

Decision Maker: **Executive**

For Pre-Decision Scrutiny by the Environment PDS Committee on

Date: **20th January 2014**

Decision Type: Non-Urgent Executive Key

Title: **CLOSURE OF BECKENHAM, BROMLEY AND WEST WICKHAM PUBLIC TOILETS**

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

Ward: Bromley Town, Copers Cope and West Wickham Ward

1. Reason for report

This report outlines a proposal to save £67k from the closure of Beckenham, Bromley and West Wickham High Street public toilets, declares the Beckenham property surplus and confirms the arrangements of Community Toilet Schemes as an alternative approach to the provision of public toilets in these town centres.

2. **RECOMMENDATIONS**

That the Executive agrees to:

- 2.1 **The closure of Beckenham, Bromley and West Wickham High Street public toilets from 31st March 2015;**
- 2.2 **Declare the Beckenham public toilet surplus and offer it to the market, on the basis that if offers are not forthcoming that it should be demolished; and**
- 2.3 **Authorise the expansion of the Community Toilet Scheme as the alternative provision set out in paragraph 3.7.**

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: Estimated net saving of £22k in 2015/16, rising to £67k in 2016/17. A capital receipt could be generated from the sale of the Beckenham public convenience.
 2. Ongoing costs: 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:
-

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 Beckenham, Bromley and West Wickham High Streets
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: To be advised at the meeting

3. COMMENTARY

3.1 In January 2009 the Committee, and subsequently the Portfolio Holder received a report on “Community Toilets – Feasibility”. As a result of this it was agreed to conduct a feasibility study around the provision of community toilets in Bromley. The feasibility study included an assessment of each of the Council’s facilities and from this list of potential areas the community toilet scheme (CTS) has been widened with the following principles:

- Community toilets should at least match, and if possible improve, on the kind of provision made by the Council both in terms of opening hours and facilities for the disabled, baby change etc.
- Where ever possible provision should not be exclusively provided through public houses, since many people for reasons of faith or personal choice, including children, will not want to use these facilities. At least one “non-pub” facility should be available in each area during normal daytime shopping hours.
- Facilities provided by businesses should be of a standard that attracts shoppers and visitors to the area and therefore contributes to the business viability to the area.
- Potential participants should have clear internal signage to the toilet facilities.

3.2 In addition to the toilets provided by the Council other organisations and private companies also provide facilities, with town centres having more than ever before with cafes and major shops being the main providers. The exercise of reviewing the facilities on offer by these organisations and the perceived demand for toilets has determined the feasibility of introducing the initiative in conjunction with closures.

3.3 At the full Council meeting on the 28th February 2011, a decision was taken to agree to the closure of public toilets as part of the savings proposals presented.

3.4 Where public toilets have been closed a saving on routine cleaning and associated running costs (e.g. rates, utilities and maintenance liability) has been identified for the Streetscene and Greenspace revenue budget to assist with meeting the Council’s financial savings.

3.5 An assessment of the Council’s remaining provision has included the toilets in the borough’s town centres of Beckenham, Bromley, Penge and West Wickham. The provision of a public toilet in Orpington has been provided by the Orpington First BID since March 2014 following a refurbishment by the BID. In October 2014 Members received a report (Report no. ES14085) to extend the CTS initiative in Penge High Street with a closure proposed in January 2015. In conducting the feasibility of extending the CTS for the town centres, it would be intended to follow the approach already established in Beckenham, Bromley and West Wickham.

3.6 The general condition of these toilets is acceptable but the quality of the interior decoration limits the standard of cleanliness compared with higher standards achieved by the alternative provision of shops and local businesses. This is partly due to the whole facility being more modern than the Council’s public toilets, the fact that their use can be closely monitored, and the fact that they are less likely to become a focus for vandalism.

