

	REPORT TO CABINET TO BE HELD ON 12 JULY 2016	
	Key Decision	YES
	Forward Plan Ref No	
Corporate Priority All	Cabinet Portfolio Holder	Cllr Andrew Jenkinson

REPORT OF: DIRECTOR (NE) – 16/155

WARDS AFFECTED: ALL

SUBJECT: PLAN FOR THE PROVISION OF PUBLIC CONVENIENCES

RECOMMENDATION (S):

Cabinet is recommended to:

- a) Approve the implementation of the plan for the provision of public conveniences, to be found at Appendix 3 to this report;
- b) Note the progress of on-going discussions with Town and Parish Councils and approve the use of the Community Asset Transfer framework to facilitate this work stream;
- c) Set a deadline date of 31 October 2016 for the receipt of detailed service devolution requests from Town and Parish Councils;
- d) Request that Officers provide regular progress reports to the Council’s Cabinet as each phase of the plan is implemented.

REASON FOR RECOMMENDATION (S):

The plan and associated actions set out how the Borough Council’s approach to the provision of public conveniences will be delivered over the next 5 years.

HIGHLIGHTED RISKS

All risks are identified in the attached risk matrix.

1.0 INTRODUCTION

- 1.1 The Council's Cabinet considered a report on 21 May 2013 on the market testing of the public convenience service. The report, in essence, explained that the costs involved in outsourcing the service were unaffordable due to the financial climate. It was resolved that the market testing of the public convenience service should be discontinued and the service be retained in-house. Furthermore, Cabinet agreed to establish an Officer/Member Working Group and requested Officers to prepare a draft Business Plan detailing the service improvements and potential efficiencies.
- 1.2 The Officer/Member Working Group reported to Cabinet in December 2013 (report ref 13/391). Included in the report were proposals to close a number of toilets so the report recommended referral of the proposals to Overview and Scrutiny Committee for review and the outcome of this Scrutiny review was reported to Cabinet in October 2015 (report ref 15/286). The Portfolio Holder commended the work of the Task Group and the principles for managing the Council's facilities which were now accepted. However, it was agreed that the proposals for the service were not sustainable in light of the fiscal challenges facing the Council and a more comprehensive plan encompassing every facility in the Borough was required.
- 1.3 The Council's Cabinet received a further report in February 2016 (report ref. 16/48) which outlined a draft plan for the future provision of public conveniences. Approval was given to undertake full consultation on the proposals outlined in the plan.

2.0 CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 This report supports all four of the Council's key aims.

3.0 BACKGROUND AND ISSUES

- 3.1 The provision of public conveniences is a non-statutory function for local authorities; however, Scarborough Borough Council recognises the importance of good public space management and the benefits that such facilities can bring to an area. This recognition needs to be placed in the context of decreasing budgets and consideration given to alternative methods of service provision.
- 3.2 The Officer/Member Working Group which reported to Cabinet in December 2013 (report ref 13/391) identified the following general principles for delivering the public convenience service:
 - To charge for entry where practicable and cost effective
 - To improve the standard of finish in facilities; primarily retile those facilities with dark and poor quality tiling.
 - To provide the means for steam cleaning of all facilities

- To rationalise staffing at existing pay-on-entry facilities through the use of automatic pay-on-entry systems
- To transfer or close all facilities where the cost/unit usage rate was excessively high.
- To close or replace facilities which are structurally poor and not capable of improvement.

3.3 The Council currently owns and operates 38 public toilets throughout the Borough, the majority of which are in the three main towns of Whitby, Scarborough and Filey. These facilities generally consist of a traditional, stand-alone building providing separate areas for ladies and gentlemen and which may be complemented by an accessible unit for disabled people.

3.4 The condition of these facilities is mixed with a broad range from new, high quality facilities to toilets which have suffered from a lack of investment for a number of years and will require significant capital investment to bring them up to the acceptable standard.

3.5 The Council also has arrangements with the Danby Group Parish Council to financially support the continued provision, by the Parish Council, of toilets in Danby and Castleton.

4.0 CONSULTATION

4.1 Following approval by Cabinet in February, extensive consultation has been undertaken with key stakeholders and the wider public. This consultation was publicised on the Council's website and ran from Tuesday 29 March to Tuesday 24 May. The consultation received over 450 responses together with a petition signed by 2,500 people opposing any closure of Sandsend toilets.

