

**Agenda Item No:** 7

**Report To:** Cabinet

**Date:** 12<sup>th</sup> May 2016

**Report Title:** Public Toilet Provision via a Community Toilet Scheme

**Report Author:** Tracey Butler, Environmental Contracts and Operations Manager and Jo Wynn Carter, Town Centre Regeneration Manager.

**Portfolio Holder:** Councillor Mrs Clair Bell

<b>Summary:</b>	This report considers the potential future provision of public toilets facilities in and around Ashford town centre. This involves moving away from offering facilities in the ownership of Ashford Borough Council, to facilities owned and operated by third parties, with the support of Ashford Borough Council.
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**Key Decision:** YES

**Affected Wards:** Victoria, Godinton, Stour

**Recommendations:** **The Cabinet be asked to:-**

1. Approve the development of a Community Toilets Scheme for Ashford town centre.
2. Task the Head of Environment and Customer Services with the implementation of a Community Toilet Scheme in support of Priority 4 of the corporate plan.

**Policy Overview:** The Public Health Act 1936 gave Local Authorities the power to provide public toilets but no duty to do so. Although Ashford Borough Council does not have a policy on the provision of public toilets, alongside most other local authorities at the time, we did take up that power. With limited resources, most local authorities have now chosen to make no provision at all going forward or are looking for alternatives that offer at least a comparable service or an improved offer. This report outlines a policy option that is designed to support Priority 4 of the corporate plan, Attractive Ashford.

**Financial Implications:** None at this stage, a cost neutral exercise with any savings being diverted to invest in other sites.

**Risk Assessment** See below

**Equalities Impact Assessment** YES and attached as appendix 1.

**Other Material Implications:** N / A

**Exemption Clauses:** N / A

**Background Papers:** Nil

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## **Report Title: Public Toilet Provision via a Community Toilet Scheme**

### **Purpose of the Report**

1. The report outlines an alternative public toilet provision to that traditionally provided from council owned facilities.

### **Background**

2. With effect from 1<sup>st</sup> April 2014, Ashford Parish Councils and Tenterden Town Council took control of public conveniences within their areas.
3. The public toilet provision in and around Ashford town centre remained and includes facilities at Vicarage Lane, New Rents and Victoria Park. Vicarage Lane and New Rents are open to the public from 8am – 5pm Mon – Sat (closed on Sundays). Victoria Park is open to the public 8am – 5pm Mon – Sat and 10 – 4 pm Sundays and bank holidays. The only exception is where Vicarage Lane toilets are open on the first Sunday of each month, in line with the Ashford Farmers market.
4. All of these facilities are subject to a high level of vandalism and abuse but most particularly at Vicarage Lane and New Rents. These 2 toilet blocks are under repair each week (sometimes twice a week) following vandalism ranging in severity from minor repairs (e.g.; toilet seats smashed) to major repairs that temporarily close the facilities whilst repairs are undertaken.
5. Needles are regularly found in varying quantities by members of the public and cleaning / maintenance staff, especially in Vicarage Lane toilet block. This has led to extensive complaints to the Street Scene and Open Spaces Team about the condition of facilities but also complaints about a reluctance to use facilities that are not perceived as safe to use.
6. Toilets at Vicarage Lane and New Rents are regularly closed due to flooding where toilets are deliberately blocked, causing flooding from surcharging effluent.
7. Due to the poor state of the surface of the walls, the internal surfaces of the toilets are not easily cleaned or kept clean.
8. The disabled toilet in Vicarage Lane is not easily accessible for wheel chair users. There is an inclined ramp access with an outward opening door, making the toilet entrance difficult to navigate.
9. The Street Scene and Open Spaces Team have explored the opportunity for alternative town centre provisions (building alternative accommodation) but this has not proved possible.
10. The Public Health Act 1936 gave Local Authorities the power to provide public toilets but no duty to do so. Most Local Authorities at the time did take up that

power but many, over time and with dwindling resources, have either chosen to make no provision at all going forward or are looking for alternatives that offer at least a comparable service or an improved offer.

