

BRIGHTON & HOVE CITY COUNCIL
SCRUTINY PANEL ON PUBLICLY ACCESSIBLE TOILETS

3.00pm 25 JANUARY 2013

BANQUETING ROOM, HOVE TOWN HALL

MINUTES

Present: Councillors Kennedy, Cobb, and Robins, John Eyles (Co-optee, OPC)

Also in attendance: Jenny Cooke, Jan Jonker, Adam Bates, Mike Holford, Peter Castleton, Tom Hook and Karen Amsden

PART ONE

1. CHAIR'S INTRODUCTION

The Chair thanked everyone for coming to the first public meeting of this scrutiny panel and congratulated officers on yet again being assessed as the top local authority in the National Loo of the Year award for the third year running.

This panel has clearly not been established to look at the quality of the service provided but rather how, at a time of dwindling resources, future provision of publicly accessible toilets in the city can be secured.

The focus of the panel would be to look at innovative ways to maintain, or encourage the expansion of publicly accessible toilets in the city. This would include looking at the 'Use our Loos' scheme where businesses open up their toilets: alongside the existing, and up and coming, funding opportunities for the service such as the Community Infrastructure Levy and the City Plan.

The underlying principle for this panel was to look at ways to fund and enable good public access for all, to toilets in Brighton & Hove. It would assess the importance of this service in meeting the needs of a city which:

- Is a tourist destination
- Has a thriving night time economy
- Houses significant numbers of people who particularly need this service due to their health, age or caring responsibilities

The panel was holding three public meetings, which in turn will address each of the following themes:

- Mapping the existing service and identifying potential threats and opportunities
- Understanding the specific needs of groups who use this service

- Learning from good practice and preparing for the future

The panel would use the evidence to:

- Describe the strategic value of this service
- Map the general, and specific demand, for publicly accessible toilets
- Identify innovative funding solutions and best practice to meet service needs
- Suggest actions for the council, as well as partners and stakeholders, to help them secure a future for this service

2. PROCEDURAL BUSINESS

- Declarations of substitutes – There were none but both Cllrs Robins and Cobb had sent their apologies for being late for this meeting, due to unavoidable commitments
- Declarations of party whip – none
- Declarations of interest – none
- Exclusion of press & public – none

3. WITNESSES

A. City Clean

Jenny Cooke (JC), Contracts & Projects Manager provided a brief overview of the service. There were 83 publicly accessible toilets in the city, comprising of:

- 44 traditional public toilets
- 19 toilets in museums, libraries and leisure centres
- 20 toilets which participate in our Use our Loos scheme
- 2 of the above toilets were newly publicly accessible - Booth Museum and Hove Rugby Club

The council had a contract with Wetton Cleaning Services for cleaning and maintenance which ran until 2017. While the majority of the toilets were unattended, some units were attended for all, or part, of their opening hours which reduced vandalism and anti-social behaviour as well as ensuring a good standard of cleanliness and prompt repairs. A Changing Places toilet had been built in The Colonnade toilets, Madeira Drive, funded by Wettons and a second was planned for the new development at the Level. The council had been rated first in the country in the National Toilet Awards.

In general businesses had been reluctant to engage in the Use Our Loo scheme which had run since 2000, primarily due to their location in smaller businesses. When new public toilets were installed they were generally:

- Accessible
- Gender neutral
- Single use cubicles which are visible, with no waiting room
- Family friendly

The service was seeking to increase provision by encouraging businesses to take responsibility for the toilet provision in parks when setting up a café, for example Aldington Rec. This was through agreeing new leases where this was a requirement, wherever possible or appropriate. They were hoping to work with colleagues on the City Plan, to encourage (or require) large developments to open up their toilets to all rather than just those using the attraction. Large tourist developments encourage more people to the area and where they are already providing customer toilets the requirement to make them available to the general public, without pay for admission to the attraction, should have minimal impact.