4.2 As part of the consultation process, Officers have also met with Danby Group Parish Council, Hinderwell Parish Council, Lythe Parish Council, Grosmont Parish Council, Whitby Town Council, Filey Town Council.

4.3 Verbal representation was also received from the North York Moors National Park, which expressed concern about any potential closure of toilets. The National Park is keen to work with the Borough Council and Parish Councils to secure the continued provision of toilets and also to exploit any external funding opportunities that may be available to support this aim.

4.4 An analysis of consultation responses is included in Appendix 1 of this report. Responses were generally in favour of retaining facilities through the implementation of an entry charge if necessary and were consistently against closure of any toilet and in response to the consultation feedback, a number of refinements have been made to the proposed plan.

5.0 ASSESSMENT

5.1 The provision of public toilets in separate buildings has been the typical model for many decades; however, this may not be an appropriate model to be employed for the future. The Borough Council is facing significant budget pressures and an approach which encourages partnership working, direct charging and private sector funding must now be utilised to secure a sustainable future for the provision of publicly accessible toilets.

5.2 This plan sets out a clear vision for public toilets in the Borough of Scarborough:

“To adopt a sustainable approach to public convenience provision in the Borough of Scarborough that positively contributes to public health, well-being and the prosperity of the community.”

5.3 Supporting this vision is a number of clear aims:

- To facilitate the provision of public conveniences directly, through partnership and through devolution of responsibility to the wider public and private sectors.
- To ensure that all facilities are maintained to a high standard, accessible to all and effectively signposted and promoted.
- To ensure that public conveniences are delivered in a sustainable manner with due regard to affordability and the environment.

5.4 The plan identifies four phases to deliver these aims. These phases are hierarchal in nature and would be applied to each individual public toilet in turn. The plan seeks to maximise the value of each asset to promote change in delivery models and lever investment from other potential service providers from within both the public and private sectors. Adoption of this approach would enable the continued provision of the majority of public conveniences throughout the Borough, although not necessarily through direct provision by the Council. The majority of respondents to the consultation supported these aims and actions; however a significant minority feel that the Borough Council should operate facilities irrespective of any statutory obligation.

5.5 Over recent years the Council has reached agreement to transfer the ownership of a number of toilets which might otherwise have faced closure. The most recent of which have included Robin Hoods Bay Bank Top and Egton Bridge, which were transferred to the local Parish Councils, and Hunmanby Gap which has been redeveloped by a neighbouring commercial enterprise.

5.6 Furthermore, the Council’s Cabinet (report ref 16/129) recently approved proposals to redevelop the Khyber Pass toilet facilities in Whitby. These proposals should ensure the continued provision of high quality and financially sustainable facilities in this area.

- 5.7 The first phase identified in the plan is to undertake a full cost analysis for each individual toilet to establish if there is a business case to introduce or retain a pay on entry system to reduce the cost of operating said toilet. This work will take place over the coming months and a full business case, detailing the investment required for each toilet, will be presented to the Council's Cabinet for consideration once this work is complete.
- 5.8 The second phase identified in the plan is to consider the devolution of service delivery to Town and Parish Councils. Officers have met with various Town and Parish Councils to discuss options for the devolution of public conveniences. A positive response has been received from Whitby Town Council and Grosmont Parish Council and, in addition, Filey Town Council has lodged a formal expression of interest in taking over responsibility for the future provision of toilets in the town. The discussions surrounding the potential transfer of the facilities are continuing but it is important to note that key themes are becoming apparent. These include:
- Full transfer of the asset. The Town/Parish Councils are keen to see the full freehold / long lease transfer of the asset including surrounding land where applicable.
 - Pump priming grant. The Parish and Town Councils would wish to see a payment of a small grant, as identified in the plan, to assist with the smooth transfer of the facilities. This grant could be used for a number of reasons, including asset upgrade, installation of pay-on-entry systems or cost reduction measures such as low energy lighting.
 - Control of the future use of the asset. Parish and Town Councils are keen to take full control over the future use of any asset, including options for sale/redevelopment.
- 5.9 If the Borough Council is devolving the facility to the local community, through the Town or Parish Council, it would be reasonable for the local community to decide on the best use of that facility to suit community aspirations and this should form part of the discussions. Consideration should also be given to the use of covenants to allow a minimum term of usage as a toilet and a restriction over the future sale of the asset, however, these should be used carefully so as not to overly restrict negotiations whilst continuing to protect public assets.
- 5.10 In addition, North Yorkshire County Council's Executive Member for Stronger Communities and Public Health has held discussions with Borough Council Officers to consider a proposal to develop a trust model to take on the provision of existing toilets in certain areas of the Borough. Officers will continue to develop this proposal in conjunction with relevant stakeholders.
- 5.11 In order to ensure transparency and accountability, it is recommended that the existing Community Asset Transfer Framework should be used to facilitate any such transfers. It is also recommended that Town and Parish Councils are given until 31 October 2016 to make a formal request for devolution.

