

MID SUFFOLK DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: MCa/18/11
FROM: Cllr David Burn, Cabinet Member for Environment	DATE OF MEETING: 9 July 2018
OFFICERS: Peter Garrett – Corporate Manager, Public Realm	KEY DECISION REF NO. CAB43

PUBLIC CONVENIENCES

1. PURPOSE OF REPORT

- 1.1 This report presents the findings of the joint Public Realm Member Advisory Task & Finish Group specifically in relation to public conveniences. It proposes a new Public Convenience Policy (attached at **Appendix One**), which contains a set of principles to guide the Council's decisions about existing and future provision.
- 1.2 The recommendations in this report will ensure: that there is appropriate public convenience provision in place to meet the needs of all; that capacity will be extended by working in partnership with local businesses to establish a community toilet scheme that will add to existing council-funded provision; that, where appropriate, the provision or refurbishment of public conveniences will be integrated into other wider development and regeneration plans; and that local control will continue to be encouraged by offering town and parish councils or other community organisations the opportunity to manage public convenience provision directly, where they wish to do so.

2. MID SUFFOLK OPTIONS CONSIDERED

- 2.1 The following options were considered:
 - a. To encourage, where possible, third parties to manage public conveniences currently in the ownership of Mid Suffolk District Council.
 - b. To withdraw funding from public conveniences owned by third parties.
 - c. To increase the provision of public conveniences through a Community Toilet Scheme.
- 2.2 Option 2.1 (a) is recommended because it provides the opportunity for facilities to be managed at the most local level and as part of wider area provision.

Option 2.1 (b) is not recommended because it may lead to a reduction in the provision of public conveniences.

Option 2.1 (c) is recommended because it will increase the provision of public conveniences.

<p>3. RECOMMENDATIONS</p> <p>3.1 To note the findings of the Public Realm Member Advisory Task & Finish Group in respect of public conveniences.</p> <p>3.2 To agree the Joint Public Convenience Policy (attached at Appendix One) to guide the Council's decisions about existing and future provision.</p> <p>3.3 To agree to establish a Community Toilet Scheme.</p> <p>3.4 To encourage, where possible, third parties to manage public conveniences currently in the ownership of Mid Suffolk District Council.</p>
<p>4. REASON FOR DECISION</p> <p>To put in place a policy to guide decisions about existing and future provision of public conveniences in Mid Suffolk.</p>

5. KEY INFORMATION

The Member Advisory Task & Finish Group

- 5.1 In March 2018, Mid Suffolk and Babergh Cabinets agreed to establish a joint cross-party Member Advisory Task and Finish Group to:
- (i) Develop a policy on public conveniences;
 - (ii) Develop standards and performance measures for public realm services;
 - (iii) Establish a policy for the adoption of open spaces and other public realm assets; and
 - (iv) Review and extend the policy on trees.
- 5.2 The Task and Finish Group meetings are chaired alternately by Cllr David Burn, Cabinet Member for Environment in Mid Suffolk and Cllr Margaret Maybury, Cabinet Member for Community Capacity Building and Engagement in Babergh.
- 5.3 The Task & Finish Group has now completed its work on public conveniences and its findings and recommendations in relation to this area of work are the focus of this report to Cabinet today. The Group continues its work on the other three areas referenced at paragraph 5.1, which will be reported to Cabinet in October 2018.

Background

- 5.4 The provision of public conveniences has implications for public health, tourism, the local economy, transportation, crime prevention, urban design, social equity and accessibility.
- 5.5 Public conveniences matter to everybody. They are, however, even more important to certain groups, including older people, families with young children, people with disabilities or with particular health issues such as bladder, bowel or prostate related conditions, and visitors to the area.

