

# TONBRIDGE & MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

21 June 2018

### Report of the Director of Street Scene, Leisure & Technical Services

#### Part 1- Public

#### Matters for Recommendation

### 1 PROVISION OF PUBLIC CONVENIENCES – SCOPING REPORT

#### Summary

This report sets out the basis of a review of the Council's Public Conveniences across the borough.

#### 1.1 Background

1.1.1 Local authorities are under no statutory obligation to provide public conveniences, it is at the discretion of the authority and it may charge such fees for the use of any such conveniences as they see fit (S.87 Public Health Act 1936).

1.1.2 This Council currently operates 15 public conveniences across the Borough, and a location plan is shown at **Annex 1**. Members will note that the public conveniences are located in Tonbridge town centre (3), parish centres (8) and in open spaces owned by the Council including the two Country Parks (4). The current level of provision in surrounding Districts is shown below. Members will note that with regard to main town centres and out of town areas this Council's level of provision is the highest.

<u>District</u>	<u>Number of Public conveniences</u>		
	<u>Main Town Centre</u>	<u>Out of Town</u>	<u>Parks</u>
Tunbridge Wells Borough Council Sevenoaks District Council	2	5	5
Maidstone Borough Council	1	7	10
Tonbridge & Malling Borough Council	3	8	4

- 1.1.3 In 2014 the Council sold at auction two of its under used public conveniences in Tonbridge. The sale generated a capital receipt of £115,000, with one of the toilets subsequently being converted to a café serving the local area.
- 1.1.4 There are significant annual costs in providing the current level of public conveniences, predominately in contract cleaning costs, followed by the cost of utilities and business rates. The overall annual budget for public conveniences is £251,650 (2018/19 original budget) including central overheads. A copy of the full budget is shown at **Annex 2** for information.

## **1.2 Purpose of Review**

- 1.2.1 Members of this Committee have requested Officers to progress a review of the Council's public conveniences. The review will carefully address the cost benefit of the current arrangements in light of other options, ensuring that future service delivery is as efficient and effective as possible. Any change in service provision or reduction in facilities may have the risk of being perceived negatively by the public, and decisions will therefore need to be based on sound evidence.
- 1.2.2 The review will incorporate a detailed audit of existing provision and consider future options in the provision of public conveniences having taken into account a number of factors including:-
- levels of existing usage
  - cost of provision
  - availability of suitable alternative conveniences
  - condition of existing facilities
  - impact of closure
  - levels of vandalism/misuse
  - alternative service delivery options
- 1.2.3 It is the aim of the review to have available public conveniences where there is an identified need and as cost effectively as possible. Consideration of future provision is a complex matter, and there are number of options available. It is clear that a "one size fits all" solution to provide the service and reduce costs is not possible. Sustainable tailored solutions for each locality that draw or take benefit from the local circumstances will need to be considered.

## **1.3 Audit of Existing Provision**

- 1.3.1 A detailed audit of current provision will be undertaken over forthcoming months. For each public convenience currently provided by the Council the audit will:-
- identify the location and record the size of the facility

- record the facilities provided e.g. male/female, disabled, baby changing facilities, etc.
- note the existing opening hours
- provide a rating for both the internal and external condition of the toilets
- record the cost to the Council of each facility
- identify any alternative provision in the local vicinity
- note any legal constraints
- record the current frequency of cleansing for each toilet
- access the current level of usage

1.3.2 The detailed nature of the audit will enable Members to consider future options with a full range of information at hand.

## 1.4 Available Options

1.4.1 A number of options for the future provision and operation of public conveniences have been identified, and Members are requested to consider which options they wish to see included in the review.

- i) Entrance charges – under legislation it is possible to introduce entrance charges to the conveniences. Whilst this would in theory appear viable, in reality the cost of installing and maintaining charging equipment would in itself be costly, would likely be unpopular with users and could lead to increased vandalism. In the busier town/village conveniences, where alternative customer toilet provision exists in many retail and food & drink establishments, charging is unlikely to provide sufficient income to warrant the necessary investment. It is suggested that this option is excluded from the review.
- ii) Community Toilet Scheme – there is a growing trend across the country to implement Community Toilet Schemes. The scheme is a partnership between the Council and local businesses e.g. shops, restaurants and pubs to make their toilet facilities available during normal opening hours without the need for the member of public to make a purchase. The businesses display a large sticker on their door/windows to promote the scheme, and the Council provides an annual payment to contribute to the business costs. Across Kent the scheme is already well established in a number of local authorities including in Maidstone and Ashford. The scheme is supported by central government. It is suggested this option be including in the review.
- iii) Close facilities – where an existing public convenience is not well used, has suitable alternative conveniences in nearby vicinity, and the closure will not have a significant impact, the most appropriate option could be closure. Not only could the building be more appropriately used for a different purpose, but it may generate a capital receipt to the Council, and an ongoing revenue saving, and a potential business opportunity. It is suggested this option be included in this review.

