employees' Contribution	13,392.43	0.00	13,392.43
6000/4/2 Employer's Contribution (19.5%)	37,796.43	0.00	37,796.43

Budget Headings Summary

Start of year 01/04/23

Heading	Net (£)	Vat (£)	Gross (£)
6000/4 Pension Contributions Total	51,188.86	0.00	51,188.86
6000 Staffing Total	247,253.12	0.00	247,253.12
Total	474,734.77	26,275.86	501,010.63

Budget Headings Summary

Start of year 01/04/23

Heading	Net (£)	Vat (£)	Gross (£)
4000 Town Council Income			
4000/1 PAG Recharges	30,000.00	0.00	30,000.00
4000/3 PPM Office Rental	0.00	0.00	0.00
4000/4 PPM Telephone Refunds	0.00	0.00	0.00
4000/5 PAG Commission	0.00	0.00	0.00
4000/6 Recharges (Lit & Phil)	8,761.56	0.00	8,761.56
4000/7 60% Admission (Lit & Phil)	69,952.00	0.00	69,952.00
4000/9 Locality Grants	0.00	0.00	0.00
4000/10 Capital/Heritage Grants	0.00	0.00	0.00
4000/11 Other Grants	4,393.41	0.00	4,393.41
4000/12 Christmas Lighting Grant	0.00	0.00	0.00
4000/13 Recharges/SLAs	16.85	0.00	16.85
4000/20 Christmas Festival	29,172.50	0.00	29,172.50
4000/21 Armed Forces Day	581.67	0.00	581.67
4000/30 Public Conveniences	652.00	0.00	652.00
4000/31 Community Donation	50.00	0.00	50.00
4000/32 Neighbourhood Plan	0.00	0.00	0.00
4000 Town Council Income Total	143,579.99	0.00	143,579.99
4010 Allotments	1,300.80	0.00	1,300.80
4050 Tracker Account Interest			
4050/1 Interest	475.73	0.00	475.73
4050/2 Loyalty Reward	0.00	0.00	0.00
4050 Tracker Account Interest Total	475.73	0.00	475.73
4051 Current Account Interest			
4051/1 Interest	0.00	0.00	0.00
4051/2 Loyalty Reward	18.75	0.00	18.75
4051 Current Account Interest Total	18.75	0.00	18.75
4100 Precept	283,560.00	0.00	283,560.00
4200 VAT Refund	31,077.10	0.00	31,077.10
Total	460,012.37	0.00	460,012.37