- 5.6 The potential impact of the lack of public conveniences on health and wellbeing can result in some people feeling anxious about going out. This can have a negative impact on, for example, older people or those with health conditions, as they do not readily leave their homes without the reassurance that they will have access to toilet provision. This can add to the impact of isolation for older people and those with health conditions, and affect physical, social and mental wellbeing. Indeed, the Help the Aged paper, 'Nowhere to Go', evidenced that lack of public toilet provision is significant with respect to isolation in older people.
- 5.7 People with disabilities and their carers also lack the freedom to leave their homes without the reassurance of adequate public toilets being available. The Changing Places Consortium explains that absence of suitable provision prevents those with disabilities being able to confidently leave their homes, travel and spend money in the local economy.
- 5.8 In Mid Suffolk there are nearly 7,000 people with limited day-to-day mobility. There are approximately 5,000 0-4 year olds resident in the district. The Office of National Statistics estimated in 2016 that 10.6% of the population in Mid Suffolk is 75 years or above, which is higher than the national average of 8.1%; this equates to about 9,500 residents.

Scope and Process for the Review of Public Conveniences

- 5.9 Both Babergh and Mid Suffolk Councils acknowledge the importance of public conveniences and their implications, not only for public health, personal health and well-being and accessibility, but for tourism and the local economy. In recognition of these factors, and the need to focus resources on locations with higher footfall, the review focussed on the provision of public conveniences in main town centres, key tourist locations and the largest parks and open spaces.
- 5.10 The Terms of Reference for the joint Member Advisory Task & Finish Group in relation to public conveniences are as follows:
- (i) To assess current provision;
 - (ii) To understand the costs of the provision;
 - (iii) To understand current management arrangements for public conveniences;
 - (iv) To look at what other councils are doing; and
 - (v) To propose a set of principles to guide the councils' existing and future provision of public conveniences in the two districts.

The Task & Finish Group considered public convenience provision in detail on two occasions. In advance of those meetings, officers from Public Realm carried out site visits to all existing public conveniences where the Councils either directly run the provision or contribute to it financially. During these site visits an assessment was made of current condition, standards and accessibility. Alongside this, a full analysis of the annual expenditure for each facility was provided to the group and included costs of utilities, business rates, supplies, cleaning, grounds maintenance and other running costs.

The Findings of the Review

5.11 Overview

Mid Suffolk District Council recognises that it needs to consider existing and future provision of public conveniences in the light of housing and population growth, regeneration opportunities and an aging population.

5.12 Number, Location and Management Arrangements for Public Conveniences

In Mid Suffolk there are currently four public conveniences where the District Council either runs the facility directly or contributes financially. They are listed at **Table One** below, along with details of their management arrangements. Two of the provisions are owned by Mid Suffolk District Council, one at Cross Street, Eye and the other at Needham Lake, Needham Market.

Table One – Location and management arrangements for council-funded or part-funded public conveniences in Mid Suffolk

Location of Toilet	Management Arrangements
Cross Street, Eye	Managed and funded by MSDC (only the disabled facility remains open).
Needham Lake	Managed and funded by MSDC.
The Regal, Stowmarket	Managed by Stowmarket Town Council and MSDC contributes towards the running costs through a grant.
Meadow Centre, Stowmarket	Managed by a land trust and MSDC contributes towards the running costs.

5.13 Costs

The total annual revenue cost of public conveniences in Mid Suffolk is approximately £24,000, acknowledging that utility costs vary from year to year. These detailed revenue costs are summarised in **Table Two** below.

Table Two – Details of annual revenue costs for public conveniences

Location of Toilet	Business Rates	Water Rates	Electricity	Legionella Testing	Misc.	Total annual revenue cost
Cross Street, Eye	£3,065	£127	£324	£294	£0	£3,810
Needham Lake, Needham Market	£0	£479	£720	£294	£5,158 (Public Realm & Countryside Team for maintenance)	£6,651
Meadow Centre, Stowmarket	£0	£0	£0	£0	£4,212 contribution towards management and running costs.	£4,212

Regal, Stowmarket	£0	£0	£0	£0	£9,530 contribution towards management and running costs –ends during 2019.	£9,530
Total	£3,065	£606	£1,044	£588	£18,900	£24,203

In addition, Mid Suffolk District Council spent £507 on repairs to public conveniences at Needham Lake in 2016/17 and £67 in 2017/18.

