

REPORT TO THE EXECUTIVE

Report No.24

Date of Meeting	31st August 2006
Title of Report	Future of Public Conveniences
Portfolio	Planning and Regeneration, Streetscene
Link to Corporate Priorities	Asset Management - Managing the Council's land and property holdings to obtain the maximum return for the Council and local communities.
Key Decision	YES - The decision will be significant in terms of its effects on communities living or working in an area compassing two or more wards within the district of North Wiltshire.
Executive Workplan Ref	B275
Public Report	NO - The report is exempt by virtue of Paragraphs 1 and 4 of Part 1 of Schedule 12(a) of the Local Government Act 1972 (Access to Information Provisions) Paragraph 1 - Information relating to any individual. Paragraph 4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Summary of Report

To advise the Executive of options for the future of selected public conveniences as a progress report following the Executive meeting of 20th April 2006.

Officer Recommendations

- 1. Members defer seasonal closure of 5 public conveniences and vire additional budget (approximately £18,000) from elsewhere within the Revenue accounts or from reserves.**
- 2. If transfer arrangements can not be agreed with Parish Councils before the Executive meeting of 5th October 2006, defer such agreements until 2007/08.**
- 3. Continue negotiations with Wootton Bassett Town Council concerning the transfer of the Station Road facility, closure of Borough Fields and the transfer of staff. The Town Council be be asked to undertake a consultation exercise to justify the closure of Borough Fields.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
YES	YES	YES	YES	YES

Contact Officer	Tony Weeks, Principal Estate Officer, 01249 706310, tweeks@northwilts.gov.uk
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NOT FOR PUBLICATION

NOT FOR PUBLICATION**1. Introduction**

- 1.1 To advise the Executive of options for the future of selected public conveniences as a progress report following the Executive Committee of 20 April 2006.

2. Options and Options Appraisal

- 2.1 Option 1: Seasonal closure of 5 public conveniences could allow the 2006-07 public conveniences Revenue budget to be contained. However, Members have to decide whether the perceived loss of amenity, adverse local reaction and Officer time expended justify the average £3000 that such closure might realise.
- 2.2 Option 2: The transfer of public conveniences to the Parish Councils has not proved simple to facilitate. Much Officer time is involved at the expense of time on other projects. The TUPE (Transfer of Undertakings, Protection of Employment) Regulations are complicated and those Parish Councils that have expressed a willingness to take on their local public convenience have reservations about the transfer of staff.
- 2.2 Option 3: Biddestone Parish Council considers that it is too small a parish to become involved in the administrative issues; and Box public conveniences are in no position to be transferred until an outstanding dispute is resolved.
- 2.4 Option 4: Accordingly it is suggested that if transfer arrangements can not be agreed and be reportable in time for the 6th. October Executive meeting, then such devolution attempts be deferred for 12 months.
- 2.5 Option 5: Members have decided to support a year-round facility in Wootton Bassett. The Town Council is prepared to consider taking on the sole public convenience but wish that single facility to be the one in Station Road (now closed) rather than the one in Borough Fields. They also propose more substantial refurbishment than would be required to simply improve access. It is unlikely that Station Road would be able to re-open before April 1st. 2007 so the Borough Field location can continue until then. Whether Station Road or Borough Fields, the effect on the Revenue account would be comparable to what it would be if the public conveniences remained in District Council ownership

3. Background Information

- 3.1 Following a number of reports presented during 2005/06 to both the Executive and Overview and Scrutiny Committees, on 20 April 2006, the Executive considered Report No.18 which advised the Executive of options for the future of selected public conveniences as resolved at the Executive meeting of 9th March 2006.
- 3.2 The Executive resolved that :
- (1) The public conveniences at Station Road, Wootton Bassett be closed completely, subject to ongoing dialogue with Wootton Bassett Town Council.
 - (2) The public conveniences at the rear of the Town Hall, Calne be closed completely.