11. The Street Scene and Open Spaces Team have investigated the “Community Toilet Scheme (CTS)” model as championed by Richmond Borough Council and taken forward by a neighbouring authority in Kent, Maidstone Borough Council.
12. This involves the participation of businesses in the town working in partnership with the council to offer their clean and monitored toilet facilities to members of the public, through a well publicised and sign posted scheme.
13. The schemes are well supported in both Richmond and Maidstone.
14. Maidstone has recently refreshed their scheme to bring in new businesses to support the scheme and their experience of running the scheme to date was used in deciding the level of the offer to be made to our business partners.
15. This scheme was reported on and supported by the DCLG report of 2008, on the provision of public toilets;

“The Government is in favour of such Community Toilet Schemes, endorsing the initiative of local authorities and local businesses working together in partnership to improve and increase the number of public toilet facilities in their local area.”

The report further cites Tim Martin;

“Chairman of the pub chain J.D.Wetherspoon, who said that their increased profit in 2002 was partly the result of winning the 2001 Loo of the Year trophy. This might imply that there is demonstrable evidence that participating in such schemes can lead to an increase in popularity.”

## **A Community Toilet Scheme for Ashford**

16. Public conveniences are used by a variety of different people including shoppers, tourists, workers and those enjoying the towns night time economy.
17. The future toilet provision for the town is focused on providing a better offer than currently available, to support Priority 4 of the corporate plan, Attractive Ashford; making our offer attractive to all users of / visitors to the town.
18. Since the formation of the Ashford Town Team, Jo Wynn-Carter and team have dedicated time building strong relationships between local businesses, landlords and public sector bodies. The Regeneration team continue to work closely with town centre businesses whilst focusing on delivering bigger projects too. Love Ashford is a website showcasing Ashford town centre and its businesses, it was originally set up to support and promote the town centre increasing footfall. Unique features include pages specifically for offers and

events as well as home and new pages that have regular blog posts on town centre businesses.

19. The creation of Love Ashford has been the first step towards the vision of Ashford's very own digital high street. Blog posts regularly get high volumes of people reading, liking and sharing content to allow us to promote everything from Ashford College, Elwick Place, Ashford Farmers' Market, to new businesses opening in Ashford. Recently we have been able to promote Park Mall and the new businesses opening in the ABC owned shopping centre.
20. Local businesses already engaged with the Love Ashford scheme have been approached regarding their interest in becoming involved in a Community Toilet scheme for Ashford. Due to connections we have with businesses this has been well received by many businesses who can appreciate that the participation in this scheme could increase footfall to their business and build customer loyalty. The Community Toilet scheme is seen as a further step to supporting the town centre and its businesses, building on a clear strategy that we continue to implement well.
21. Circa 15 businesses have expressed an interest in being part of the scheme and in addition, "The Gateway" in the town centre have agreed to appear on the public facilities list.
22. This scheme allows members of the public to use retail businesses' toilets without purchasing any goods or paying a fee.
23. To advertise the scheme stickers will be placed in each of the premises' window and informational leaflets provided at the Gateway and Civic Centre receptions. There will be maps of locations on both the "Love Ashford" and Ashford Borough Council webpages and large maps strategically placed around the town centre, including on the closed toilet facilities, redirecting users to the nearby facilities. A comprehensive Communication Plan will be developed and is also likely to include the following promotional activities: media releases, a dedicated web page and FAQs, information on the council's [www.ashford.gov.uk](http://www.ashford.gov.uk) and Love Ashford websites, information on social media, posters/signs on display in and around the town centre, and subject to budget, some paid for advertising in the local media.
24. The scheme will be designed to have a range of businesses offering their facilities to the public. These will include male, female, unisex, disabled and baby change facilities. The range of facilities on offer will include those open early morning (before 8am), late night (until 11pm) and across the providers to have facilities on offer 7 days a week.
25. In order to ensure a good quality offering and a cost neutral exercise we estimate twelve providers will be required. If there are providers available above the suggested number they will be taken into the scheme if budget allows, or incorporated into a waiting list if not.

