

# TONBRIDGE & MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

10 March 2022

### Report of the Director of Street Scene Leisure and Technical Services

#### Part 1- Public

#### Matters for Recommendation to Cabinet

#### 1 PUBLIC TOILETS

To provide an update on the current position regarding Council owned public toilets in Hadlow, West Malling and Snodland and recommend a proposed way forward for each.

##### 1.1 Background

1.1.1 It was recommended at Cabinet on 12 October 2021 that “the Overview and Scrutiny Committee be invited to consider the position of public conveniences across the Borough”.

1.1.2 For most public toilets across the borough, there is already a settled position regarding their future. At each of the locations below, arrangements exist as follows:

- Borough Green – the conveniences were transferred to the Parish Council in August 2021
- Wrotham – it has been agreed with the Parish Council that the licence under which the Borough Council operated the toilets be terminated and the facility handed back to the Parish
- Tonbridge - the toilets in the town remain open.
- Larkfield – the conveniences were transferred to the Parish Council in April 2021
- East Peckham – the conveniences were transferred to the Parish Council in May 2021
- Aylesford – the Council is obliged under the terms of a lease of the site, granted by the Parish to the Borough, that the site of the public conveniences be reinstated prior to being handed back. Following discussions between the Borough, Parish and adjacent primary school, it has been agreed that the existing building be retained and converted into an outdoor classroom which would be leased to the school by the Parish.

1.1.3 When the toilets were transferred, the Parish Councils were sold the facility for £1 and were provided with a sum of £9,000 to cover costs and support the first year of operation. Works were also undertaken to the buildings in advance to bring them to an appropriate standard. This report will focus on those toilets where no formal transfer to the Parish/Town Council was agreed ie Hadlow, Snodland and West Malling. A letter was sent to each Parish/Town Council in advance of the meeting asking if they wished to reconsider their position.

## 1.2 Hadlow

1.2.1 A copy of the Parish Council's response is provided at **Annex1**. Members will note that the Parish Council's original decision and resolution to decline the offer of transfer remains in place.

## 1.3 Snodland

1.3.1 At its meeting of Full Council on 24<sup>th</sup> February 2022 it is understood that the Town Council resolved that it did not wish to accept the transfer of the toilets and formal confirmation of this decision is awaited.

## 1.4 West Malling

1.4.1 The Parish Council has advised that it will be determining its position at a meeting of its Full Council on 7<sup>th</sup> March 2022. An update will be circulated to Members in advance of the meeting so consideration can be given to the way forward on the night. Members will be interested to note that following the closure of the toilets the Parish Council have in agreement with the Council progressed, and fully funded a temporary 6 month reopening of the toilets until the end of the current financial year.

## 1.5 Legal Implications

1.5.1 There is no statutory requirement for the Council to provide public conveniences.

1.5.2 Section 149 Equality Act 2010 requires that a public authority must, in the exercise of its functions, have due regard to the need to -

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

1.5.3 Protected characteristics under the Act include age, disability, gender and pregnancy and maternity. In making any decisions arising out of this report the Council must therefore ensure it has due regard to these matters.

## 1.6 Financial and Value for Money Considerations

- 1.6.1 The Council previously made a decision to offer to transfer public conveniences to relevant parish councils during 2021/22, and it was further agreed that if relevant parish councils did not wish to take on responsibility, then those toilets would be closed. If closed, the assets could either be disposed of or an alternative use identified delivering a cost saving and, in turn, a contribution towards the Savings and Transformation Strategy.
- 1.6.2 A decision in respect of the three public toilets that are the subject of this report is awaited to determine the extent of the cost saving to be achieved. Members should note that in the interim, unbudgeted costs are being incurred.

## 1.7 Risk Assessment

- 1.7.1 It is important to resolve the future of the three public toilets from a community and financial perspective.

### 1.7.2 Equality Impact Assessment

- 1.7.3 At the time of writing responses had not been received from all Parish Council's. Once responses have been received the equality impacts assessment can be finalised for publication in advance of the meeting.

## 1.8 Policy Considerations

- 1.8.1 Asset Management, Community

## 1.9 Recommendations

- 1.9.1 It is **Recommended to Cabinet** that-
- 1.9.2 With regard to those toilets outlined in section 1.1.2 of the report it be noted that the future of these toilets is resolved
- 1.9.3 With regard to the toilets in Hadlow and Snodland, these toilets remain closed and that a report be taken to a future meeting of the Finance and Innovation and Property Advisory Board to consider alternative uses and/or disposal.
- 1.9.4 With respect of the toilets in West Malling consideration be given at the meeting to either transferring the toilets to the Parish Council or requesting the Finance and Innovation and Property Advisory Board to consider alternative uses/disposal, based on the response received from the Parish Council.

Background papers:

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Nil

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