5.14 **Business Rates**

Public conveniences are liable for business rates in the same way as other non-domestic premises. Both the Member Task & Finish Group, and local councils who may be interested in taking on the running of public conveniences from the Districts, were concerned that the financial burden of paying business rates was a prohibitive factor in local town and parish councils assuming responsibility for this provision. This was explored as part of the Group's work.

5.15 Local Authorities' discretionary powers are set out in the Local Government Act 1988. Section 47 gives billing authorities the power to grant discretionary relief against business rates liability. However, a Local Authority cannot grant discretionary relief to properties that it owns or occupies itself or to other precepting authorities such as town and parish councils.

5.16 There has, however, been significant lobbying nationally of Government to encourage the removal of business rates on public conveniences due to concern that this additional financial demand was contributing to the closure of some facilities. In response to that, the new Local Government Finance Bill, if enacted, will provide principal councils (county, unitary, district and borough) with the discretion to grant full business rate relief on all public conveniences that are all or part-owned by themselves or town or parish councils.

5.17 Local Authorities already have powers to provide business rate relief to private companies or charities that run toilets that are available for public use without any obligation to make a purchase.

5.18 **Accessibility**

All existing public conveniences that the Council funds in Mid Suffolk have disabled facilities and all have baby changing facilities.

5.19 All disabled toilets in the district are accessed using a RADAR key, except for the one in Eye. The RADAR key is part of a National Key Scheme giving people with disabilities and health conditions independent access to locked public conveniences around the country. The RADAR scheme enables disabled toilets to be locked to prevent vandalism and misuse. It also ensures that they are more readily available to those who need them 24 hours a day, rather than being restricted to more traditional opening times. RADAR keys can be purchased from many different retailers of disability products or from organisations such as Age UK or Disability Rights UK. They cost approximately £5.

5.20 Condition of current public conveniences

Generally public convenience provision in Mid Suffolk is of the older traditional style. While provision varies in terms of aesthetics and the degree of wear and tear, all locations are functional.

5.21 No separate assessments for improvements have been carried out in Mid Suffolk as part of the Task & Finish Group's review because both council-owned facilities are part of wider plans being considered for improvement in their respective locations. The development of a Café/Visitor Centre at Needham Lake will provide improved toilet facilities and discussions are underway with Eye Town Council regarding a range of related provisions, that include public conveniences, and are more appropriately looked at as a whole.

5.22 What do other councils do?

Nationally there is a mixed picture regarding the provision of public conveniences. Some councils have closed all their toilets and invested in Community Toilet Schemes, others have retained the direct ownership and management of all their provision, while many have devolved the running of public conveniences to town or parish councils on a variety of different terms and conditions. It is recognised that there is no single solution that fits all and that the right outcome will need to be guided by local circumstances, populations and strategic priorities.

5.23 Community Toilet Schemes

These schemes are now widely used across the country either instead of council-provided public convenience provision or in addition to it. Councils invite local businesses, including public houses, restaurants, cafés, shops and other outlets to register their interest in allowing the general public to use their toilets during their usual opening hours, without the need to make a purchase. Businesses taking part would be asked to display a sticker in their windows to promote the scheme and location signage would ensure the same.

5.24 In return councils usually offer businesses, for example, a standard annual payment of a few hundred pounds, a reduction in their commercial waste rates or discretionary relief of business rates. Businesses also benefit from increased publicity and advertising through the Council's marketing of the Community Toilet Scheme through, for example, signage in the town, listing and links on social media and on council and other websites. In turn, businesses will benefit from the potential to generate increased business from residents and visitors using their facilities.