26. The businesses will be inspected on an unannounced “mystery shopper” style basis to ensure the facilities remain accessible, clean and well maintained.
27. Participating businesses in the scheme will be entitled to withdraw from the scheme with 2 months notice. It is expected that initial notification will be followed up by a meeting between the Council and the provider to try to resolve the reason for wanting to leave the scheme. Only if resolution cannot be agreed, will the arrangement cease. The council can similarly provide a participant with 2 months notice that they will no longer be required on the scheme (the same resolution meeting requirements will be adhered to).
28. All public conveniences participating in the scheme will be open for public access during the opening hours of the business.
29. The support offered to the businesses is financial and is on a sliding scale representative of the range of facilities they have on offer and the opening times through which they can be accessed.
30. Participants in the scheme will be supported financially and promotionally in offering their facilities to members of the public. Financially they will be supported in the following respect;
  - If the participating business can provide one toilet (unisex) they will receive £600 per year.
  - If they can provide both male and female toilets they will receive £700 per year.
  - If they can provide separate male, female and disabled toilets they will receive £800 per year.
  - If they can provide male, female, disabled and baby change facilities they will receive £900 per year.
  - If they can provide all facilities and are anticipated to be in a high foot fall area or provide access to full facilities for more than 12 hours a day, they will receive £1000 per year.All amounts will be pro rata depending on when in the financial year they join the scheme. The full amount is payable 1 April – 31 March per year. Payments will be made on a quarterly basis to ensure those leaving or joining the scheme are dealt with in the same way.
  - Promotionally the participating businesses will be supported by;
    - Inclusion on a specific website as part of “Love Ashford”
    - Their details will also appear on the “ashford.gov” website
31. There are other potential businesses who are well patronised in the town who may be approached to join both “Love Ashford” and the Community Toilet scheme, should Cabinet approve the scheme.

32. A Community Toilet scheme for Ashford town will offer a greater range of facilities, open for longer hours than our current provisions, with better access ensuring equality across all user groups. The facilities will be attended (as they are within retail premises), clean and well maintained
33. A Community Toilet scheme for Ashford, would replace the Vicarage Lane and New Rents toilets, which would close. The repeated issue of vandalism and anti-social behaviour around the Council's toilets within the Town Centre are cause for concern when considering the provision going forward. In order to achieve the Council's objective to raise the profile of the town and for it to be a destination of choice for visitors, it is also important that the toilets provided do not provide a negative impression of the Town. Therefore attended toilets, within a retail premises, are more likely to appeal to visitors and will deter anti-social behaviour. Co-located toilets in retail premises will result in better maintained and safer facilities than our current provisions.
34. Any savings, along with a contribution from repairs and renewals will be used to allow the toilet facilities at Victoria Park to be opened longer (as a result they will require cleaning more often) through the Summer months. In the longer term, these facilities are anticipated to become part of the master plan for Victoria Park.

## **Risk Assessment**

35. There is no financial risk to the council in providing a Community Toilet scheme. This would be an alternative provision of public toilets without growing the budget, offering a wider range of facilities, open longer hours across the entire town.
36. Health and safety; due to concerns raised about current provisions, it is envisaged that the alternative provision would offer facilities that are perceived to be more inviting, have longer open hours, are monitored and accessible, over and above that afforded by our current provision. The health and safety of visitors whilst on the premises providing the facilities will be the responsibility of those facilities.
37. Maintenance of sufficient providers to ensure the schemes viability is a risk. This will be mitigated by regular "mystery shopping" of facilities provided, liaison with providers to deal with any issues and effective promotion of facilities on offer (to ensure the businesses also see the benefit of increased footfall through the indirect advertisement of their business).
38. In the event that there are applications for participation in the scheme above that currently anticipated, a waiting list will be generated to join the scheme, ensuring there is no need to grow the budget to accommodate the service.