Q: The 2008 document by the Department for Communities and Local Government (CLG) recommended that local authorities develop a strategy for public toilets, would you welcome such a strategy here?

Jan Jonker (JJ), Head of Strategy and Projects explained that he was cautious about the value of a strategy - due to the amount of time and resources it would absorb at a time when the council had to save £20m. It would be a better use of time to produce an action plan for the service. The priority for the service was to maintain the provision and expand where possible, such as:

- investigating the feasibility of charging for toilets
- extending provision through leases in parks
- looking for provision in new tourist developments

This action plan would be consulted upon.

The panel felt that it would be useful to look at the value of an action plan and/or a strategy for the service as a potential recommendation in their report.

Q: Are there any gaps in the service provision e.g. opening hours?

JJ told the panel that one could always do more by increasing the number of toilets, opening for more hours and upping the number of attended toilets. They got useful feedback from users, for example JC said that the service was constantly reviewing opening hours because there were a lot of comments about early closing hours in parks. This had to be balanced with the issue of safety, so the opening hours were staggered and park toilets were open longer in the spring and summer daylight.

Q: How can we attract additional investment to the service e.g. joint arrangements with other providers?

JC informed the panel that a corporate sponsorship contract was being let for billboards and then it may be possible to attract funding for smaller posters e.g. which could be placed in publicly accessible toilets to raise money.

Action: JJ to find out further information from Jake Barlow and feed back to the panel.

Q: If there was greater funding for the service, would it be better to open our facilities for longer hours or increase the number of toilets?

The panel heard from JC that they had just agreed to open some sites earlier and now the majority of toilets are open by 8am and shut at 10pm (summer) and 8pm (winter) (highway and some seafront sites) . If these facilities were open longer, they could attract vandalism and other anti-social behaviour (ASB). There used to be 24 hour toilets which were shut due to vandalism and concerns for the safety of users and staff having to visit to clean.

An example of a new site is the toilets at Blakers Park which cost approximately £125,000, including the sewage connections and a tailor made roof: but each site had different costs. While it was unlikely that sponsorship could fund new provision, budgets were so tight that the money could be used to maintain existing stock. Then other ways could be sought to fund new provision.

The panel recognised the vulnerability of the service because it was not statutory, therefore they had a role in establishing how important this service is.

Q: How does the night time economy impact on your service?

According to JC their service was shut then and so the night time economy had no definitive impact upon it. PC told the panel that the night time economy started at 10pm and the 24 hour provision of toilets may not mitigate the impact of a drunk 24 year old.

The panel could see that opening public toilets at night may not be a good idea. For the Use our Loo scheme, pubs rather than shops might be a better place to seek public access to toilets at night.

Q: What is the potential for combining aspects of the Use our Loo scheme and the Can't Wait Card?

JC explained that the Can't Wait Card could be purchased from a range of organisations. It was used by holders to show to businesses and other venues to explain that they had a medical condition and needed to use the toilet. This provided a discrete way of asking to use the provision. City Clean were currently exploring whether combining this with the Use our Loo scheme, would be more appealing to businesses rather than expecting them to grant public access to all. They had found that businesses did not like displaying details of the Use our Loo scheme, so a list could be produced of participating toilets and inform card holders where these facilities were located. There could still be difficulties regarding both the location of toilets in these businesses and insurance issues, but reshaping this scheme could increase its popularity with businesses.

The panel were keen to find out more about this potential change to the Use our Loos scheme and so Jo Jones from City Clean has been invited to speak to them on 11th February. The production of a booklet and publicity may make businesses more willing to participate in the scheme.

Q: Much of the infrastructure is Victorian, what level of improvements need to be made to public toilets? What would be the refurbishment costs?

JC told the panel that they did not have a ball park figure. While ten sites had been decorated internally at no cost each year as part of the contract, the old buildings would cost a major amount to refurbish.

