

Decision Maker: Executive

For Pre-Decision Scrutiny by the Environment PDS Committee on
23rd September 2014

Date: 15th October 2014

Decision Type: Non-Urgent Executive Non-Key

Title: PUBLIC TOILET PROVISION

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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: Penge and Cator

1. Reason for report

1.1 This report outlines a proposal to save up to £21k through the closure of Penge High Street public toilets and introducing the Community Toilet Scheme in three locations

2. **RECOMMENDATIONS**

That the Executive agrees to:

2.1 The closure of Penge High Street public toilet from 1 January 2015 and

2.2 The introduction of the Community Toilet Scheme (CTS) in Penge town centre.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres
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Financial

1. Cost of proposal: No Cost: Estimated saving of £4.3k in 2014/15 rising to £17k in 2015/16. An additional saving of £3.7k will be achieved once the building is either sold or demolished.
 2. Ongoing costs: Recurring Cost: Recurring saving
 3. Budget head/performance centre: Public Conveniences
 4. Total current budget for this head: £ 131k
 5. Source of funding: Existing revenue budget for 2014/15
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Staff

1. Number of staff (current and additional): 1 FTE
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Visitors and businesses in Penge
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Ward Councillors have stated that whilst closing public amenities is not what they want, in this case the closure of the toilet and the introduction of the Community Toilet Scheme will provide the best option for this location.

3. COMMENTARY

Introduction

- 3.1 In May 2008 Members received a report outlining the findings of a review of Public Conveniences. Many of the Council's toilets were identified as in need of substantial maintenance in future years. A feasibility study was then undertaken, examining the potential for introducing a Community Toilet Scheme. Following the feasibility study, the Environment Portfolio Holder agreed in September 2008 that a Community Toilet Scheme (CTS) should be introduced on a trial basis. At the time, Members were informed that, "It is possible to provide facilities of a high standard through community toilets at a much lower cost than for direct provision. Where current public toilets could be closed there is potential for saving on cleaning and service costs and a reduced maintenance liability for the Council. If a closed toilet could be sold, then there would be a capital receipt as well. However these savings or receipts will not be available until at least eighteen months from the commencement of the trial."
- 3.2 Following the announcement of the Comprehensive Spending Review in 2010, the Council has seen a significant reduction in its grant settlement from Central Government.
- 3.3 Given the financial demands upon the Council, it has been necessary to review service provision and identify proposals for savings that assist in meeting the funding gap whilst continuing to maintain statutory functions in the most efficient and effective manner.
- 3.4 At the full Council meeting on the 28 February 2011, a decision was taken to agree to the closure of public toilets as part of the savings proposals presented.
- 3.5 Following a decision by the Portfolio Holder on the 3 April 2011 ([Report No ES11013](#)) 15 public toilets, located on-street and in parks, were closed; with a further 8 park toilets transferred to business/community management or operating with reduced opening times. These proposals realised £223k of savings p.a..
- 3.6 There remain four public toilets managed by LBB situated in the following town centres: Bromley; Beckenham; West Wickham; and Penge. In addition there is a public toilet in Orpington Town Centre managed by the Orpington First BID. The CTS is in operation across the borough – see Appendix A for details of the CTS and a web link to the [current locations](#).

Proposal

- 3.7 This report proposes to save up to £21k per annum through the closure of Penge High Street public toilet, and the introduction of the CTS in 3 Penge town centre locations at nil cost:
- McDonalds
 - Sainsbury's
 - Weatherspoon's
- 3.8 The savings would be made through a reduction in the contracted cost to LBB for the cleansing and the associated running costs of this toilet. The outstanding budget would be used to clean and maintain those toilets remaining open, with a proportion identified for the introduction of the CTS in the three locations above. Negotiations are underway with the contractor (Kier) regarding the reduction in the total tendered sum for the cleansing of the Penge facility. At any time during the term of the contract the Council may decide to implement a variation to the service requirements. Where the total aggregated value of the variation exceeded 10% of original total tendered sum the contractor would be eligible for claiming a compensation event for the change of service. As an act of 'partnership' between the Council and the contractor Kier has confirmed that they will not be making a claim for compensation as a result of this closure.

Any potential one-off compensation fee would be absorbed within the Street Scene and Green Spaces budget.

- 3.9 The remaining three toilets, located in Bromley, Beckenham and West Wickham, will be subject to further review.
- 3.10 The closure and introduction of the CTS would begin as soon as possible following the Executive's decision.
- 3.11 If the Executive agrees to the proposed closure, a report will be submitted to the Resources Portfolio Holder to declare the property surplus to Council requirements and, subject to his agreement, it will be offered for sale. However, there are legal issues relating to the ownership of the land on which part of the toilet building is located, which could give rise to difficulties in achieving a sale. This matter is being investigated further. If a purchaser cannot be found it will be necessary to demolish the toilets. The Head of Strategic Property has advised that, if it proved impossible to sell the facility, the cost of service disconnection, demolition and reinstatement of the sites would be in the region of £15,000. It should be noted that there is no budget available within Property to undertake this work, therefore the costs of demolition would need to be met by the Street Scene and Green Space Division.

