

Title: Changing the way we deliver the public toilet service in Bristol	
Ward: City wide	Cabinet lead: Asher Craig
Author: Hayley Ash	Job title: Area Neighbourhood Manager

Revenue Cost: current budget £ 461.4k (after £40k reduction in 17/18) Planned saving further £400k in 2018/19	Source of Revenue Funding: <i>Neighbourhood Management Service</i>
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Capital Cost: £	Source of Capital Funding: <i>e.g. grant/ prudential borrowing etc.</i>
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One off <input type="checkbox"/>	Saving <input checked="" type="checkbox"/>
Ongoing <input checked="" type="checkbox"/>	Income generation <input type="checkbox"/>

Finance narrative:

This business case sets out the plan to close the public lavatories in Bristol and to offer access to alternative local facilities. This will thereby deliver in full those savings which have been integrated in to the current MTFP as follows –

	2017/18	2018/19	Full year Recurring
FP13	£(40k)	£(400k)	£(440k)

Note that the expenditure on this business case does not include a contingency for unforeseen expenditure.

Finance Officer: Jemma Prince (Finance Business Partner) 18/9/17

Summary of issue / proposal:

To change the way the Council delivers public toilet facilities by investing in a business/community toilet scheme.

Summary of proposal & options appraisal: *Insert bullet points on the issue to be discussed. Further detail can be included in appendices where necessary.*

- On 28th February 2017 full council agreed to reduce the budget for 2017-18 by £40K to £461,488 in 2017/18 and noted an additional £400K saving in 2018/19 on going. This leaves £61,488 per year on going which includes the provision of urinals in the city centre at weekends.
- Access to publicly available toilets is important for Bristol residents and visitors to the city. The existing council run sites are not fit for purpose and do not present value for money. It is therefore proposed that BCC invests in a business/community scheme.
- Through the 'Your Neighbourhoods' consultation we asked people about three options:
 - Option 1:** Close 18 public toilets, raise awareness of where publicly accessible toilets are and introduce a Business/Community Toilet Scheme. *51.5% of those who answered the public toilet part of the consultation supported this option.*
 - Option 2:** Close 17 public toilets and invest £30,000 in keeping one open. *18% preferred this option.*
 - Option 3:** Close 18 public toilets, provide no alternative provision and save an additional £30,000. *7.6% picked this option*
 - 22.6% did not pick an option and left comments in the open text.*
- A summary of the consultation responses can be found in appendix B.

5. The consultation responses support the proposal to establish a business/community scheme. The key elements to making this scheme a success will be as follows:
- a) recruiting local businesses, community sector organisations, supermarkets, corporate and chain restaurants, hotels, pubs and public organisations to open up their toilet facilities to the general public. The aim is to establish a network of at least 36-50 publicly available accessible toilets (over double the current provision). Informal talks with businesses in the development of these proposals show that the final number of toilets may be well in excess of this target.
 - b) establishing a strong and sustainable management and marketing plan to connect with all of Bristol's diverse communities, including provision of a paper map (funded by Bristol Ageing Better), web-based mapping including regular updates, names and addresses of participating organisations made available on websites across Bristol, and ensuring that there is clearly recognisable signage for each toilet. In the medium term, the intention is to develop an app for publicly available toilets.
 - c) To ensure information is reliable and up to date each site would be inspected when they join then annually.
 - d) In the consultation three issues were raised as areas of concern:
 - i) Provision for homeless people. There were concerns that homeless people would be less well provided for by a community toilets scheme. The council will continue to work with St Mungo's to develop an appropriate solution for homeless people. This could include making information available about toilet facilities which welcome homeless people or a dedicated site.
 - ii) Access to toilet facilities on The Downs. There were concerns that there are few local businesses in the vicinity of the toilets on the Downs which would provide alternative toilet provision. BCC Officers are discussing this issue with the Merchant Venturers and the Downs Committee to find a solution to toilet provision when BCC no longer fund the toilet provision on the Downs.
 - iii) Provision of properly accessible toilets across the city. This will be a core aim of the scheme. At least 70% of provision will be wheelchair accessible. The council aims to increase 'changing places' provision. This could also include 'mystery shopping' by Bristol Physical Access Chain.
 - e) A smooth transition from the existing arrangement to the new one is very important. Recruitment of business will commence immediately. Where BCC toilets are closing the aim will be to sign post people to a nearby facility before closure so there is no reduction in service in the short term. This will be supported by a dedicated 'Public Access Toilet' page on the council website which will have a list of businesses and a map. This will be updated as the scheme grows and new business sign up. The intention is that by the time the toilets close at the end of January 2018, there will already be a good network of alternative toilet provision with clearly recognisable signage and an online map to help people to find them.
 - f) It is envisaged that the hard copy printed map showing the full and greatly expanded list of participating businesses will available in late spring 2018. Online information will be regularly updated on an ongoing basis.
 - g) Partnership working has been key to the development of the community toilet scheme, and partners such as Crohns and Colitis UK, Bristol Physical Access Chain, and Bristol Aging Better, will be sent regular updates to distribute to their stakeholders and have also volunteered to help with the recruitment of businesses.

