

	REPORT TO CABINET TO BE HELD ON 16 MAY 2017	
	Key Decision	YES
Corporate Priority All	Cabinet Portfolio Holder	Cllr Andrew Jenkinson
	Forward Plan Ref No	

REPORT OF: DIRECTOR (NE) – Report reference 17/113

WARDS AFFECTED: ALL

SUBJECT: PLAN FOR THE PROVISION OF PUBLIC CONVENIENCES - UPDATE

RECOMMENDATION (S):

Cabinet is recommended to:

- a) Note project progress and approve an extension to the project timeline to deliver stage two.
- b) Approve the transfer of the toilets identified in paragraph 5.13 to Whitby Town Council together with a capital payment of £25,000 from the Investment Fund.
- c) Approve the transfer of Cayton Bay toilets to Cayton Parish Council together with a capital payment of £5,000 from the Investment Fund.
- d) Approve the payment of £5,000 from the Investment Fund to Eskdaleside-cum-Ugglebarnby Parish Council.
- e) Approve the closure of Runswick Bay Bank Top, Lealholm, Danby, St Helen's Square and Holbeck Clock toilets.
- f) Approve expenditure of £207,000 from the Investment Fund to redevelop toilets at: North Bay, St Nicholas and West Pier attended toilets; Vincent Pier; Staithes Bank Top; Robin Hoods Bay bank bottom; Sandsend North.
- g) To introduce a charge of 40p at the pay on entry public conveniences.

REASON FOR RECOMMENDATION (S):

The recommendations move forwards the delivery stage of the Borough Council's plan for the provision of public conveniences.

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.
- 1.4 The full Provision Plan for Public Conveniences was approved by the Council's Cabinet in July 2016. Following this approval Officers moved to implementation of the plan and this report provides an update on progress to date.

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 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.”

- 3.3 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.

- 3.4 The plan identifies four phases to deliver these aims. These phases are hierarchal in nature and are 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. The phases are:

- Consider a business case for the implementation of pay-on-entry
- Devolve the provision of certain toilets to Town and Parish Councils
- Engage with the private sector to redevelop toilet facilities
- Close

4.0 CONSULTATION

- 4.1 Full consultation was undertaken prior to the implementation of this plan. Furthermore, Officers have met regularly with the Cabinet Portfolio Holder for Leisure, Tourism and Culture; Town and Parish Councils and the North York Moors National Park throughout the implementation stage of this plan.

- 4.2 The proposals contained within this report were considered by the Council’s Overview and Scrutiny Board on 5 April 2017. An extract from the statement given by the Board’s Chairman to the Council meeting on 8 May 2017 reads:

“The Board has been consulted on the Council’s proposals for all of its public conveniences throughout the Borough, prior to Cabinet’s decision on it in May 2017. The requirement to review provision of public conveniences has arisen in the context of decreasing budgets, and surveys have been undertaken to establish cost and public use of each facility. Wherever possible, the aim is to continue to provide public conveniences, but with a far greater emphasis on partnerships and devolution of responsibility to the wider public and private

sectors. There are still a number of public conveniences which will require further research to establish the best solution, and these have been allotted to a separate phase of the project. The Board was in agreement with all of the proposals that will be put before Cabinet.”

