

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD**

**11 February 2019**

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

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 PUBLIC CONVENIENCES REVIEW**

**Summary**

**This report updates Members on the agreed way forward regarding the future provision of the Council's existing public conveniences and seeks approval of an Equality Impact Assessment.**

**1.1 Background**

1.1.1 At the forthcoming meeting of Cabinet on 14<sup>th</sup> February 2019, the recommendations of Overview & Scrutiny Committee, held on 18<sup>th</sup> October 2018 will be considered.

1.1.2 The decisions to be taken by Cabinet are as follows:-

- subject to agreement with the existing contractor, the existing public convenience cleansing contract be extended for 12 months in accordance with current contract conditions;
- meetings in liaison with the Estates Service Manager be undertaken with individual Parish/Town Councils to agree the leasehold or freehold transfer of ownership of the Council's public conveniences currently located in their area;
- the existing provision of public conveniences at Leybourne Lakes Country Park, Haysden Country Park, Tonbridge Racecourse Sportsground and Tonbridge Cemetery be retained;
- the existing Priory Road and Castle Grounds public conveniences in Tonbridge be retained;
- the existing Angel Centre public toilets be closed with the public redirected to existing alternative provision;

- 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;
- the Building & Estates Manager be requested to bring forward, if required, an improvement programme for those facilities to be retained/transferred;
- 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.

1.1.3 It is worthy of note that the Council currently operates 15 public conveniences across the Borough at an annual operational cost of £155,300 (excludes management and 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 Update

- 1.2.1 Following Cabinet on 14<sup>th</sup> February 2019 a number of immediate actions will be progressed. Liaison will be undertaken with the Council's existing cleansing contractor to extend the current contract for 12 months until 28<sup>th</sup> February 2020, in accordance with current contract conditions. The extension will provide the Council with a full year to progress the recommendations of the review.
- 1.2.2 Parish/Town Councils will be updated on the review at the meeting of the Parish Partnership Panel on 7<sup>th</sup> February 2019, and letters will be sent to those Parish/Town Councils directly affected in due course. It is the intention to arrange meetings with the 8 Parish/Town Councils which have a public convenience in their Parish area, although these are likely to be in the early summer, due to current workload pressures relating to the new Waste & Recycling contract.
- 1.2.3 Liaison has been undertaken with the Leisure Trust regarding the closure of the Angel Centre public toilets, with the public redirected to existing alternative provision, including other toilets within the Angel Centre and Sainsburys. Following Cabinet it is the intention for the facility area currently used as a public convenience within the Angel Centre to be transferred to the Leisure Trust under a lease arrangement. This will enable the Trust to consider suitable alternative uses for the area in the future.
- 1.2.4 The Building & Estates Manager will be requested to bring forward an improvement programme for the facilities to be retained/transferred, with the condition of the public conveniences specifically referred to by Members of the Overview & Scrutiny Committee. The improvement programme will be reported to a future meeting of the Finance & Property Advisory Board as it is likely that it will have a financial impact on existing provision within the Building Repairs Fund. It

should be noted that currently no funding for such works has been allowed for with the BREP.

- 1.2.5 If the local public convenience service is carried out by one or more parish council(s) in part of the area at the same time as it being performed by the borough council in another part of the area, then the service itself becomes a 'concurrent function'. Other local concurrent functions identified by Cabinet during 2016 have been included within a Special Expenses Policy, and the costs of those functions are treated as Special Expenses for the purposes of levying council tax within the borough.
- 1.2.6 It is fair and equitable that the cost of the *local* public convenience function retained by the borough council is met by taxpayers in that particular *local* area, given that in the parished areas that cost will be met by taxpayers of the relevant parish council. The Special Expenses Policy will therefore need to be updated.
- 1.2.7 It is noted that three of the public convenience sites mentioned in paragraph 1.1.2 support services that we have deemed to be '*strategic*' sites. These are Leybourne Lakes and Haysden Country parks, plus Tonbridge Cemetery. Due to their nature, therefore, it is recommended that these public conveniences are not deemed to be *local* concurrent services for the purposes of the Special Expenses Policy.

### **1.3 Legal Implications**

- 1.3.1 There is no statutory requirement for the Council to provide public conveniences. The current public convenience cleansing contract will be extended until 28<sup>th</sup> February 2020.
- 1.3.2 The Provisions relating 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.

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

- 1.4.1 It is estimated that future revenue savings of circa £75,000 could be achieved from the approved approach, contributing to the Council's Savings & Transformation Strategy. This broad estimate has taken into account potential savings on the cleaning contract, utilities and repairs expenditure. It is too early at this stage to be accurate over the savings and these will need to be confirmed within a future report to this Advisory Board. This amount excludes any funding for repairs and works, if required, prior to any transfer.

## **1.5 Risk Assessment**

- 1.5.1 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.

## **1.6 Equality Impact Assessment**

- 1.6.1 An Equality Impact Assessment has been completed and is attached for Members information at **Annex 2**. The Assessment follows the agreed corporate template, looking at each of the protected characteristics included in the Public Sector Equality Duty.

## **1.7 Policy Considerations**

- 1.7.1 Asset Management
- 1.7.2 Communications
- 1.7.3 Community
- 1.7.4 Procurement

## **1.8 Recommendations**

- 1.8.1 It is RECOMMENDED to CABINET that the update on the way forward regarding the provision of public conveniences be noted, and the Equality Impact Assessment attached at Annex 2 to the report be approved.
- 1.8.2 It is further RECOMMENDED that, subject to the outcome of the recommendation above, Cabinet update the Special Expenses Policy for approval by Full Council in readiness for implementation in the financial year 2020/21.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Robert Styles

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services