B. Tourism and Leisure

Adam Bates (AB), Head of Tourism and Leisure told the panel that there were around 8m visitors to the city each year. They contribute £722m to the local economy, and 14% to local employment, but were not always considered when planning services. This was why public toilets are critical to the local economy. The Tourism Strategy included sustainable patterns of business. The city was a year round destination built on balancing the needs of these groups:

- Business and conferences
- Leisure
- Events

There was not a desire always to see growth, for example in August.

The CLG Select Committee in 2007/8 reported that tourists and visitors ranked toilets high in their lists of needs when visiting British resorts and destinations. Because most journeys begin and end with visiting toilets, it can have a high impact on tourists' assessments of a destination.

According to the last On Street Visitor Survey conducted in 2009, visitor satisfaction was on a scale of 1-10:

- Availability of public loos – 6.54
- Cleanliness of public loos – 6.62
- Overall feeling of welcome – 8.00

The views of Visitor Information Staff about publicly accessible toilets were that:

- Overall provision was considered good
- Very few complaints received
- Hope that the current provision could be maintained
- Benefits to all, but particularly older people, those with medical conditions and families

The Seafront Service reported that:

- There were very high variations in usage, at weekends can have 200,000 users
- Many seafront businesses do not have own toilets
- 460 beach huts and 105 chalets with no toilets
- So this area was very dependent upon public toilet provision
- Seasonal opening hours of many toilets, which can make it difficult to respond to variations e.g. high attendance on New Years Day.
- Wettons provision viewed very positively by AB's staff
- It was a challenge how the seafront may change and develop in the future and one of the areas looking to improve was Madeira Drive. If these opportunities were realised, this could put additional pressures/demands on the toilet facilities
- Close work with Rottingdean Parish Council on building toilet facilities, where there had been only seasonal/temporary facilities before

Q: Given how dependent the city is on tourism, what do you think tourist will feel about being charged for using facilities in times of peak demand?

AB told the panel that the majority of tourists would choose not to pay, but he believed that the majority would accept charges if the facilities we provided were of an acceptable standard. The important factors to tourists would be:

- Availability
- Cleanliness
- Good maintenance

However he was not aware of how financially viable it was to charge.

According to JC there used to be a 20p charge in summer for the Lower Promenade toilets in West Street. However it did not cover staff costs, as the majority would choose to go to the next toilets which were signposted at the facility. When fully automatic toilets were introduced in 1984, there was a 20p charge to use them. People did not like these facilities

Q: When it comes to providing information for visitors about toilets there is a good map online, but are we planning to introduce anything else such as Apps?

AB told the panel that it would not be worthwhile to produce a toilet App for the city because there are a number of good national Apps and it was important to ensure that their information was up to date. The toilet signage in the city was good and needed to maintain this level of service.

JC said that the British Toilet Association was seeking funding to produce a national on line map of toilets. Australia had a map for every town. She felt that directional signage on the street could be improved in certain areas.

Q: Could more of our sporting venues and leisure facilities open their toilets to the public?

AB told the panel that the majority of these sites were publicly accessible. An exception was King Alfred where you needed to go through a turnstile. According to JC there had been a full pull-out on publicly accessible toilets in the Argus a few years ago.

The panel felt it could be useful to give greater publicity to the availability of publicly accessible toilets in leisure centres. Members of the public may be more comfortable using these premises than toilets located in businesses.

Q: Temporary toilets are used for big events such as Pride, do you think there is any scope for using them in peak times in locations such as West Street and the seafront?

According to AB temporary toilets were usually arranged by the organiser of the event. Pride was the only occasion where they were directly provided by the council. In West Street this would be a year round issue at least three nights a week, which needed a permanent situation.

PC said that the night time economy attracted a different kind of visitor, who when they left a pub with a full bladder may urinate wherever they happened to be including in shop doorways

leading to a bad smell and hygiene problem the next day. There were pop-up toilets to address this issue in Leicester Square, but these type were prohibitively expensive. In Newquay there was a few portaloos which were dropped off the back of a lorry and placed in popular areas and then collected again after the weekend.