5.0 ASSESSMENT

- 5.1 The implementation stage has proved complex and has taken longer than anticipated to deliver. This is a result of a number of factors including land ownership complications and on-going discussion and negotiation with Town and Parish Councils. This report identifies a proposal for each facility in turn. It should be noted that some facilities have been moved into stage two of this project to ensure that all options are explored in full before a decision is taken on the future of a particular facility. Detailed information for each toilet is appended to this report at Appendix 1.
- 5.2 **Staithe Bank Bottom.** Hinderwell Parish Council has declined to take forward the operation of this facility. Officers are currently in early discussions with a potential partner from the third sector to hopefully secure the provision of this facility alongside a small scale redevelopment of the site. It is therefore proposed to move this into stage two of the project.
- 5.3 **Staithe Bank Top Car Park. (Staithe CP)** It is recognised that these facilities are well used, in good condition and should be retained. It is therefore proposed to invest £8,000 in this facility to install a pay on entry system. Discussions will also take place with the neighbouring Gateway Centre regarding the future operation of this facility.
- 5.4 **Runswick Bay Bank Bottom.** These toilets are well used and are in a prime location; however the internal condition is in need of refurbishment. It is therefore proposed to invest £10,000 in this facility to install a pay on entry system and undertake a general refurbishment of this block.
- 5.5 **Runswick Bay Bank Top.** These facilities have a very low usage per year. Consideration has been given to the implementation of pay-on-entry for these toilets, however, the low usage figures do not allow for the repayment of the necessary capital investment. The Parish Council has been approached and does not wish to take over the operation of these facilities. The usage pattern for the two toilets in Runswick Bay suggests that most visitors opt to use the toilet at the bottom of the bank as this serves the beach, local village and Cleveland Way pedestrian traffic. It is therefore proposed that the bank top toilet block is closed and the site marketed for appropriate redevelopment which is sensitive to the local area.

- 5.6 **Sandsend North.** This facility is well used and the lease for the site from the landowner stipulates a requirement for the provision of a public toilet. It is therefore proposed to implement an entry charge on this block and undertake a general refurbishment of this facility. This will require an investment of £10,000.
- 5.7 **Sandsend South.** This is a well-used site which serves the local beach at Sandsend. It is felt that improvements to this site should be explored in partnership with the private sector and therefore this block will move into stage two of this project.
- 5.8 **Sleights.** These toilets have transferred to Eskdaleside-cum-Ugglebarnby Parish Council. The Parish Council are currently seeking a retrospective grant of £5k to help with the refurbishment of this block. It is recommended that the Borough Council support this request for funding.
- 5.9 **Grosmont.** Both the Parish Council and the National Park have expressed an interest taking over the operation of this facility. It is proposed that discussions continue with both parties and as such, this block moves into stage two of the project.
- 5.10 **Lealholm.** These facilities have a very low usage of 3,500 per year. Consideration has been given to the implementation of pay-on-entry for these toilets, however, the low usage figures do not allow for the repayment of the necessary capital investment. The Parish Council has been approached and does not wish to take over the operation of these facilities. The land on which the toilet sits is identified for redevelopment to provide access to affordable housing within the village. A recent approach has also been made regarding the possible transfer of these toilets into a local charitable trust. It is therefore proposed to close these toilets due to the low usage, retain the building in the short term and to continue discussions with the local trust and housing project to establish whether these facilities can remain (under trust ownership) without restricting the future development of the site.
- 5.11 **Danby.** These facilities have a very low usage of 3,850 per year. The Borough Council has a longstanding agreement with the local Parish Council regarding support for the revenue costs of operating these facilities. This arrangement sees the Parish Council operate and clean the toilets and the Borough Council funds the cost of materials together with repairs and maintenance. Danby has additional public toilets located at the National Park visitor centre and, due to the proximity of these other facilities, it is proposed to cease the arrangement with the Parish Council for these toilets and the toilets will close.
- 5.12 **Castleton.** These facilities have a very low usage of 3,500 per year. Consideration has been given to the implementation of pay-on-entry for these

toilets, however, the low usage figures do not allow for the repayment of the necessary capital investment. The Borough Council has a longstanding agreement with the local Parish Council regarding support for the revenue costs of operating these facilities. This arrangement sees the Parish Council operate and clean the toilets and the Borough Council funds the cost of materials together with repairs and maintenance. Due to the location of these facilities and the population they serve, it is proposed to retain the arrangement with the Parish Council into the future. This is subject to the Parish Council's agreement.

5.13 **Whitby.** Scarborough Borough Council's Cabinet recently approved the development of a new facility in the vicinity of Khyber Pass (report ref: 16/288). Whitby Town Council has expressed an interest in the devolution of a number of toilets in Whitby to the Town Council upon payment of a £25,000 capital sum (£5k for each toilet excluding Khyber Pass) together with the new facility at Khyber Pass. It is proposed the transfer these facilities on the following basis:

- West Cliff toilets – freehold transfer.
- Khyber Pass toilets – leasehold transfer (with full repairing obligation) of the new facilities with a 99 year lease period.
- New Quay Road toilets - leasehold transfer (with full repairing obligation) of these facilities with a 99 year lease period.
- Market Place toilets - leasehold transfer (with full repairing obligation) of these facilities with a 99 year lease period.
- Abbey Headland toilets (Whitby Abbey CP) - freehold transfer to include the land immediately above the toilets.
- Ruswarp toilets - freehold transfer

Appropriate covenants are included in the contract terms to protect the Borough Council's position and to ensure the continued provision of toilets in these locations. The public convenience plan recognises that buildings may need to be reconfigured to provide the ability to generate income to support the provision of toilets and the contracts include a clause which enables the Town Council to undertake such works subject to consent from the Borough Council. If approved, it is proposed that these transfers take place from 1 July 2017.

5.14 **Beach Management Centre, Whitby.** These toilets are integral to the management of the beach at Whitby and it is proposed that these facilities are moved into stage two of this project for further consideration.

5.15 **Whitby Cemetery toilet, Whitby (Larpool Cemetery).** This is very small, very low usage facility with low running costs. This toilet is provided for cemetery users and as a welfare facility for Council employees working in the

cemetery. It is therefore proposed that this block is retained under Borough Council ownership with an appropriate budget.

- 5.16 **Marina public and harbour users' facility, Whitby (Marina Car Park).** This block is integral to the provision of high class facilities for Whitby harbour and therefore it is proposed that this block is retained with an appropriate budget. Consideration to be given to the implementation of an entry charge for the public toilets in stage two of this project.
- 5.17 **Robin Hoods Bay Bank Bottom.** These toilets have relatively high usage and it is proposed to implement a charge for entry and to undertake a general refurbishment to ensure the continued provision of this toilet. This will require an investment of £10,000.
- 5.18 **Robin Hoods Bay Station Car Park.** It is proposed to move this block into stage 2 of the project as no suitable solution has yet been found for this facility.
- 5.19 **Northstead Lower Car Park, Scarborough (Burniston Road Car Park).** These toilets are in a designated development area as part of the Sands project. It is therefore proposed to move these into stage two of the project and explore development options with Benchmark.
- 5.20 **North Bay Beach Management Centre.** These toilets have very high usage during the summer season and it is proposed to implement a 'paddle gate' pay on entry system. This will require an investment of £20,000 and will improve the customer experience and deliver revenue savings from the labour budget.
- 5.21 **Peasholm Park & Ancillary.** It is proposed to move this toilet into stage two of the project as no suitable solution has yet been found for these facilities.
- 5.22 **Royal Albert Drive.** Approval was given to demolish these facilities for redevelopment by the Council's Cabinet in December 2016.
- 5.23 **Vincent Pier.** These toilets have very high usage and it is proposed to fully redevelop these facilities in conjunction with new harbour user facilities for Scarborough Harbour. A separate report will be presented to the Council's Cabinet seeking relevant approvals for this proposal. It is proposed to ring-fence a sum of £30,000 from the Investment Fund to contribute to this development if required.
- 5.24 **West Pier Attended Toilets.** These toilets have very high usage, however, there are on-going issues regarding the structure of this building which need to be resolved prior to any investment in these facilities. It is therefore proposed to ring-fence £30,000 from the Investment Fund to deliver a 'paddle-

gate' pay on entry system and general refurbishment of these facilities, once the future of the building is known.