Proposal

3.7 This report proposes to close the Beckenham, Bromley and West Wickham High Street public toilets and to extend the CTS initiative with fourteen new entrants and retain the five pre-existing arrangements. The high street business partners include three new entrants and three pre-existing premises in Beckenham; six new entrants and two pre-existing arrangements in Bromley, and five new entrants in West Wickham (no pre-existing arrangements). The majority

of the agreements have no revenue cost implications which are either based upon the 'Open London' scheme or utilise other premises with no fee-paying requirements. The total additional cost of the new entrants to the scheme equates to £2k pa. A list of the high street Community Toilet Scheme business partners are tabled in Appendix A of this report.

- 3.8 The existing contract for the cleansing of public conveniences was awarded to Kier and commenced on 29th March 2012 for a five year period, with an option for a two year extension. Negotiations are in progress with the contractor (Kier) regarding the reduction in the total tendered sum for the cleansing of the Beckenham, Bromley and West Wickham toilets. At any time during the term of the contract the Council may decide to implement a variation to the service requirements, which may arise through no fault of the contractor.
- 3.9 With this proposal, the total aggregated value of the variation of the service has exceeded 10% of the original total tendered sum and the contractor would therefore be eligible for claiming a compensation event for the loss and expense with the entire effect of a change of service. The compensation event is assessed as the effect of the event on the forecast cost for work not yet done – this would relate to the remaining period of the contract (e.g. from the date of the notification of closure to 28th March 2017).
- 3.10 The Council has requested a written quotation from the contractor for assessment of the compensation event. The quote will be assessed using the procedures in the contract and the sum would be agreed by both parties. Firm details from the contractor were not available for inclusion within this report however the Head of Area Management has advised that an indicative cost of a one-off compensation fee in the region of £20k for this contract variation and would be met from within the Streetscene and Greenspace budget for 2015/16.
- 3.11 If the Executive agrees to the proposed closure, arrangements will be made to declare the Beckenham property surplus to Council requirements and would recommend marketing it, on the basis that if offers are not forthcoming that it should be demolished. If it proved impossible to sell the facility, the cost of service disconnection, demolition and reinstatement of the site is estimated at a cost of £15k for the location. There is no available budget provision within the Property Division to undertake this work, therefore the costs of demolition would need to be met by the Streetscene and Greenspace budget. The West Wickham property is attached to the adjoining Public Library and as part of a much larger landholding it is recommend that the building is retained until further consideration of the library is given. The Bromley property is located within the town centre redevelopment plan designated as Opportunity Site G. As the proposals for this site were not available at the stage of report writing, the property would be retained until confirmation of the development was made.
- 3.12 The closure of the three public conveniences would result in a net annual saving of £22k for 2015/16, after allowing for the one-off costs for compensation and demolition. Annual savings of £67k would be achieved from 2016/17 onwards.

4. POLICY IMPLICATIONS

- 4.1 A significant number of local authorities have adopted the means of making existing toilets in private premises available to the general public under the Community Toilet Scheme initiative.
- 4.2 Research in Bromley has shown that people feel safer using a toilet in a shop or other retail premises rather than in an unattended public convenience. Some older people are apprehensive about being away from home because of the lack of toilet facilities, or their fear of using them. The availability of Bromley's Community Toilet Scheme contributes towards supporting independence and to the promotion of vibrant and thriving town centres as well as a quality environment.

- 4.3 The Council's Equality Impact Assessment (EIA) for the Community Toilet Scheme was developed in September 2008 and last reviewed in August 2010. The EIA set out to analyse the policy of replacing selected public conveniences with community toilet facilities. The policy parameters confirmed that levels of toilet provision to be no less than those currently provided by the Council and sufficient to meet the current and anticipated demands of users, including any special needs of the area and its users. The EIA will be reviewed and updated with qualitative data obtained from local consultation through the placement of public notices. This information was not available for inclusion within this report however the feedback will be reported to Committee Members prior to the Environment PDS and Executive meetings.