Q: Is the Prince Regent publicly accessible? Does this accessibility reduce security as have heard of homeless people using the showers in this location?

AB confirmed that the toilets were publicly accessible and currently being refurbished. The dilemma was that opening up facilities did reduce the security. JJ agreed that the issues also related to the Use our Loos scheme.

The panel thanked AB for giving them such a good sense of how important publicly accessible toilet provision is to the visitor economy.

C. Planning

Mike Holford (MH), Strategic Planning and Monitoring Manager began by telling the panel that he had been informed by Network Rail that the charge for toilets at railway stations was to discourage ASB, rather than cover costs. PC added that the toilets at Victoria were attended but still people jumped over the barriers. However if there was money being collected on unattended premises this could attract thefts.

The Planning service was approaching this issue from 2 angles:

1. developer contributions
2. including publicly accessible toilets, within new developments that attracted a lot of people

The main aim of existing developer contributions (or S.106) was to mitigate the impact of a new development, but it should not be used to mitigate existing deficiencies. S.106 process became a tariff on new developments. In the time of prosperity, developers may not have been so concerned what this money was spent on. However the economic downturn and reduced funds have led to the government tidying up the planning process.

The Community Infrastructure Levy (CIL) was proposed by the Labour government and carried on by the Coalition. CIL is based on an amount in £s per square metre of additional floor space and is levied on all eligible development to enable growth. S.106 was negotiated for each development. The CIL was a form of development tax; which will be transparent with developers, council and the public all knowing what amount will be raised. The first 8-9 local authorities that had adopted CIL may have found it relatively easy to introduce and he was aware that Bath and North East Somerset were investigating the use of CIL towards publicly accessible toilets.

It was possible that publicly accessible toilets could be required for very large developments. It would be very useful to have a statement of need for this service, for example, including the demands from tourists for public toilets (e.g. a 10 point plan) rather than making the request without any evidence.

It was important to lower expectations here about CIL because it would not be the panacea, as it would not raise as much money as some expected and it was more than likely that there would be more demands than CIL could meet. BHCC needed to decide what were its priorities for the funding it gained from CIL.

MH felt that a more positive approach could be to require the provision of publicly accessible toilets in new developments as a policy requirement. However, even if one could address the issue of provision of public toilets, then one needed to be able to afford the maintenance of that facility and keeping the service running. For example at Toads Valley, a development of that size could include publicly accessible toilets and that could be seen as an important component due to the shopping and tourism use. He believed that the second option would be more likely to secure publicly accessible toilet provision, than the use of CIL.

JC explained that the aim would be for large tourist developments to allow general access to the customer toilets they would be providing anyway. They would already have a budget in place for cleansing and maintenance.

Q: Would this be a process of setting it as a condition for each building, rather than a blanket requirement to provide publicly accessible toilets?

MH confirmed that it would need to be considered on an individual basis depending on the nature of the development.

Q: With CIL, are you able to take the funds raised and use them to build the facilities elsewhere?

With CIL the money raised could be spent anywhere in the City in accord with a list of requirements produced by the council. With S.106 there needed to be a link to the development, this usually means that the money is spent on or very close to the site, but does not have to be if there is a functional link between the site and what is provided. For example, money from a S.106 at Churchill Square could be spent on real time bus signs in Mile Oak as there was a bus service between the two points.

Q: Would it be possible to know more about the City Plan

At the moment the City Plan was not a detailed strategy but JC and Debra May (Developer Contributions Officer) were working together to provide a policy hook to negotiate planning in relation to tourism and retail development (for example the new mini pop-up supermarkets in residential areas).

The panel felt that they would like to obtain more information about policy development in this area especially in relation to tourism and big retail organisations and conditions set for new developments. To find out more from Planning about CIL policy and development expectations.