## **Equalities Impact Assessment**

39. Please see attached assessment.

## **Other Options Considered**

40. Continue with current provision; without considerable increased budget for full refurbishment, there is likely to be medium term, further deterioration of already poor facilities. Resources do not allow for full time attendance, so vandalism and abuse is not likely to decrease; maintenance costs will remain constant at best. Public perception of the safety of our toilet provisions will not increase. Opening times will not be increased. Accessibility will not be improved.
41. Build new toilet facilities in the town. No suitable sites have been identified.
42. Close all public toilet provisions. This will be to the detriment of a large percentage of our public toilet users who need access to toilet facilities to be able to visit the town. This could have a detrimental effect on footfall in the town.

## **Consultation**

43. Consultation has been informal. This includes one of our most vociferous complainants regarding the cleanliness and maintenance of our Vicarage Lane facilities. The gentleman concerned is in his eighties and needs access to toilet facilities at regular intervals, to be able to visit the town. He explained that he would not feel comfortable using toilets in a business without having to purchase an item. However, through a well publicised and advertised scheme such as the Community Toilet scheme, where he could see from the window sticker that public facilities were available, he would be confident in using that service.
44. Consultation with Town Centre businesses has confirmed that there is an interest and desire to be part of the scheme. A list of those businesses has been compiled to ensure that Equality can be maintained and as a minimum current provision can be continued.
45. Ashford Access Group has also been consulted and support the Community Toilet Scheme.
46. Discussions were held with the current cleaning contractor regarding options considered and difficulties faced with maintaining the cleanliness of the current provisions and the possible future offer at Victoria Park.
47. Communications have been consulted on a comms plan to ensure the public are fully informed.

## **Implications Assessment**

48. Provision of a Community Toilet Scheme will not adversely affect any individual or group, the service provision will increase availability, choice, opening hours/days and provide better quality facilities.



## Handling

49. Should members be minded to accept recommendations in this report, the comms plan will commence w/c 16<sup>th</sup> May.
50. It is anticipated that the new service provision will commence prior to closure of the toilets in Vicarage Lane and New Rents at the end of June.
51. Should members be minded to approve this scheme, a Communications plan will include will be developed including the promotional activities set out in paragraph 21

## Portfolio Holder's Views

52. It is vitally important that there is public toilet provision in the Town Centre for our visitors and residents and I have no hesitation in recommending the Community Toilet Scheme which will offer greater choice, enhanced opening hours and better quality facilities.  
(Councillor Mrs Clair Bell, Portfolio Holder for Public Interaction and Borough Presentation)
53. "It is a fundamental responsibility of the council that members of the public using the town centre can have access to appropriate toilet facilities. ABC has tried to fulfil this need, but abuse and vandalism has made it difficult to have a consistent service. The service provided had limitations in that opening times did not accord with times of use for Sunday trading and the evening economy.

The use of the scheme outlined above allows a longer period of use of better serviced facilities, making the town centre more pleasant to visit."

(Councillor Graham Galpin, Portfolio Holder for Town Centres Focus and Business Dynamics)



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## Impact Assessment

### When is an assessment needed?

Councils must assess the impact of **proposed policies or practices** while they are being developed, with analysis available for members before a decision is made (i.e. at Cabinet).

Broadly, *policies and practices* can be understood to embrace a full range of different activities, such as Cabinet decisions which substantially change the way in which we do something, setting budgets, developing high-level strategies, and organisational practices such as internal restructuring. Assessments should especially be undertaken if the activity relates closely to an equalities group (see next page).

Importantly, this does not include reports that are 'for note' or do not propose substantial changes – assessments should only be considered when we propose to do something differently.

Assessments should also be carried out when conducting a large-scale review of **existing policies or practices** to check that they remain non-discriminatory. This does not mean filling out an assessment on every report on a subject – it is up to you to decide if the report's scope or scale warrants an assessment

1. General Information	
1.1 Name of project, policy, procedure, practice or issue being assessed	Public Toilet provision Ashford Town Centre (Community Toilet Scheme)
1.2 Service / Department	Environmental and Customer Services
1.3 Head of Service	Julie Rogers
1.4 Assessment Lead Officer	Tracey Butler
1.5 Date of Assessment	12 April 2016
1.6 Is this assessment of an existing or a proposed project, policy, procedure, practice or issue?	Assessment of a proposed scheme.

