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Appendix C of this report contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972

Report to: **West Devon Hub Committee**

Date: **29 January 2019**

Title: **Public Toilet review update**

Portfolio Area: **Environment Services (Cllr Robert Sampson)**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: 12 February 2019

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Recommendations:

It is recommended:

1. That the Hub Committee endorses the information in respect of the public toilet review for rural toilet facilities.
2. That the Hub Committee notes that in accordance with the resolution of 16th October 2018 the facilities which are not being taken over or in respect of which the requested contribution is not being made will be referred to the Council meeting of 12th February 2019 for closure.

1. Executive summary

- 1.1 Members will recall that, at the Hub Committee meeting of 16 October 2018, it was resolved that, in respect of rural facilities, where a Parish Council has resolved to neither contribute towards the running costs of a public toilet nor take the facility on by way of an asset transfer, it should be recommended to Council that the facility should close by 31 March 2019.

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- 1.2 This report requests that Members note and endorse the progress made in respect of the public toilet review, in consultation with Parish Councils and local Ward Members. This report also includes an update on the consultation feedback received from Okehampton Town Council and Tavistock Town Council in order that Members receive a complete service view.
- 1.3 The report further requests that Members make a recommendation to Council that the following public toilets should close by 31 March 2019:
 - Buckland Monachorum – Bedford Bridge
 - Dartmoor Forest – Princetown
 - Okehampton – Market Street
 - Tavistock – Bedford or Bus Station (depending on proposal from Tavistock Town Council).
- 1.4 A breakdown of savings which can be delivered through the recommended service changes are attached at Appendix A, with the net total for next financial year estimated at £70,875.
- 1.5 There will be some costs associated with the termination of leases for Bedford Bridge and Princetown which are yet to be quantified. The detailed lease requirements are shown in Exempt Appendix C.
- 1.6 Asset and Legal specialists have considered the cost of transfer and an allowance should be made in year 1 for each asset transfer to Towns and Parishes. Estimated transfer costs are contained within Exempt Appendix C and will be borne by the Council.

2. Background

- 2.1 In order to meet increasing budget pressures the Council has needed to review its discretionary services. The Council has been trying hard to find solutions which allow the continuation of service provision with local community assistance, where the local need for a public toilet provision is felt to be necessary. A range of conversations and meetings have taken place in affected communities over the past few months.
- 2.2 Following a previous report to the Hub Committee on 16 October 2018, Members resolved:
 - “1. in respect of the rural public toilets, resolve that Parish and Town Councils are requested to either:
 - i. Assume responsibility for the public toilets in their area, including a transfer of the freehold or leasehold property; or
 - ii. Make a contribution towards the cost of running public toilets equivalent to 75% of all direct costs (which includes staff and management costs).
 2. that the 75% Parish/ Town Council contribution be increased over the following three years based upon actual spend as per the

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payment profile shown in Appendix A, to reach a point where full costs are covered by the Parish and Town Councils.

3. that where a Parish or Town Council agrees neither to accept a transfer of the facility nor make the requested contribution (as set out in Recommendation 1 (i) and (ii)) it will be recommended to Council that the facility will be closed before the end of the financial year 2018/19.

4. that where any facility will benefit from pay on entry equipment in order to reduce overall costs, the Council will work with the relevant Town or Parish Council on a business case and implementation programme to achieve best value.

2.3 Meetings have been held with all Parish and Town Councils and, where necessary, negotiations and discussions have continued throughout by email, phone and further meetings.

2.4 Details of meetings to date are as follows:

Brentor	2 October 2018
Buckland Monachorum	7 September 2018 3 January 2019
Chagford	23 August 2018
Dartmoor Forest	12 October 2018 22 November 2018
Hatherleigh	2 October 2018
Lydford	13 September 2018 11 December 2018
Okehampton	9 February 2016 7 November 2017 28 August 2018
Tavistock	21 November 2018 14 December 2018

3. Outcomes/outputs

3.1 To date, Town and Parish Councils have made the following resolutions in respect of the rural public toilets:

3.2 **Brentor** – the Parish Council has agreed, in principle, to an asset transfer of the facility. Discussions in respect of some points of detail are on-going and are aimed to be concluded by early February 2019.

3.3 **Buckland Monachorum** – the Parish Council has agreed to an asset transfer of the Yelverton facility in the next financial year, on the proviso that the Borough Council will facilitate and fund a lease/ agreement between Buckland Monachorum Parish Council and Maristow Estate. This will be confirmed following a Parish Council meeting on 23 January 2019.

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Buckland Monachorum Parish Council considers that it is not in a position to also take on the Bedford Bridge facility and, again, will confirm this position following the Parish Council meeting on 23 January. Assuming this is the case, as the facility is already closed for the winter season, it will simply not re-open in April 2019.

Although there is a lease for this building from Maristow Estates until 28 September 2029, there is a break clause on 29 September 2020, when the lease can be terminated with appropriate notice being given. The Borough Council will look to negotiate an earlier release from the lease however, if this is not achieved the facilities will be closed and locked as per the seasonal closure until the first release date is reached. The Borough Council is required to hand the building back in good condition for its permitted use. A condition survey will establish any costs associated with this.