5.25 Councils usually set an approximate number of businesses that they are seeking for a community toilet scheme and can also indicate the areas of a town or tourist location where they require more provision. Participating businesses need to be able to meet standards of accessibility and to uphold good basic cleanliness and quality of provision. The wider use of facilities meeting the full Changing Places standards can also be encouraged through this scheme.

5.26 The joint Member Task & Finish Group were keen for both Mid Suffolk and Babergh District Councils to pursue the introduction of this scheme locally, seeing it as mutually beneficial for both the public and businesses and a means of not only maintaining but expanding local provision.

Proposed principles to guide the Councils' existing and future provision of public conveniences in the district

5.27 The key role of the Public Realm Task & Finish Group in respect of public conveniences was to develop and propose a set of principles to guide the Council's existing and future provision in the district. After considerable deliberation the Group proposed the following principles:

- a. Public convenience provision will be prioritised in town centres, tourism destinations and key parks and open spaces.
- b. Public conveniences will be located in accessible locations that maximise visibility from the street/public space and will be near to central community facilities.
- c. Provision of public conveniences in tourist locations will take into account the need to accommodate increased visitor numbers in line with seasonal adjustments.
- d. All public conveniences will be clean, of a good standard and accessible to all users.
- e. The Councils aim to include baby changing facilities and achieve Disability Discrimination Act compliance in all public conveniences managed directly or as part of any agreement to transfer the provision.
- f. New, replacement or significantly refurbished public conveniences will contain features that promote environmental sustainability, where possible.
- g. They will be sited and designed to meet safety and crime prevention standards.
- h. Provision of new public conveniences or significant refurbishment of existing ones, will be secured through the planning process where this is needed and feasible.
- i. Provision of public conveniences will be considered as part of all major regeneration programmes in town centres, open spaces and tourist destinations.
- j. Adequate public convenience provision will be achieved by working in partnership with local town and parish councils, communities, businesses and other providers.
- k. The ownership and management of public conveniences will be transferred to town and parish councils and other appropriate community organisations where there is local interest in taking these on.
- l. The Councils will instigate, promote and, where relevant, support the use of community toilet schemes as a means of increasing the supply of public convenience provision in local areas; standardised signage will be adopted for community toilet schemes across both Babergh and Mid Suffolk districts so that these businesses are readily identifiable.
- m. Public conveniences will be clearly signposted and directional signage will be provided where required to improve access.
- n. Signage for public conveniences will show opening hours and contact details for maintenance.
- o. Public conveniences will be well publicised, including on the Councils' website and through social media.
- p. Where the Councils provide public conveniences directly or transfer provision, that facility will continue to be free for residents and visitors to use.

6. LINKS TO JOINT STRATEGIC PLAN

- 6.1 The continued provision of public conveniences and the principles within the policy support all three of the main priority areas within the Joint Strategic Plan, namely, the economy and the environment, housing growth and strong and healthy communities.

7. FINANCIAL IMPLICATIONS

- 7.1 Details of existing annual revenue costs of public conveniences are set out at paragraph 5.13 (Table Two) of this report.
- 7.2 With regard to any new future financial implications, these arise from the initiatives below:
- (i) Any contribution that Mid Suffolk District Council would make to businesses joining a Community Toilet Scheme, estimated as no more than £300 per business per year.
 - (ii) The re-provision of public conveniences as part of a café/visitors' centre at Needham Lake, which would need to be integrated into the costs of the wider project.
 - (iii) Any financial implications arising from future decisions regarding provision and management of the toilets at Cross Street, Eye.
- 7.3 It is not possible to quantify the budget implications of the above until further feasibility work has been completed.

8. LEGAL IMPLICATIONS

- 8.1 The provision of public conveniences is not a legal requirement for local authorities, rather it is a discretionary service for which councils may charge if they so choose.
- 8.2 This report proposes that the two district councils should offer town and parish councils the opportunity to manage public conveniences, if they wish to. This transfer of responsibilities can be managed under S.123 of the Local Government Act 1972 (disposal of land by principal councils) and would require a legal agreement under S.1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities).
- 8.3 Currently it is not possible for district councils to award discretionary business rate relief to town or parish councils running public conveniences. This is likely to change if the new Local Government Finance Bill is enacted.