4 POLICY IMPLICATIONS

- 4.1 Publicly accessible toilets can play a significant role in supporting the local economy of an area. The provision of accessible and clean toilets can attract visitors, encourage them to stay longer in an area and visit again. Shoppers, particularly elderly and disabled shoppers and parents with young children, can take toilet provision into account when choosing where to shop.
- 4.2 Whilst access to toilets can support the local economy of an area, the nature of the shopping area will determine the type of visitor it receives. Local Neighbourhood Centres and Shopping Parades will predominately be visited by local residents for short periods of time, in these areas public toilets are unlikely to be needed as much as in larger shopping areas where visitors may spend several hours.
- 4.3 Research has shown that some people feel safer using a toilet in a shop or other retail premises rather than in a public convenience. Some older people are apprehensive about being away from home because of the lack of accessible, safe toilet facilities. The Community Toilet Scheme introduced in Bromley has sought to positively address these issues.
- 4.4 The implementation of the scheme has given the Council the opportunity to evaluate its stock of public conveniences. A number of these fall short of public requirements in terms of accessibility, desirability of use, and hence actual utilisation.

5 FINANCIAL IMPLICATIONS

- 5.1 The table below summarises the savings that would result from the proposed closure of Penge High Street toilets from 1st January 2015: -

Analysis of savings over 2014/15 and 2015/16	Part Year	Full Year
	2014/15	2015/16
	£'000	£'000
Cleansing contract	2.9	11.4
Running expenses - energy, water	0.4	1.6
Maintenance	1.0	4.0
Net savings	4.3	17.0

- 5.2 Once the building is either sold or demolished, additional savings of £3.7k per annum will be achieved from no longer having to meet the costs of the business rates.
- 5.3 Demolition costs of up to £15k may be payable during 2015/16 and would have to be met from within the Street Scene and Green Space Divisional budget.
- 5.4 No revenue costs will be incurred for the introduction of the three new Community Toilets in Penge.
- 5.5 As highlighted in 3.8 above, Kier have confirmed that they will not be making a claim for compensation as a result of this closure

6 LEGAL IMPLICATIONS

- 6.1 The provision and maintenance of public toilets in public places is at the discretion of local authorities who have a power under section 87 of the Public Health Act 1936 to provide public conveniences, but no duty to do so. The decision as to whether or not to provide facilities and the extent of the provision provided is determined by each authority and balanced against other local service demands.
- 6.2 The Local Government Act 2000 places a duty on local authorities (through their community strategy) to:

Enhance the quality of life of local communities and contribute to the achievement of sustainable development in the UK through actions to improve the economic, social and environmental well-being of the area and its inhabitants.

The Bromley Community Toilet Scheme intends to achieve this.

- 6.3 Businesses participating in the Community Toilet Scheme are paid up to £1,000 per annum, depending on the facilities available, plus VAT, payable in quarterly instalments, and in return are required to sign a legal agreement setting out their obligations.
- 6.4 The Council shall at its discretion vary the Annual Sum in accordance with any decrease in the number of toilet facilities available at the Toilets. The Council shall suspend payment in the event the facilities are unavailable to the public, such as renovation taking place, damage to the premises.
- 6.5 Members should note that participating businesses continue to have the right to bar admission of any person to their premises including toilet facilities.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	Report to ENV PDS 4 April 2011 - ES11013 – Public Toilet Provision Report to Council 28 February 2011 Review of Community Toilets Scheme; Toilet Closures – report to Environment PDS Committee 18 January 2010 Draft 2010/11 Budget – report to Environment PDS Committee 16 th November 2009;

	<p>Review of Public Toilets/Community Toilets Scheme – report to Environment PDS 1st June 2009;</p> <p>Community Toilets Feasibility – report to Environment PDS 8th January 2009;</p> <p>Community Toilets Feasibility Study – report to Environment PDS 22nd September 2008;</p> <p>Review of Public Toilet Provision – report to E&LS PDS 20th May 2008;</p> <p>House of Commons – Communities and Local Government – The Provision of Public Toilets – Twelfth Report of Session 2007-2008.</p>
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Community Toilet Scheme and current/proposed locations

The Community Toilet Scheme is a joint venture between the council and local businesses. Participating businesses like shops, pubs and restaurants, make their toilet facilities available for the public to use free of charge, and without the need to buy goods or services. Signs indicate where the community toilets are located while the participating businesses display special stickers in their windows. Inside the premises, clear internal signs direct the public to the toilet facilities so there is no need to ask for directions.

A pilot London Borough of Bromley Community Toilet Scheme was launched in Hayes from April 2009 and has provided good community toilet coverage in the main footfall area of Hayes. Feedback from the 4 businesses participating was good and there has been no adverse public reaction.

A further report to the Environment PDS in January 2010 resulted in the implementation of a permanent Community Toilet Scheme in Hayes with location-specific consultation involving ward councillors prior to implementation. A second scheme was introduced in Biggin Hill. The Portfolio Holder agreed to Public Toilet closures in Hayes and Biggin Hill.

Community Toilet provision has been further introduced throughout the borough to provide alternative toilet facilities to closed public conveniences.

Comments from businesses involved in the Community Toilet Scheme across the borough have been very positive, with businesses particularly reporting increased footfall.

Details of the current locations of the Community Toilet Scheme can be found on the LBB website. Please click [here](#).