- 3.4 **Chagford** – the Parish Council has agreed to an asset transfer of the entire building, which includes two small trading units.
- 3.5 **Dartmoor Forest** – the Parish Council has resolved that it will neither take on Princetown toilets as an asset transfer nor contribute 75% of the cost of providing the facility, so it is recommended that it close on 31 March 2019. Members should be aware that an upgrade of the current Pay on Entry system has been explored thoroughly as part of the discussions with Dartmoor Forest Parish Council.

The building is held by the Borough Council by way of an under-lease from Dartmoor National Park Authority with the superior Landlord being the Duchy. The lease does not expire until 23 March 2026 so the Borough Council will need to negotiate an earlier release from the arrangement with the National Park.

Discussions are being arranged and Members will be updated verbally at the Hub meeting.

- 3.6 **Hatherleigh** – the Parish Council has agreed to contribute 75% of running costs with effect from 2019/ 20. The Parish Council will increase this contribution to reach 100% within three years. An increase of 5% has been assumed in Appendix A.
- 3.7 **Lydford** – the Parish Council has agreed, in principle, to an asset transfer of the facility but discussions in respect of some points of detail are on-going.

4. Town centre public toilets update

- 4.1 **Okehampton** – Okehampton Town Council has expressed a wish to run the toilet service locally for some time. Discussions have been ongoing, and pre-date the current project. Delays have been

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around existing contract start and finish dates. With a new cleansing contract about to begin on 1 April 2019 the Town Council is now in a position to progress with local delivery plans. As such Okehampton Town Council has resolved an asset transfer in respect of Fairplace toilets and this will be completed by 31 March 2019.

4.2 It is proposed to close Market Street toilets by 31 March 2019, and Okehampton Town Council are aware of this. Both the building and the land are owned by the Borough Council.

4.3 This outcome follows a longer period of negotiation and discussion with Okehampton Town Council.

4.4. Tavistock – Members will be aware that previous reports have made minimum reference to the three facilities in Tavistock (Bedford car park, bus station and Guildhall Square), as discussions were in their infancy.

4.5 Following a meeting between West Devon Borough officers and representatives from the Town Council to explore options, the Town Council is keen to consult with its residents in respect of public toilets and has committed that this will take place in the coming weeks. The results of the consultation will help to inform the proposal from the Town Council and it is requested that the Borough Council receive a final proposal before the 31 March 2019. The proposal will then be brought before Members for consideration.

4.6 The Town Council has requested various information on operating arrangements and related matters and will also consider, as part of its deliberations, whether Pay on Entry would be required should it resolve asset transfers for some or all of the facilities. This will form part of the recommendations to Members to be considered by the Hub Committee. A further report will be brought back to the Hub at the earliest possible date following a proposal being received.

4.7 In the event that a proposal is received which does not allow, financially, for the current stock of town centre toilets to be maintained, then a minimum of one of the least used facilities (which are those in Bedford car park and the Bus Station) would need to be closed by 31 March 2019.

5. Options available and consideration of risk

5.1 Members are requested to consider the above update and potential options on the public toilet project, which are summarised as follows:

Brentor	Asset transfer
Buckland Monachorum	Yelverton – asset transfer Bedford Bridge – closure
Chagford	Asset transfer

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Dartmoor Forest	Princetown – closure
Hatherleigh	75% contribution from Parish Council
Lydford	Asset transfer
Okehampton	Fairplace – asset transfer Market Street – closure
Tavistock	Discussions ongoing

6. Proposed Way Forward

- 6.1 Officers will continue with negotiations and clarifications with towns and parishes where necessary, and a further update will be presented to this Committee on 19 March 2019. Any further proposed changes or closures will be presented to Council in early 2019 /20.
- 6.2 In addition, officers will work with Tavistock Town Council to develop a proposal in respect of Tavistock public toilets so that this may be presented to the Hub Committee early in the next financial year, 2019/ 20.

7. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		Legal consideration of assets being transferred will be considered on a case by case basis, as will lease terminations, where necessary. Whilst the Hub Committee has responsibility for the provision, management and control of car parks, Council approval is required to close public toilets.
Financial		Net Saving to budget in financial year 2019/ 20 of £70,875. However, costs of terminating leases are yet to be established.
Risk		There may be some concern from customers in respect of Pay on Entry in Tavistock, should that proposal proceed, which would present a reputational risk. However, it should be noted that more and more authorities are implementing Pay on Entry systems so more people are aware of them and use them than ever before. This is evidence through the work of the British Toilet Association and benchmarking with other local authorities.

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		The Comprehensive Impact Assessment attached at Appendix B shows the impact that closing facilities may have in Buckland Monachorum and Princetown.
Comprehensive Impact Assessment Implications		
Equality and Diversity		A comprehensive impact assessment has been completed in respect of this matter which shows that, should Pay on Entry be implemented, there would be positive discrimination in respect of disabled customers, who would be able to enter a disabled facility using a Radar key, therefore not paying the entry fee. Eliminating this discrimination would increase costs to install equipment, and is not considered necessary at this stage.
Safeguarding		No implications.
Community Safety, Crime and Disorder		There is potential for vandalism of public toilets to be reduced should Pay on Entry be implemented, due to the requirement to pay a fee to gain entry. However, experience has shown that the Pay on Entry equipment could be a target for vandalism during the first few months of operation.
Health, Safety and Wellbeing		No implications.
Other implications		None.

Supporting Information

Appendix A – financial savings achieved to date.

Appendix B – Comprehensive Impact Assessment.

Appendix C – Part II information

Background papers – Hub Committee report of 16 October 2018.

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No

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Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	Yes/No