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(3) The following public conveniences be kept open only for those months and part-months falling within British Summer Time:

- (i) Biddestone
- (ii) Box
- (iii) Colerne
- (iv) Lyneham
- (v) Purton.

(4) In the interim the Design & Estates Team Leader negotiate with those Town and Parish Councils who might be willing to take responsibility for the management of public conveniences in their area, subject to there being no (other than inflationary) increase in the current revenue budget.

3.3 A report on the outcome of the transfer negotiations was to be made to the Executive by 31st August 2006 at the latest. The current position is outlined in Appendix 1.

3.4 As may have been expected neither closure nor seasonal opening are popular options with the Parish Councils affected. However several have expressed a willingness to take over the public conveniences subject to a satisfactory settlement. This would apply to Box, Colerne and Purton, however it would be impractical to consider a transfer to Box whilst a dispute with an adjoining owner remains unresolved. Lyneham have still to consider proposals and Biddestone do not consider it practical for them to do so.

3.5 In Wootton Bassett the Town Council believes the wrong public conveniences have been closed and supports the re-opening of Station Road at the expense of Borough Fields. It is prepared to take on Station Road, adding its own capital monies to some from the District Council to refurbish them. It remains to be seen if giving notice to close Borough Fields would provoke a similar public outcry.

4. Financial Implications

4.1 The closures to date were predicted to achieve approximately £35,000 savings on the revenue account; a further £20,000 was predicted because of a 50% seasonal closure which after allowing £4,000 in compensation payments to staff would achieve the £50,000 saving required.

4.2 Capital expenditure on the 5 public conveniences, identified in the October 2005 Executive report, to improve access alone is estimated at £40,250 which would be necessary whether as a grant or for works undertaken by the District Council

4.3 A capital grant of at least £10,000 would be required as a contribution to Wootton Bassett Town Council's refurbishment proposals in Station Road

4.4 There is the prospect of capital receipts if fully closed toilets are sold

5. Legal Implications

5.1 The provision of public conveniences is a discretionary service. As a service provider the Council is at risk as to public liability generally and specifically with regard to access to services. Reducing the number of conveniences reduces liability and responsibility in this area of service provision.

6. Community & Environmental Implications

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- 6.1 The District Council does not provide public conveniences in the majority of the parishes in the District; consequently the burden of their provision falls to all local rate-payers.
- 6.2 Closure, or seasonal opening, of some public conveniences will be seen as a reduction in local amenity. If the buildings remain idle they are likely to become an even greater target for vandalism.
- 6.3 The closure of Borough Fields Toilets and re-opening of those at Station Road Wootton Bassett may receive adverse comments and the Town Council should be asked to undertake a community consultation on this issue

7. Human Resources Implications

- 7.1 If seasonal opening is adopted, cleaning staff hours will reduce for which they will need to be compensated.
- 7.2 If facilities close, staff will have to be made redundant for which they will need to be compensated
- 7.3 If public conveniences transfer, staff will be transferred with them under the TUPE regulations.
- 7.4 Officer time spent on negotiations has impacted and will continue to impact on other areas of service delivery.

8. Equality & Diversity Implications

- 8.1 A consultant access auditor has identified a number of areas for improvement with all the Council’s public conveniences.

9. Risk Analysis

- 9.1 Risks were identified in previous reports and remain Medium to High depending on which option is followed

LOCAL GOVERNMENT ACT 1972 (ACCESS TO INFORMATION PROVISIONS) By virtue of Section 100(B)2, I hereby certify that I consider that this report contains exempt information and is not available for public inspection by virtue of Paragraphs 1 & 4 of Part 1 of schedule 12A and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Signed:

Dated: 7th September 2006

Appendices:	<ul style="list-style-type: none"> • Appendix 1 • Appendix 2 – Responses from Parish Councils
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • Executive and Scrutiny Committee Reports • Asset Design and Regeneration Job Files

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
<ul style="list-style-type: none"> • Report No.18 	April 2006	E227