Recommendation(s) / steer sought: *all recommendations must make clear the intended outcome*

- 1. To close 18 public toilets**
- 2. To approve the proposals for a Business/Community Toilet Scheme**

City Outcome: Developing a new model for the delivery of neighbourhood based services & assets:

Health Outcome summary: signed off by Thara Raj. The Public health team also contributed substantially to the EQIA

Sustainability Outcome summary: The significant impacts of this proposal are:

- Reduction in water and electricity consumption at closed toilets
- Increase in water and electricity consumption at new business/ community sites
- Potential degradation of closed facilities if they are not maintained
- Potential watercourse contamination through urination in public spaces

The proposals include the following measures to mitigate the impacts:

- A Business/ Community scheme to double the amount of toilet provision across the city, including provision for homeless people.

The net effects of the proposals are:

- If alternative provision is effectively implemented as proposed, there is unlikely to be a significant change in environmental impact

Steve Ransom 17/9/19

Equalities Outcome summary: The EqIA sets out how the proposal could negatively impact on disabled people, older people, women, families with small children and transgender people. The key mitigating measure is to introduce a business/community model so people will know about and be able to use toilets set in business and community buildings. If successful this could increase the provision of toilets in the city.

Wanda Knight 14/9/17

Impact / Involvement of partners: We have carefully considered the feedback from the consultation and propose to work with a range of partners so that the proposed scheme has the confidence of all communities in Bristol :

51.5% those answering the toilet consultation were in agreement with option 1. (Close the current provision and set up a business community scheme) a further 7.6% agreed that we should close the current provision. (Total 59%)

The consultation has also confirmed some initial risks and raised others.

1. There are 4 toilet sites of the Downs, two of which are owned by the Merchant Venturers – a discussion with the Downs Committee has taken place and a working group is to be set up to work up a solution to the loss of the BCC funded service on the Downs.
2. There is concern that elderly and disabled citizens will be disadvantaged by the proposals – Bristol Aging Better will fund the initial toilets map and will ensure that all of their service users receive a copy, councillors could also post copies of the map, whilst they deliver their own leaflets door to door. We are also proposing to work with the Bristol Physical access Chain (BPAC) and Crohns and Colitis UK so that the proposed scheme is an improvement on the current provision
3. There is concern that homeless people will be disadvantaged by the proposals and we aim to work with St Mungo's to mitigate this as far as possible.
4. That signage and marketing will be the key to the success of the new service.
5. There was a strong suggestion (over 130 responses) that people would be willing to pay to retain their public toilets, however in 2013 an estimated user count, across the (then) 24 sites suggested that if a 20p charge per usage was introduced that the income would be £53769 this is a fraction of the necessary amount needed to run the current service

There is already a model in Bedminster, where they have successfully recruited 19 local business/community sector orgs.

Consultation carried out: Your Neighbourhoods Consultation, additional stakeholder meetings 10th August with Bristol Aging Better and BEING. 16th August with BEING (with an LGBT focus) discussions with BPAC and St Mungo's and the taxi driver forum

Legal Consideration

The Public Health Act 1936 (as amended) provides that a local authority may provide sanitary

conveniences in proper and convenient situations. The provision of public toilets is therefore a discretionary service. The discretion should be exercised reasonably and with a clear objective rationale.

Consultation - the consultation responses must be taken into account in finalising the decision. The process has complied with the established consultation principles:

- Consultation should occur when proposals are at a formative stage;
- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response;

Cabinet must demonstrate that it has considered the consultation responses, or a summary of them, before taking its decision.

Equality Act - the decision maker must also comply with the Public Sector Equality duty to consider the need to promote equality for persons with “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and have due regard to:

- i) eliminate discrimination, harassment, and victimisation
- ii) advance equality of opportunity
- iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

In order to do this Cabinet will need to have sufficient information about the effects of the proposed changes on the aims of the Equality Duty. The Equalities impact assessment is designed to assist with compliance with this duty and so Cabinet must take into consideration the assessment and the public sector equality duty before taking the decision.

Sarah Sharland 20th, Solicitor, September 2017

Employment

If all locations close, or if only one location remains open TUPE is unlikely to apply and the employees working on the service will be at risk of redundancy. There are no Council employees working on the service, but some of the contractor’s employees previously TUPE transferred from the Council and therefore have entitlement to enhanced redundancy pay.

The contractor has already indicated that it wants assistance with redundancy costs from the Council. There is no contractual entitlement to this.

Legal Officer: (Employment) Kate Fryer, Solicitor 14 September 2017.

Legal Officer: see above

DLT sign-off	SLT sign-off	Cabinet Member sign-off
Alison Comely 13/09/17	John Redman 26/09/17	Asher Craig

Appendix A – Further essential background / detail on the proposal –	NO
Appendix B – Details of consultation carried out - internal and external	YES
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	YES
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Exempt Information	NO