2. What is Being Assessed?	
2.1 What are the aims of this project, policy, procedure, practice or issue?	To offer public toilet provisions in Ashford town centre via a Community Toilet scheme.
2.2 Who is intended to benefit from this project, policy, procedure, practice or issue?	The residents of Ashford and visitors to the town, via a wider range of toilet facilities being available across a longer time period of the day
2.3 Who else is involved in the provision of this project, policy, procedure, practice or issue? i.e. other sections, public or private bodies	
- within Ashford BC	Town Centre Manager and Economic Development team
- from other agencies	Town Centre businesses.

### 3. Possible Sources of Information

In order to assess the impact of proposed decision it is important to bring together all information you have on it to, analyse them and come to conclusions on how it affects those with protected characteristics.

Information on a policy, project or procedure can come in many forms :-

- Census and other demographic information
- User satisfaction and other surveys
- Previous consultation exercises
- Performance Indicators
- Eligibility Criteria
- Service uptake data
- Complaints
- Customer Profiling
- MOSAIC data

In order to come to conclusions on impacts in section 4 you **must** have taken in to account all appropriate information, and be able to provide this if necessary in support of the judgements you make.

Also, it is not enough to have broad information on service users – to meet equalities duties this information **must** be broken down – where applicable – into the relevant protected characteristics which may be affected by this decision. For example, when considering disabled access to a new community facility, overall usage figures are not enough – an understanding of how many disabled users within this total must be demonstrated.

The protected characteristics are :-

Age	Disability	Gender reassignment	Marriage and civil partnership	Pregnancy and maternity
Race	Religion and belief	Sex	Sexual orientation	

More information on the definitions of these characteristics can be found here - <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

4. What judgements can we make?				
4.1 Does the evidence already available indicate that the project, policy, procedure, practice or issue may affect these groups differently? (please check the relevant box and provide evidence where possible)	Positive Impact?	Negative Impact?	No Differential Impact	If yes, can it be justified (and how)?
<b>Impact Factors:</b>				
<b>Age</b> (please detail any specific groups considered)	x	<input type="checkbox"/>	<input type="checkbox"/>	There will be more facilities available across a wider area in the town. From small children with accompanying adults to elderly who need level access, the range and availability of clean toilet facilities will be improved.
<b>Disability</b> (please detail any specific groups considered)	x	<input type="checkbox"/>	<input type="checkbox"/>	There will be an increased number of public toilet facilities available for disabled members of the public
<b>Gender</b> (please detail any specific groups considered)	x	<input type="checkbox"/>	<input type="checkbox"/>	There will be an increased number of both male and female public toilets available
<b>Gender Reassignment</b>	<input type="checkbox"/>	<input type="checkbox"/>	x	
<b>Marriage / Civil Partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	x	
<b>Pregnancy &amp; Maternity</b>	x	<input type="checkbox"/>	<input type="checkbox"/>	Some providers will be able to offer baby changing facilities
<b>Race</b> (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x	
<b>Religion / Belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	x	Whilst some potential toilet providers are in pubs (which some people may not be able to use on faith grounds) we have selected a wide range of premises to ensure no groups should be without extensive provision.
<b>Sexual Orientation</b> (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x	
<b>Other (please specify)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

## 5. Conclusions

5.1 Does the decision maximise opportunities to promote equality and good inter-group relations? If “yes” please state how?

Yes

5.2 Based on the answers to the above can we confidently say that in its present form the decision treats different groups fairly (bearing in mind “fairly” may mean differently) and that no further amendment is required?

Yes

**If further action is identified to ensure fair impacts please complete the Action Plan available on the intranet and attach it to this form**

## 6. Monitoring and Review

How will monitoring of this policy, procedure or practice be reported (where appropriate)?

This policy will be monitored monthly for the next 12 months, to ensure levels of service are maintained.

When is it proposed to next review the project, policy, procedure, practice or issue?

This policy will be reviewed quarterly for the next 12 months, to ensure levels of service are maintained and the service provision is meeting the objectives (increased offer of provisions, better access and increased opening times). Thereafter, the service will be reviewed quarterly.

Any additional comments?