

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW & SCRUTINY COMMITTEE

18 October 2018

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

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 PROVISION OF PUBLIC CONVENIENCES

Summary

This report presents the outcome of a review of the Council's current provision of public conveniences.

1.1 Background

1.1.1 At the meeting of this Committee on 21st June 2018, Members considered a scoping report on the provision of public conveniences and agreed the options to be considered within the review.

1.1.2 It was agreed that a detailed audit of the Council's current provision of public conveniences be progressed and the following options for inclusion/exclusion within the review were confirmed:-

- i) Options for inclusion:-
 - establish a Community Toilet Scheme
 - facility closure
 - facility retention
 - transfer to Parish/Town Councils
- ii) Options for exclusion:-
 - entrance charges
 - reduction in existing cleansing arrangements
 - provision of new facilities (with the exception of Tonbridge Farm Sportsground)

1.1.3 Members may recall that the Council currently operates 15 public conveniences across the Borough at an annual operational cost of £143,000 (excludes management & administration expenses and non-current asset depreciation). 8 of the existing public conveniences are in parish centres, 3 in Tonbridge town centre and 4 in open spaces owned by the Borough Council. A location plan of the existing facilities is shown at **Annex 1**.

1.2 Audit of Existing Provision

1.2.1 A detailed audit of the current provision has been undertaken and for each public convenience the following information has been included:-

- location and size of facility
- facilities provided e.g. male/female, disabled, baby change, etc.
- opening hours
- assessment of current condition
- alternative provision

1.2.2 A full copy of the audit is attached at **Annex 2** and has proven to be an extremely helpful reference document when considering the way forward for each facility. In particular, the condition survey of each facility, both internally and externally, will be used to help determine maintenance priorities in liaison with the Building and Facilities Manager.

1.3 Feedback from Parish/Town Councils and Tonbridge Ward Members

1.3.1 In order to assist in the review, and particularly bearing in mind the potential option of transferring ownership/responsibility of the existing facilities, feedback was sought from Parish/Town Councils and Tonbridge Ward Members regarding the existing public convenience(s) located in their area. I have attached at **Annex 3** a summary of feedback received, which has been used to help shape the suggested way forward. Members will note that the majority of the Parish/Town Councils have agreed to engage in further liaison with the Council. Liaison has also been undertaken with the Community Safety Unit which has confirmed very few anti-social behaviour issues within the toilets.

1.4 Public Convenience Cleansing Contract

1.4.1 The existing public convenience cleansing contract, valued at £65,100 per annum, is provided by SHS Ltd. The contract terminates on 28th February 2019, and allows for two one year contract extensions by the Council.

1.4.2 It is proposed that the contract be formally extended for 1 year up until 28th February 2020, subject to agreement with the existing contractor. This will enable adequate time to agree the way forward for each facility, report to Members and then, if appropriate, re-package and tender the contract.

1.5 Proposed Way Forward

1.5.1 Clearly Members of this Committee have a wide range of options available to them, ranging from no change to the existing arrangements, to the complete closure of all the current public conveniences. This range of options reflects the fact that the existing service is of a discretionary nature. In anticipation that Members would wish to enable public access to facilities where there is an identified need, or no suitable alternative facilities are available, I have attached at **Annex 4** a proposed way forward for each existing facility to provide a starting point for Member discussion at the meeting.