5.12 Phase 3 in the proposed plan considers options for the commercial redevelopment of existing facilities. It is proposed that the Council should consider two options to take forwards the commercial development of existing facilities:

- Officers to scope the potential for individual sites to be redeveloped by the Borough Council to enable a commercial opportunity and allow for the continued operation of a reduced size public convenience at a reduced cost.
- Officers to engage with the private sector and commence a tendering exercise for specifically identified public toilets as an alternative route to deliver the same outcome.

5.13 Clearly, any change to the provision of public conveniences throughout the Borough has the potential to impact upon different people in different ways. A full equalities impact assessment has been undertaken and is attached at Appendix 2.

5.14 It is hoped that the processes outlined in this report will ensure that all of the Borough's toilet blocks remain open in some form, either through pay-on-entry, devolution to the wider public/charitable sectors or under the control of the business community.

5.15 It is proposed that Officers report to the Council's Cabinet with detail on each phase of the identified plan as implementation progresses. It may be that some toilets are left without a solution and a further report would be brought back to Elected Members with further information as it is clear, from the consultation response, that the vast majority of consultees are opposed to the closure of any public conveniences.

5.16 Subject to approval by Cabinet in July 2016, the actions identified in the plan will be delivered to the following timescales:

Action	Timescale
Develop full business case considering the implementation and/or retention of pay-on-entry systems for each individual toilet	October 2016
Continue negotiations with Town and Parish Councils	to 31 October 2016
Consider asset transfers through the Community Asset Transfer framework	November 2016 – March 2017
Consider commercial redevelopment of individual sites either internally by the Borough Council or through engagement of the private sector.	November 2016 – March 2017
Complete full project	April 2017

6.0 IMPLICATIONS

(a) Policy

6.1 There are no new policy implications that arise from this report.

(b) Financial

6.2 The implementation of the proposed plan has the potential to realise significant budget savings for the Council

(c) Legal

6.3 Where a public or private organisation wishes to take over the operation of a public convenience there will be a need to agree appropriate terms and conditions prior to any transfer of assets.

(d) Equalities and Diversity

6.4 The provision of public conveniences which are accessible for all is a key aim of this plan and this supports the Council Equalities and Diversity agenda. A full Equalities Impact Assessment has been undertaken and is appended to this report.

(e) Staffing Issues

6.5 Adoption of this plan will have direct implications for staff currently employed in the Public Convenience Service. Full consultation will be undertaken with the Trade Unions and directly with the employees concerned. Every effort will be made to redeploy staff into the wider Environmental Services to prevent compulsory redundancies.

(f) Planning, Environmental, Health and Safety, Sustainability, Crime and Disorder

6.6 The provision of accessible public conveniences contributes to protecting the environment, promoting sustainability and reducing crime and disorder. The plan seeks to continue the provision of the majority of public conveniences, albeit in a different way.

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Background Papers: None

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT PAUL THOMPSON ON 01723 232323 OR E-MAIL paul.thompson@scarborough.gov.uk

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1		'Do nothing'	The Council's portfolio of public toilets continue to fall into a state of disrepair and become unfit for purpose	Development and delivery of a plan for the future provision of public conveniences	C3	B2	Operations, Transport & Countryside Manager	As identified in the report
2		'Do nothing'	The Council is unable to deliver budget savings as identified in the Medium Term Financial Plan	Development and delivery of a plan for the future provision of public conveniences	C3	B2	Operations, Transport & Countryside Manager	As identified in the report
3		The Council fails to identify partners for future service delivery	A number of public conveniences would close	Ensure that negotiations regarding asset transfer/development are not overly constrained but are undertaken with due regard to the protection of public assets	C3	B2	Asset and Risk Manager	
4		Delivery of this plan and associated asset transfers are not undertaken in line with Council procedures	The Council fails to follow existing procedures	Reputational damage and legal challenge	C3	A1	Director (NE)	Project board convened to oversee delivery of this plan

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
			A	B	C	D
		Likelihood				

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster