

Wiltshire Council

Cabinet

15 March 2016

Subject: Future of Wiltshire Council Provided Public Conveniences

Cabinet Member: Cllr Philip Whitehead – Highways and Transport

Key Decision: Yes

Executive Summary

- (i) Wiltshire Council should asset transfer, lease, or return public conveniences to town and parish councils at the earliest mutually agreeable opportunity.
- (ii) Where a town or parish council rejects a public convenience transfer opportunity, Wiltshire Council should continue the provision of the facility where a positive cost-benefit analysis is proven.
- (iii) Where a town or parish council rejects a public convenience transfer opportunity Wiltshire Council should close the facility if a positive cost-benefit analysis is not found.
- (iv) Introduce a Community Toilet Scheme and enable where possible the opening of resources in Wiltshire public buildings.

Proposals

- (i) To note the outcome of the public consultation and transfer any public conveniences that the towns and parishes wish to manage and undertake a 'cost benefit' analysis on any remaining facilities to decide their future.
- (ii) To delegate powers to the Associate Director, Highways and Transport following consultation with the Cabinet Member for Highways and Transport with regard to the cost benefit analysis decision on each remaining public convenience.
- (iii) Introduce a Community Toilet Scheme in Wiltshire and enabling where possible the opening of resources in Wiltshire public buildings.
- (iv) Authorise the Associate Director for People and Business to enter into appropriate formal arrangements for the transfer or lease of the assets on such terms as to be determined by the Associate Director for People and Business following consultation with the Associate Director for Highways and Transport, Associate Director for and Law and Governance and the Cabinet member for Highways and Transport.

Reason for Proposals

Due to Wiltshire Council's continued need to concentrate on delivering priority services; the funding for cleaning and maintenance of public conveniences was removed in April 2015.

However, these public conveniences remain open and the purpose of this report is to provide members with the outcome of a public consultation and to seek a decision about the future provision of the public convenience service.

Dr. Carlton Brand
Corporate Director

Wiltshire Council

Cabinet

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Key Decision: Yes

Purpose of Report

1. Due to Wiltshire Council's continued need to concentrate on delivering priority services; the funding for cleaning and maintenance of public conveniences was removed in April 2015. However, these public conveniences remain open and the purpose of this report is to provide members with the outcome of the recent public consultation and to seek a decision about the future provision of the public convenience service.

Relevance to the Council's Business Plan

2. To identify alternative ways of providing non statutory services and encouraging community involvement in delivery of services.

Main Considerations for the Council

3. The recommendation to members is Option 1 which seeks for the transfer of public conveniences to town and parish councils and carries out a cost benefit analysis on those not transferred, and Option 4 which introduces a Community Toilet Scheme throughout Wiltshire.
4. The adoption of these options will ensure the continued availability of public conveniences.

Background

5. There are thirty two public conveniences run by Wiltshire Council across Wiltshire. These include two in Devizes, two in Bradford on Avon, three in Melksham, two in Westbury, one in Marlborough, one in Corsham, one in Castle Combe, three in Chippenham, one in Calne, one in Royal Wootton Bassett, one in Cricklade, one in Amesbury, one in Downton, one in Wilton, two in Warminster and nine in and around Salisbury. They are all checked and cleaned twice a day by the Council's contractor, Balfour Beatty Living Places. A full list of all facilities is available in **Appendix A**.

6. Some of the Council's Public Convenience facilities are not compliant with the Equalities Act 2010 and thus will require significant investment. Public conveniences often attract vandalism and anti-social behaviour ranging from very minor (litter and graffiti tagging) to major (sexual behaviour, graffiti, drug taking and rough sleeping).
7. Customers are often critical of public conveniences, particularly where usage is heavy and consumables run out; however, the majority of complaints are that conveniences are not open long enough. This could be improved with the introduction of a Community Toilet Scheme.

Overview and Scrutiny Engagement

8. The budget for maintaining public conveniences was removed as part of the budget setting process 2015/16 which involved Overview and Scrutiny.

Safeguarding Implications

9. There are no safeguarding implications.

Public Health Implications

10. The aim of this review is to get local communities to take responsibility for their own public conveniences. Having this community approach will ensure there is still some provision which is essential to meet the needs of the community especially people living with physical or mental health conditions. The community model could be linked in with wider community schemes such as safe places and shop schemes to help ensure the level of service is appropriate.

Procurement Implications

11. There are no procurement implications.

Equalities Impact of the Proposal

12. The EIA found that where public conveniences are transferred to a town or parish the impact on equalities will be low. This would change should the parish decide to close these facilities at a later date. Wiltshire Council will carry out a "cost benefit" analysis on any sites that are not transferred. See **Appendix I** for the full survey.

Environmental and Climate Change Considerations

13. The closure or transfer of the public conveniences would have a minimal impact on the council's carbon reduction commitment payment associated with the hot water and lighting provision. Where the facilities are provided by existing and open businesses such as pub or café it is likely that there would be no significant increase in their energy costs and associated carbon emissions as the facilities would already have been available to customers and it is not anticipated that their opening times would be extended under this proposal.

Risk Assessment

14. Disposal of land and buildings comes with various risks and appropriate due diligence will be required.

Risks that may arise if the proposed decision and related work is not taken

15. As there is no provision in the 2016/17 budget to fund cleaning, Wiltshire Council would need to identify additional funding or close all public conveniences on 1 April 2016.
16. The contract to clean public conveniences finishes on 31 March 2016. Wiltshire Council would need to identify how it would continue to clean these facilities beyond this date, if alternative ways for providing the service are not found.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

17. Should town and parish councils not accept the asset transfers then the Council would need to review the public convenience availability within Wiltshire.

Financial Implications

18. The budget for maintaining public conveniences was removed as part of the Council's Financial Plan for 2015/16. The Financial Plan was subject to a process of member scrutiny that included consideration by the Financial Planning Task Group and the Overview and Scrutiny Management Committee. The outcome of these was reported to Cabinet and Full Council.
19. For 2015/16 the annual contract cost of cleaning public conveniences is £180,000. The service has been exploring 'one off' funding opportunities, from other sources, for 2015/ 16 to provide the service. However, there is the potential of an overspend being reported as the operation has continued and is unfunded. For 2014/15 the ongoing maintenance and utility costs for public conveniences was £191,000. For any public conveniences not transferred to local parish or town councils there would be a budget implication for both the cost of maintenance and cleaning the service would have to look at its other service delivery priorities to allow the public convenience provision to be fully funded. This will be determined on a case by case basis.
20. The funding arrangements for any convenience transferred to a town or parish council would be at their discretion. Currently a number of facilities have charges for use, but the majority have no charge for entry. The transfer would not prevent the town or parish council introducing or removing charges. The councils could also consider alternative funding arrangements such as advertising, sponsorship or grant funding (where possible).

Legal Implications

21. The successful implementation of this Decision will entail close working between the Council and the relevant town and parish councils to ensure the smooth asset transfer of the public conveniences where appropriate.

22. As the Council is ceasing to provide public convenience services directly and instead grant leases or transfer freeholds of the public conveniences the risk of TUPE applying is very low but needs to be considered independently by each council involved.

Options Considered

23. The following Options are:

- (i) Transfer any public conveniences that the towns and parishes wish to manage and undertake a 'cost benefit analysis on any remaining facilities to decide their future.
- (ii) Continue to provide and fund public conveniences.
- (iii) Close the public conveniences.
- (iv) Introduce a Community Toilet Scheme.

24. (i) **Option 1**

Towns and parishes that have Wiltshire Council provided public conveniences within their areas were contacted on 15 July 2015 (see **Appendix B**). The communication gave the parishes advance notice of the public consultation and asked each town or parish whether it wished to consider taking on the provision of the service and the asset (see **Appendix C**).

The town and parish councils were requested to respond by 17 September 2015. Information concerning the current operating costs was supplied to town and parish councils on 13 and 20 November 2015. So far, eight town and parish councils have expressed an interest in taking on the responsibility for the provision of this service.

On 26 November a meeting was held with the Head of Community Engagement and Governance to discuss how Community Engagement Managers could approach parishes to encourage transfer of the service.

Where a town or parish council decides to accept a public convenience facility, a lease or Community Asset Transfer will be undertaken. To allow the legal process to be completed there may be a requirement, in a small number of transfers, for Wiltshire Council to extend their maintenance period for a facility to a mutually agreeable transfer date.

Where a town or parish council decide that they do not wish to accept a public convenience facility a cost-benefit analysis will be undertaken by Wiltshire Council on the future provision of the asset.

The analysis will consider the:

- Comments with regard to the provision received during the Public Convenience consultation.
- Usage of the facility.
- Availability of suitable alternative public conveniences within a reasonable geographical area.
- Age and condition of the facility.
- On-going cost of provision.
- Any alternative provider options for running the facility.

- Value of the asset and alternative possible uses.
- Scale of the benefit delivered in relation to Wiltshire Council's business plan priorities

Where the review concludes that the public convenience provision

- passes the cost-benefit analysis test the council may extend their maintenance period for the facility, which will then be reviewed at an agreed frequency.
- fails the cost benefit analysis test the facility will be closed as a public convenience.

25. (ii) **Option 2**

Wiltshire Council continues to fund and provide this service.

Appendix F shows the running costs for upkeep and utilities which equate to £190,704.00 per annum.

Since 1 June 2013, the cost of cleaning the public conveniences was included in the Highways Contract provided by Balfour Beatty Living Places. The equivalent daily cost for cleaning each location twice a day was £7.76. The contract finishes on 31 March 2016.