9. ENVIRONMENTAL IMPLICATIONS

The policy on public conveniences states that new, replacement or refurbished public conveniences will contain features that promote environmental sustainability, where possible, and will be sited and designed to meet safety and crime prevention standards.

10. RISK MANAGEMENT

- 10.1 This report is most closely linked with the Councils' Corporate / Significant Business Risk Nos 1(d); 2(b); and 3 (a). These, along with mitigation, as they relate specifically to public conveniences are set out in **Table Three** below.

Table Three – Impact of public conveniences on corporate risks

Risk Description	Likelihood	Impact	Mitigation Measures
1(d) If we do not secure investment in infrastructure, then development will be stifled and/or unsustainable.	2 (unlikely)	2 (noticeable)	Provision of public conveniences will be secured through the planning process where this is required and included in the supporting policies underpinning the Local Plan.
2 (b) If we do not engage the communities of Stowmarket to develop a vision supported by a programme of projects, activities and initiatives (including regeneration) which will deliver the vision, we may not maximise the economic potential of the largest market towns.	1 (highly unlikely)	2 (noticeable)	Future provision of public conveniences in Stowmarket will be integrated into the 'Vision for Stowmarket', which was agreed at Cabinet in June 2017 and on which there is ongoing engagement with the town council and communities.
3 (a) If we do not effectively engage communities about future needs, then we will not be able to help them become more sustainable.	1 (highly unlikely)	2 (noticeable)	Engagement has already begun with town and parish councils and will continue.

11. CONSULTATIONS

- 11.1 Consultation has taken place with elected Members through the Member Advisory Task & Finish Group that has developed the new proposed principles for future provision of public conveniences.
- 11.2 There has been consultation with internal teams within Babergh and Mid Suffolk councils, namely Property Services, Assets, Communities, Planning, Economic Development, Finance and Law and Governance.
- 11.3 There has been no formal consultation with communities regarding the provision of public conveniences at this stage. A range of discussions have, however, taken place with representatives from town and parish councils and these are on-going.
- 11.4 Where there are potential significant changes to, or relocation of, public conveniences because of wider development plans (for example in the case of Needham Lake), communities will be consulted as part of the Planning process and through other engagement events.

12. EQUALITY IMPACT ANALYSIS

- 12.1 An Equality Impact Assessment screening has been completed to determine whether the proposals within this report are likely to have a negative impact on one or more of the nine protected characteristics, as defined by the Equality Act 2010, and require mitigation. These characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief (including lack of belief); sex; and sexual orientation.
- 12.2 No impacts have been identified. All existing public conveniences have accessible provision. There is no proposed change to the current number of public conveniences and the principles proposed by the Advisory Member Task & Finish Group enhance rather than reduce the quality and accessibility of provision. There is therefore no requirement to complete a full Equality Impact Assessment.

13. APPENDICES

Title	Location
Appendix One - Public Convenience Policy	Attached

14. BACKGROUND DOCUMENTS

- 14.1 Equality Impact Screening

Babergh and Mid Suffolk Councils' Joint Public Convenience Policy

Purpose of the Policy

To establish a set of principles to guide Babergh and Mid Suffolk Councils in decision-making about existing and future provision of public conveniences.

Why are Public Conveniences Important?

The provision of public conveniences has implications for public health, tourism, the local economy, transportation, crime prevention, urban design, social equity and accessibility. These are all areas of key importance for the two Councils where the Joint Strategic Plan defines the primary strategic priorities as economy and the environment, housing growth and strong and healthy communities.