According to PC the alcohol licences for city centre express supermarkets were reluctantly agreed and one could argue that they should provide publicly accessible toilets, given that they are selling the alcohol that leads to night time fouling.

PC explained that during the daytime there were no specific hotspots relating to crime & disorder and ASB. He was not sure how speedily such incidents were reported by Wettons, but was assured by JC that such incidents were reported to the police instantly. This would include:

- Major vandalism
- Sexual activity
- Arson

Information was collected by Wettons on day-to-day vandalism, collated monthly and then discussed with the police and community safety.

PC told the panel that the majority of public place daytime ASB was made up firstly of alcohol and drugs misuse and the problem areas were in the city centre. Cottaging, men seeking sex with men, had been an issue from time to time at the toilets in Concorde 2. The key night time economy disorder issues began from about 10pm.

The standard of the toilets and its design had a big impact on how safe people feel when using facilities and the likelihood of offending taking place there. If the facility was damaged it was more likely to attract offenders. This issue could be addressed by minimising common areas and increasing the natural surveillance.

JC explained that, where appropriate, the number of visits to unattended sites were increased to deter vandals. The design was important including reducing the height of cubicle doors and not using reflective tiles, which gave people notice of others coming into the facility. The real hotspot where there had been an issue was the Open Market. This included drug use, to the extent of experiencing drainage problems because of the drug paraphernalia. The service had been working with the police on this. Public toilets there had been attended but they are now cleaned by a mobile cleaner, this was due to budget savings identified in February last year.

PC told the panel there had been a debate about introducing drug consumption rooms, places where people can 'use' safely. This debate was because some of our toilets are frequently used as injecting rooms, which could end up being conducted on the streets if it was not done in these toilets. One needed to think of the impact this could have on visitors and residents. He believed there would always be latent drug use in public toilets.

The panel were interested in finding out more about this issue in relation to protecting residents and visitors, however it could only really acknowledge the issues being raised.

JC explained that fully automatic toilets, and those with RADAR keys, had experienced very significant drug use. Sharps boxes had been installed in the automatic public toilets to increase the level of disposal, as well in Blakers Park and behind Upper Rock Gardens toilets. Approximately 2/3rd of sharps were disposed of safely in the automatic toilets. The sharps box in Blakers Park is not used.

PC felt that there was insufficient publicly accessible toilet provision to meet the needs of the night time economy, so welcomed the written statement from Tim Nichols, the Head of Regulatory Services. He confirmed that 70% of any Late Night Levy (LNL) would go to the police, however the police took an holistic approach to managing the night time economy.

Operation Marble¹ related strongly to tone setting. Minor ASB such as discreet urination was seen as part of tone setting and dealt with robustly, so think there is an appetite for the police to deal with this issue. Officers will do something about this behaviour where it is found.

However problems arose where people were queuing or competing for services e.g. at kebab shops or taxi ranks and may be concerned about losing their place in the queue. In Paris there were 'pissoirs' which are very public men's urinals that do not lead to cottaging or other forms of ASB.

The panel acknowledged that there were different kinds of facilities used in other locations and countries. For example Westminster had very high tech pop-up urinals, whereas Paris and Amsterdam have lower tech solutions. It would be interesting to know what residents would think of these kinds of facilities.

Action: JC agreed to provide different costs for differing forms of temporary provision. KA to include the written statements from city centre councillors regarding the night time economy and on street urination along with the minutes.

Q: Do you think that these 'temporary' facilities would be used and residents accept that they would be present for '24 hours' e.g. on a sunny day?

PC felt a drunk 24 year old may not use these facilities of their own volition, but the police could direct them there. If a pissoir was well-designed it could become part of the street furniture. Such facilities send a clear message and provided more places to go.

JC had looked at pop-up urinals, ground level ones which opened up at night for greater flexibility but they were only for men and were not accessible.