The Landscape Group has been asked to price the cost of cleaning after this date. It has provided a cost of £400,000 per annum to deliver this service.

Therefore, the cost to Wiltshire Council for continuing to provide this service would be £600,000 per annum. Currently, there is no budget provision for any of the above costs in the Council's budgets.

26. (iii) **Option 3**

Wiltshire Council closes all of its public conveniences on 1 April 2016. The Council can then decide what it wants to do with the assets.

27. (iv) **Option 4**

This option would see the introduction of a Community Toilet Scheme throughout the county. Under this option shops and businesses would be encouraged to make their toilets available for use by members of the public.

The benefits of this scheme would be more toilets made available for public use across the county with the added benefit that the toilets would be open for longer into the evening, so serving the night time economy.

Businesses themselves, particularly cafes, pubs and restaurants will benefit as potentially more customers will pass through their doors.

A number of unitary, district and town councils already operate these schemes, including Bath and North East Somerset District Council, Oxford City Council, Poole Borough Council, and Frome Town Council.

Appendix D details information about the Gloucester City Council and Oxford City Council schemes.

On 26 November a meeting was held with the head of Community Engagement and Governance to discuss how Community Engagement Managers could approach businesses to promote the scheme and encourage businesses to make their toilets available.

In order to encourage businesses, it is recommended that £18,000.00 be made available to Area Boards (£1,000.00 per Area Board) so that grants in the region of £200 per application can be made in the first year to encourage businesses to join the scheme.

Participating businesses will be able to display this logo in order to advise the public that their business is participating in the scheme.



An example of Oxford City Council's agreement is attached as **Appendix E**.

28. **Public Consultation**

A three month public consultation about the future provision of public conveniences started on 17 August 2015. It closed on 11 December 2015. Town and parish councils were written to electronically on 14 August to advise them that Wiltshire Council was going out to consultation. Notices were posted in all of the public conveniences to advise members of the public how they could take part in the consultation.

The consultation itself was accessed via the Council's website – see **Appendix G** for a copy of the consultation document and the results.

A number of paper copies were sent to those members of the public that requested them. Wiltshire Council electronically contacted over one hundred community groups to advise them of the consultation. Unless they have responded via the on-line survey, Wiltshire Council has not had any direct responses from any of these organisations.

29. **Summary of Consultation Results**

There were 451 surveys completed. Over 96.5% of responses were from individuals with only 2.2% coming from representatives of interested groups. Individuals were given the choice of six options as to how the service could be provided in the future. Individuals could select up to three of these options:

More than 65% of responses supported the option that public conveniences be transferred to town and parish councils.

47% of responses thought that public conveniences could be kept open by allowing businesses to operate them.

38% thought that the Wiltshire Council and town and parish councils should make the toilets in all public buildings available to members of the public.

Full results of the consultation can be found in **Appendix G**.

30. **Additional Communications**

Letters and emails have been received from sixteen members of the public all expressing concern over the future of the public conveniences. The theme of all these letters was that Wiltshire Council should continue to fund this service itself. A response was sent to each of these residents who were encouraged to complete the on-line survey.

The Devizes Area Tourism Partnership has also raised similar concerns about closing public conveniences in Devizes and the impact that this could have on visitors to the town and surrounding area.

Wiltshire People 1st assisted seventeen of its members in completing our survey:

- Just over half thought that Wiltshire Council should support local shops and businesses in making their toilets available to the general public. This should be supported by improved signage directing people to these premises.
- Just under half of the responses thought that town and parishes should provide the service.
- A third of people thought that the asset should remain with Wiltshire Council but operated by community groups or volunteers supported by Wiltshire Council.

The full report is attached in **Appendix H**.

Conclusions

31. To:

- (i) Ensure Public Conveniences facilities continue to be available for the residents and visitors, Wiltshire Council will transfer, lease, or return public conveniences to town and parish councils at the earliest mutually agreeable opportunity. Where a town or parish council rejects a public convenience transfer opportunity, Wiltshire Council should continue the provision of the facility if supported by the outcome of a cost-benefit analysis.
- (ii) Improve on the availability of facilities, a Community Toilet Scheme will be introduced and where possible resources in Wiltshire public buildings will be made available for the public's use.

Parvis Khansari
Associate Director – Highways & Transport

Report Author:
Tim Woolford
Local Highways Area Manager
Tel No. 01722 438918
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The following unpublished documents have been relied on in the preparation of this Report:

None

Appendices:

- A – List of public convenience locations
- B – Letter to town and parish councils
- C – Sample schemes, Gloucester City Council and Oxford City Council
- D – Sample agreement (Oxford City Council)
- E – Running costs
- F – Consultation document
- G – Results of consultation
- H – Wiltshire People 1st results
- I – Wiltshire Council Equality Impact Analysis Record Form 2015