- iv) Retain facility – where there is clearly a need to retain a public convenience and no alternative options exist, then the convenience could continue to be directly provided by the Borough Council. It is suggested this option be included in the review.
- v) Parish Town/Councils – for those 8 public conveniences located outside of Tonbridge the option exists to transfer the facilities to the local Parish/Town Council to operate. It is suggested that this option be included in the review.
- vi) Reduce cleansing arrangements – the current cleansing contract for the existing public conveniences provides all the toilets with one visit per day, incorporating cleaning and replenishment of toiletries. For the toilets in the Council's open space this frequency is increased to twice, again to match demand from visitors to the facilities. With the average annual cost per toilet iro. £4,700, and the current minimal level of services, a reduction in the cleansing arrangement is not considered viable. It is suggested this option be excluded from the review.
- vii) New Facilities – with the exception of Tonbridge Farm Sportsground, there are no current proposals to cater for new or developing demands. Where such a demand for a facility exists in the future as a result of the development or introduction of a new attraction, the facilities should be provided by the operator. Examples of where this has happened in recent years include Kings Hill and Tonbridge Retail Park. The provision of a public convenience at Tonbridge Farm is identified in List C of the Council's Capital Plan and is linked to the potential re-development of the site as a whole.

1.4.2 The final recommendations of the review will need to include an Equality Impact Assessment (EQIA). The EQIA will ensure that no proposal disproportionately impacts on any user group with protected characteristics under the Equality legislation.

1.4.3 Some of the existing conveniences make provision for Council employees and contractors working in the field, such as street sweepers, refuse works and Civil Enforcement Officers. Such provision allows employees to remain in the field without the need to return to Council offices for a comfort break. This important welfare and operational consideration will need to be considered and addressed within the review.

## **1.5 Building Maintenance**

1.5.1 The audit of existing provision identifies variances in the current internal and external condition of the public conveniences. Subject to the outcome of the review it is felt appropriate, in liaison with the Building and Facilities Manager, to update the schedule of repair/refurbishment of those public conveniences being retained. At the present time an allocation of £144,250 has been made across the 6 year life of the Building Repairs Fund for cyclical and reactive maintenance and does not include any improvement or refurbishment costs. This level of provision

will need to be considered within the review to ensure the remaining stock of facilities is maintained to an acceptable standard.

## **1.6 Public Convenience Cleansing Contract**

1.6.1 Members will note from earlier in this report that the most significant cost to the Council of the public conveniences is the cleansing contract. The contract, valued at £65,100 per annum, is provided by SHS Ltd. The contract terminates on 28<sup>th</sup> February 2019. The contract allows for two one year extensions by the Council. It is essential that the timing of this review closely links to the options available within the conditions of the existing contract. If a new contract needs to be tendered, then the list of facilities included needs to be determined at an early stage, to enable the contract documentation to be prepared and bids sought.

## **1.7 Legal Implications**

1.7.1 As stated earlier in the report there is no statutory requirement for the Council provide public conveniences. The current public convenience cleaning contract terminates on 28<sup>th</sup> February 2019, although extensions are possible.

## **1.8 Financial and Value for Money Considerations**

1.8.1 A key element of the review will be to identify savings to the Council if possible. The Council's Savings & Transformation Strategy identifies the need to make a saving of £1m to the Council's revenue budget over the next few years. The provision of public conveniences is a discretionary service provided by the Council, and it is therefore entirely appropriate for it to be reviewed by Members.

## **1.9 Risk Assessment**

1.9.1 It is important for the Council to undertake the review in accordance with the factors identified in sub-section 1.2.1 of the report. This will ensure that the Council is providing a service in accordance with need, is not duplicating alternative provision and delivering the services as cost effectively as possible.

## **1.10 Equality Impact Assessment**

1.10.1 An Equality Impact Assessment will need to be undertaken as part of the review.

## **1.11 Policy Considerations**

1.11.1 Asset Management

1.11.2 Communications

1.11.3 Community

1.11.4 Procurement

**1.12 Recommendations**

1.12.1 It is RECOMMENDED to Cabinet that:-

- i) a detailed audit of the Council's current provision of public conveniences be progressed;
- ii) the options for inclusion in or exclusion from the review as outlined in sub-section 1.4 of the report be confirmed;
- iii) a full review of the Council's future provision and delivery of public conveniences be progressed;
- iv) a report on the outcome of the review be reported to the October 2018 meeting of this Committee.

Background papers:

contact: Robert Styles

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services