PC reminded the panel that the Portaloos used by Newquay, incurred staffing costs for picking them up whereas pissoirs have lower maintenance costs.

A member of the panel expressed concern about the shutting of toilets in Portslade and discussions about putting resources into the town centre.

Q: Like the CIL, one could make a cogent case for businesses to contribute to costs using the Late Night Levy (LNL). In addition could pubs and clubs when redesigning toilets make them accessible, as there are already bouncers to police them? Currently toilets were not usually placed near the opening of pubs and clubs, but this could be changed when redeveloping the premises. The Sainsbury's in St James Street had been prevented from having an alcoholic licence due to impact.

DC explained to other panel members that most licenses stipulated 'not lingering' but the provision of toilets would encourage people to linger. PC said that toilets to be opened up would just be the ones already in the premises. So it could just be a general collective principle that businesses in the city centre, such as supermarkets, should open up their toilets if they are contributing to the problems of on-street urination.

¹ **Operation Marble** sees Police & Police Community Support Officers (PCSOs) in high visibility jackets in city centre hotspots from 8 pm (from Council website <http://www.brighton-hove.gov.uk/index.cfm?request=c120719>)

The panel agreed that it would be useful to explore the LNL further, as one of the options.

Q: Do charges for toilets cover costs? Would people pay if they were charged for all facilities across the city?

JC informed the panel that they used to charge for toilets in summer for 20p for West Street, Lower Promenade which did not cover costs. They had discussed charging for a premise with Wettons, who felt it was not economically viable. According to JJ there would be significant costs in installing the charging infrastructure and then the facilities would need to be attended to make them accessible for all e.g. those with buggies.

Q: It is good to hear that the police view public urination and defecation as a serious issue and that a partnership could be forged using the LNL. But could we do more to encourage businesses outside the LNL?

PC told the panel that both the council and the police have found it very difficult to secure any resources or assistance from big pub, club chains and supermarket chains. It would seem to be a non-starter as these businesses did not appear to have any interest in re-investing in the local community. This did not mean one should not try it again.

The panel agreed that it would be useful to consider if there were ways to secure the assistance of businesses, as residents were suffering from this problem. They wondered when does a temporary facility become permanent, e.g. round taxi ranks, if it is present every Thursday to Saturday?

Q: Could one put CCTV cameras in the communal areas of toilets to deter criminal behaviour?

PC told the panel this would be possible but would run into issues re: RIPA authorisations so you could only do this in very serious cases of ASB. JC confirmed that they had tried this at a facility with a fake CCTV camera, which had been stolen.

The panel now considered written evidence from Angela Dymott, Head of Property and Design and Tim Nichols, Head of Regulatory Services:

In response to Angela Dymott's statement:

The panel were aware that many of the toilets in council buildings were in secluded locations e.g. Hove Town and it was clear from AD's submission that security was a primary concern and therefore access was unlikely to be widened. They welcomed the positive news about Rottingdean Grange Library.

In response Tim Nichol's statement:

The panel appreciated his caution regarding the LNL as a new means of raising finance for this service. They appreciated the need to consult on this issue and then make recommendations. Given the evidence the panel had heard today they were interested in making recommendation(s) regarding the LNL.. They were concerned whether one could be open to

the DDA if provide facilities only for men. The panel agreed on the need to plan for the future and consider what services would be needed in 15-20 years

Action: KA to obtain a written statement or invite the police to the final meeting on the 26th February. KA to obtain cost information and details about different types of toilet provision e.g. Portaloo's v curly toilets.

4. DATE OF NEXT MEETING

The panel agreed that the second public meeting of the panel would take place on 11th February at 2.30pm in Committee Room 1 of Brighton Town Hall. The third meeting of the panel would take place at 10am on the 26th February at a venue to be confirmed.

5. A.O.B

There was no AOB.

The meeting concluded at 5pm.

Signed

Chair

Dated this

day of