This Public Convenience Policy therefore also has key linkages and interdependencies with the following other policies and strategies in Babergh and Mid Suffolk:

- The Health and Well-Being Strategy;
- The Joint Local Plan;
- The Open for Business Strategy;
- The Communities Strategy; and
- The Environment Strategy.

Who will the Policy Affect?

Public conveniences matter to everybody. They are, however, even more important to certain groups, including older people, families with young children, people with disabilities or with particular health issues such as bladder, bowel or prostate related conditions, and visitors to the area.

The potential impact of the lack of public conveniences on health and wellbeing can have a negative impact on, for example, older people or those with disabilities or health conditions, as they do not readily leave their homes without the reassurance that they will have access to adequate toilet provision. This can add to the impact of isolation for these groups and affect physical, social and mental wellbeing. It also means that they will not spend money in the local economy.

These considerations are particularly relevant to Mid Suffolk where there are nearly 7,000 people with limited day-to-day mobility and 5,000 0-4 year olds resident in the district. The Office of National Statistics estimated in 2016 that 10.6% of the population in Mid Suffolk is 75 years or above, which is higher than the national average of 8.1%; this equates to about 9,500 residents.

The Role of District Councils in the Provision of Public Conveniences

There is no statutory duty for councils to provide public conveniences, it is a discretionary service.

Councils can, however, require any business classed as a place of entertainment, or selling food and drink to the public for consumption on the premises, to ensure that public conveniences are provided and maintained for public use. This includes both permanent provision and short-term events.

Councils can also place requirements on developers to provide or refurbish public conveniences as part of Section 106 Agreements or to resource this through the Community Infrastructure Levy.

Principles to guide the Councils' existing and future provision of public conveniences in the districts

- (a) Public convenience provision will be prioritised in town centres, tourism destinations and key parks and open spaces.
- (b) Public conveniences will be located in accessible locations that maximise visibility from the street/public space and will be near to central community facilities.
- (c) Provision of public conveniences in tourist locations will take into account the need to accommodate increased visitor numbers in line with seasonal adjustments.
- (d) All public conveniences will be clean, of a good standard and accessible to all users.
- (e) The Councils aim to include baby changing facilities and achieve Disability Discrimination Act compliance in all public conveniences managed directly or as part of the agreement to transfer the provision.
- (f) New, replacement or significantly refurbished public conveniences will contain features that promote environmental sustainability, where possible.
- (g) They will be sited and designed to meet safety and crime prevention standards.
- (h) Provision of new public conveniences or significant refurbishment of existing ones, will be secured through the planning process where this is needed and feasible.
- (i) Provision of public conveniences will be considered as part of all major regeneration programmes in town centres, open spaces and tourist destinations.
- (j) Adequate public convenience provision will be achieved by working in partnership with local town and parish councils, communities, businesses and other providers.
- (k) The ownership and management of public conveniences will be transferred to town and parish councils and other appropriate community organisations where there is local interest in taking these on.
- (l) The Councils will instigate, promote and, where relevant, support the use of community toilet schemes as a means of increasing the supply of public convenience provision in local areas; standardised signage will be adopted for community toilet schemes across both Babergh and Mid Suffolk districts so that these businesses are readily identifiable.
- (m) Public conveniences will be clearly signposted and directional signage will be provided where required to improve access.
- (n) Signage for public conveniences will show opening hours and contact details for maintenance.
- (o) Public conveniences will be well publicised, including on the Councils' website and through social media.
- (p) Where the Councils provide public conveniences directly or transfer provision, that facility will continue to be free for residents and visitors to use.

Equalities' Impacts of this Policy

An Equality Impact Assessment screening has been completed to determine whether this policy is likely to have a negative impact on one or more of the nine protected characteristics, as defined by the Equality Act 2010, and require mitigation. These characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief (including lack of belief); sex; and sexual orientation.

No negative impacts have been identified. The principles that form the basis of this policy will enhance rather than reduce the quality and accessibility of provision.

DATE : JUNE 2018

REVIEW DATE : JUNE 2020