5. FINANCIAL IMPLICATIONS

- 5.1 The table below summarises the savings that would result from the proposed closure of Beckenham, Bromley and West Wickham High Street toilets from 31st March 2015:-

Analysis of savings	Part Year	Full Year
	2015/16	2016/17
	£'000	£'000
Cleansing contract	34.0	34.0
Running expenses - energy, water etc	14.0	17.0
Maintenance	11.0	11.0
Business Rates (provided sold/demolished)	0.0	7.0
Savings	59.0	69.0
Less additional cost of community toilets at West Wickham	-2.0	-2.0
Less estimated one-off compensation payable to contractor	-20.0	0.0
Less potential demolition costs of Beckenham	-15.0	0.0
Net savings achieved	22.0	67.0

- 5.2 It should be noted that the savings from the business rates will only be realised when the buildings are either sold or demolished.
- 5.3 A capital receipt could be generated from the sale of the Beckenham public convenience.

6. LEGAL IMPLICATIONS

- 6.1 Section 87 of the Public Health Act 1936 gives local authorities a power to provide public toilets, but imposes no duty to do so. The provision of public toilets varies according to the local authority however more recent legislation (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.

Members should note that Bromley's Community Toilet Scheme intends to achieve this aim.

- 6.2 The Council enters into Legal Agreements with businesses participating in the Community Toilet Scheme and provide an annual payment of £1,000 subject to the facilities available, plus VAT, payable in quarterly instalments. In return the Council publicise the scheme and locations of the facilities through media sources and the installation of appropriate street signage.
- 6.3 The Annual Sum can be varied at the Council's discretion subject to number of toilet facilities available by the businesses. The Council may suspend payment in the event that the facilities are unavailable to the public.

- 6.4 The scheme covers a variety of outlets to ensure that toilet facilities are available for a wide range of users, over a substantial part of the day and night. Participating businesses retain the right to refuse admission of any person to their premises including toilet facilities.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	<p>Public Toilet Provision – Report for Pre-Decision Scrutiny by Environment PDS on 23rd September 2014 and Executive on 15th October 2014;</p> <p>Review of Public Toilets/Community Toilets Scheme – Report to Environment PDS on 1st June 2009;</p> <p>Community Toilets Feasibility – Report to Environment PDS and Environment Portfolio Holder on 8th and 15th 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 on 20th May 2008;</p> <p>Report of the House of Commons Communities and Local Government Committee – “The Provision of Public Toilets” dated 6th October 2008.</p>

List of Current and Additional High Street Community Toilet Scheme Business Partners**Beckenham**

- Beckenham Civic Halls (new entrant, no revenue cost)
- Costa Coffee (pre-existing arrangement, £1k pa)
- Odeon Cinema (pre-existing arrangement, no revenue cost)
- Sainsbury's (new entrant, 'Open London' scheme, no revenue cost)
- Spa Leisure Centre (new entrant, no revenue cost)
- Waitrose (pre-existing arrangement, 'Open London' scheme, no revenue cost)

Bromley

- BHS (new entrant, no revenue cost)
- Central Library (pre-existing arrangement, no revenue cost)
- Civic Centre (pre-existing arrangement, no revenue cost)
- Marks & Spencer (new entrant, 'Open London' scheme, no revenue cost)
- McDonalds (new entrant, 'Open London' scheme, no revenue cost)
- Pavilion Leisure Centre (new entrant, no revenue cost)
- Sainsbury's (new entrant, 'Open London' scheme, no revenue cost)
- Waitrose (new entrant, 'Open London' scheme, no revenue cost)

West Wickham

- Café Nero (new entrant, additional £1k pa)
- Marks & Spencer (new entrant, 'Open London' scheme, no revenue cost)
- Sainsbury's High Street (new entrant, 'Open London' scheme, no revenue cost)
- The Swan Public House (new entrant, additional £1k pa)
- West Wickham Leisure Centre (new entrant, no revenue cost)