- 5.25 **St Nicholas Attended Toilets.** Significant investment is required to bring these toilets up to an acceptable standard. This investment includes repairs to the roof and general refurbishment of the interior. Furthermore, the toilets would benefit from the implementation of 'paddle gate' access. In order to improve these facilities investment of £70,000 is required from the Investment Fund.
- 5.26 **South Cliff Gardens (near to Clock Café and chalets).** Discussions are ongoing with an interested party through the Community Asset Transfer process. It is hoped that this will realise investment into the immediate area and improved facilities. A further report will be provided in due course and these toilets will therefore move into stage two.
- 5.27 **Holbeck Clock.** These facilities have a very low usage per year. The toilets also attract high levels of anti-social behaviour. Consideration has been given to the implementation of pay-on-entry for these toilets, however, the low usage figures do not allow for the repayment of the necessary capital investment. There are no options to devolve responsibility for the operation of these toilets. It is therefore proposed to close this block to enable a full range of options for the building to be considered as part of the South Cliff Gardens Heritage Lottery Fund project.
- 5.28 **Woodlands Cemetery.** The site at Woodlands is well served with two sets of public toilets at the Crematorium. The cemetery toilets are located within the cemetery itself next to the baby burial plots, a short walk from the crematorium toilets; however the crematorium toilets are closed over the weekend and in the evening. Closure of the cemetery toilets would enable the expansion of the baby burial area and also remove the current anti-social behaviour experienced in these toilets. Unfortunately, there are no usage numbers available for these toilets and ad-hoc information suggests that the usage is low. A transformation team is currently working with the Crematorium and it is proposed to move these toilets into stage two of this project for further consideration to be given to their future.
- 5.29 **St Helens Square.** The new Scarborough Market has provision for high quality publicly accessible toilets a very short distance from St Helens Square. The current toilets at St Helens Square attract very high levels of anti-social behaviour. In addition, the site on which they stand has been identified for redevelopment as part of street scene improvements in the area. The toilets currently close at 6pm every evening due to the anti-social problems. It is therefore proposed to close these toilets and sign post people to use the toilets in the market.

- 5.30 **Cayton Bay.** Cayton Parish Council has expressed an interest taking over the operation of this facility upon receipt of a capital payment of £5,000. It is proposed that discussions continue with the Parish Council and that approval is given to transfer these facilities once these negotiations have concluded.
- 5.31 **Filey toilets.** Filey Town Council has expressed an interest in taking over the operation of all the toilets in Filey, subject to payment of an appropriate capital grant and on-going annual revenue support. Discussions continue between Officers and the Town Council on this issue. Should a transfer take place, appropriate covenants will be included in the contract terms to protect the Borough Council's position and to ensure the continued provision of toilets in these locations. The public convenience plan recognises that buildings may need to be reconfigured to provide the ability to generate income to support the provision of toilets and the contracts include a clause which enables the Town Council to undertake such works subject to consent from the Borough Council. A proposal has been received from Filey Town Council and this was reported to the Overview and Scrutiny Board at their meeting on 5 April 2017. It was felt that the proposal required further work and therefore further negotiation should take place in stage two of this project.
- 5.32 In order to progress the full raft of proposals identified in this report a capital investment of £242,000 is required. This investment incorporates £207,000 (£188k plus contingency) in general refurbishment and implementation of pay on entry together with £35,000 one off capital grants to third parties. The Council's Financial Strategy has an approved Investment Fund allocated for such works. If delivered in full, it is envisaged that these proposals would deliver a revenue return in the region of £160,000, therefore delivering capital repayment in less than two years. The revenue return is based upon a number of factors including savings accrued from closures, additional income and labour savings through improved payment mechanisms.
- 5.33 The costings identified in paragraph 5.32 are based upon a 40 pence charge per user across all facilities. At present the Council charges 40p in a number of attended toilets and this level of charge is reflected in other Council areas such as York. Certain concessions are currently in place for children and large groups, however these would be impossible to administer when using non-attended payment mechanisms (e.g. paddle gates). It is therefore proposed to remove these concessions and introduce a flat 40p charge for all users. The only exception would be for disabled users who would still have free access to toilets through the RADAR key scheme. This pricing strategy was considered by the Overview and Scrutiny Board at their meeting on 5 April 2017 and was supported by the Board.

6.0 IMPLICATIONS

(a) Policy

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

(b) Financial

The implementation of the proposed plan has the potential to realise significant budget savings for the Council. The report identifies the requirement for a capital investment of £223,000 from the Investment Fund.

(c) Legal

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. Appropriate covenants are included in the contract terms to protect the Borough Council's position and to ensure the continued provision of toilets in these locations. The public convenience plan recognises that buildings may need to be reconfigured to provide the ability to generate income to support the provision of toilets and the contracts include a clause which enables the Town Council to undertake such works subject to consent from the Borough Council.

(d) Equalities and Diversity

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 was undertaken as part of the development of the Public Convenience Provision Plan.

(e) Staffing Issues

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

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
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
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
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)

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	E
	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