1.5.2 In overview the proposals:-

- take into account feedback received;
- recognise the value of public conveniences;
- identify the most appropriate and fairest provider for the future with no unnecessary closure of facilities;
- treat each existing facility on an individual basis as it is felt that there is not a 'one size fits all' solution;
- for 7 of the existing facilities in parished areas it is suggested that meetings take place with each individual Parish/Town Council to arrange the transfer of ownership to the Parish/Town Council, and to agree the arrangements of such an approach. The Parish Council would become responsible for the maintenance and operation of the toilet(s) at its own cost. In order to enable the parishes to prepare for such a change it is proposed that the transfer would take place in spring 2020, once this Council's public convenience cleansing contract has expired. It is felt that a transfer to the Parish/Town Council would enable local facilities to be managed at a local level. The current facility in Wrotham is owned by the Parish Council, so no transfer would be necessary;
- determine that the 4 public conveniences currently serving areas of open space be retained due to high levels of usage and the essential nature of the facilities in enabling people to enjoy the facilities on site and undertake an active lifestyle; and
- suggest provision in Tonbridge town centre focusses on the Priory Road and Castle Grounds facilities, with existing usage of the Angel Centre toilets met by alternative facilities. There are currently toilets within the Angel Centre building suitable for public use, and other publicly accessible toilets in close vicinity including Beales and Sainsburys. Such an approach would enable the existing public toilet area within the Angel Centre to be transferred to the Leisure Trust and be used for an alternative purpose. It is possible in the longer term that the need for the Castle Grounds toilets could be reviewed taking into account the alternative facilities in the locality. This would require further detailed investigation, particularly with regard suitable facilities for people with disabilities. To ensure fairness with the Parish/Town Councils, the cost of non-strategic facilities in Tonbridge would need to be met through special expenses.

1.5.3 In addition to the above, it is suggested that an improvement programme be developed by the Building & Estates Manager to address a number of issues regarding the condition of the existing facilities identified in the audit.

1.5.4 Progressing future proposals will take time to complete and it is proposed that progress be reported to future meetings of the Street Scene & Environment Advisory Board.

1.6 Legal Implications

- 1.6.1 There is no statutory requirement for the Council to provide public conveniences. The current public convenience cleansing contract terminates on 28th February 2019, although extensions are possible.
- 1.6.2 The Provisions relations to “special expenses” are contained in the Local Government Finance Act 1992 at sections 34 and 35. These sections allow different amounts of council tax to be calculated for different parts of the district, depending on what if any “special items” relate to those parts. The Special Expenses policy adopted by Full Council in November 2016 would need to be updated and approved if changes as outlined in the report went ahead.

1.7 Financial and Value for Money Considerations

- 1.7.1 If Members are minded to approve the proposed way forward, it is estimated that future revenue savings of circa £85,000 could be achieved to contribute to the Council’s Savings & Transformation Strategy. This broad estimate has taken into account potential savings on the cleaning contract, utilities, rates and repairs expenditure. It is too early at this stage to be accurate over the savings and these will need to be confirmed within future reports to the Street Scene & Environment Advisory Board. 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.

1.8 Risk Assessment

- 1.8.1 It is important for the Council to undertake the review to ensure that existing services are being provided in accordance with need, it is not duplicating alternative provision and is delivering the services as cost effectively as possible.

1.9 Equality Impact Assessment

- 1.9.1 An Equality Impact Assessment (EQIA) will need to accompany future reports to the Advisory Board. It is not felt necessary to progress an EQIA for the proposed closure of the Angel Centre public toilets as accessible toilets will remain available to the public within the Angel Centre, and at other suitable alternatives in close proximity.

1.10 Policy Considerations

- 1.10.1 Asset Management
- 1.10.2 Communications
- 1.10.3 Community

1.10.4 Procurement

1.11 Recommendations

1.11.1 It is RECOMMENDED to CABINET that:-

- i) subject to agreement with the existing contractor, the existing public convenience cleansing contract be extended for 12 months in accordance with current contract conditions;
- ii) meetings be undertaken with individual Parish/Town Councils to agree the transfer of ownership of the Council's public conveniences currently located in their area;
- iii) the existing provision of public conveniences at Leybourne Lakes Country Park, Haysden Country Park, Tonbridge Racecourse Sportsground and Tonbridge Cemetery be retained;
- iv) the existing Priory Road and Castle Grounds public conveniences in Tonbridge be retained;
- v) the existing Angel Centre public toilets be closed with the public redirected to existing alternative provision;
- vi) further investigation be undertaken into the suitability of alternative toilets in the vicinity of Tonbridge Castle to determine the future provision of Castle Grounds toilets;
- vii) the Building & Estates Manager be requested to bring forward an improvement programme for those facilities to be retained/transferred;
- viii) future reports be submitted to the Street Scene & Environment Advisory Board on the outcome of the review, accompanied by an Equality Impact Assessment and financial appraisal.

Background papers:

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Nil

Robert Styles

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