

# Brighton & Hove City Council

## Policy & Resources Committee

## Agenda Item 148

**Subject:** Prince's Place Toilets

**Date of meeting:** 16<sup>th</sup> March 2023

**Report of:** Executive Director for Economy, Environment and Culture

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**Ward(s) affected:** All

**For general release**

### **1. Purpose of the report and policy context**

- 1.1 This report seeks approval to transfer the Prince's Place toilet building and land to the Royal Pavilion and Museums Trust (RPMT) through a lease arrangement between the Council and the Trust. It is proposed that this block is reorientated and rebuilt with a Changing Places toilet and public access cubicles.
- 1.2 Agreement in principle to this course of action that would support an application going to National Lottery Heritage Fund for the redevelopment of the Royal Pavilion Gardens and provide a solution to the ongoing issues with the Prince's Place toilets.

### **2. Recommendations**

- 2.1 That Committee agrees that the land is leased to the Royal Pavilion and Museums Trust.
- 2.2 That Committee delegates authority to the Executive Director for Economy Environment and Culture to agree the terms of the lease including any financial contribution to rebuilding the toilet block.

### **3. Context and background information**

- 3.1 The public toilets in Prince's Place have been closed since October 2022. The toilets are in a very poor condition and subject to high levels of antisocial behaviour. The orientation of the current building leads to antisocial behaviour as the entrance is not visible from places where people generally congregate.
- 3.2 The second phase of the Royal Pavilion Estate masterplan (phase one being the Brighton Dome Corn Exchange and Studio Theatre) involves

redeveloping the Royal Pavilion Gardens, which is currently on Historic England's Heritage at Risk Register. In 2019 £214,000 was secured by the Council from National Lottery Heritage Fund (NLHF) to carry out design and planning phases for the garden.

- 3.3 In preparation for the NLHF round one application, an access audit of the gardens was carried out. To remove barriers and enable people with disabilities to enjoy the gardens, it was concluded that a Changing Places toilet was required. A [Changing Places toilet](#) is a fully accessible toilet with the following additional equipment: a height-adjustable changing bench, an overhead track or mobile hoist; a peninsular toilet, privacy screen and enough space for up to two carers.
- 3.4 After the museums services were transferred to the Royal Pavilion and Museums Trust (RPMT), an independent charitable trust, in October 2020, management of the gardens project has been delivered through an established project board. This involves council officers, the Trust's senior management team and appointed project consultants. The project is now entering RIBA stage three with finalisation of design plans.
- 3.5 Design plans initially placed the Changing Places toilets within the garden as a separate building and within the boundary of the Trust's lease arrangements. The site requires a large footprint due to the specifications of such a facility. This design would take up significant green space within an already limited area. To avoid losing valuable space in the garden, and as a solution to ongoing issues with the toilet block in Princes Place, it is suggested that the current block is repurposed as part of the wider garden development project.
- 3.6 The project board are currently refining design elements with the aim to submit a planning application in April/May 2023 and a full application to National Lottery Heritage Fund (NLHF) in June 2023. Detailed designs are required for the full application.
- 3.7 Council officers have explored a number of options for reopening and operating the public toilet block in Prince's Place. However, costs associated with completely refurbishing the facilities do not make this a viable option. The ongoing issues with extensive antisocial behaviour and related operational costs are challenging. This proposal provides a long-term solution, particularly in response to council budget constraints.
- 3.8 The current toilet block sits outside of the boundary of the demise leased by the Council to RPMT for the Royal Pavilion, Brighton Museum and Pavilion Garden. This is a 25 year lease, with 22 years remaining. If committee accepts these proposals, a lease for the toilet block will be granted and run concurrently to the existing lease.
- 3.9 The building would be redesigned with a Changing Places toilet and some additional cubicles. At a minimum, these would be for the Pavilion Café customers and staff. The Trust, which is a charitable organisation, would need to develop a business case to include provision of general public

access toilets. This business case would need to enable public toilets to be provided on a cost neutral basis to the charity. This is likely to require charging for use of public facilities.

- 3.10 On the basis the reprovision of the toilets will include an obligation to provide facilities for public access the value of the lease is considered to be nil and the Trust will not be required to make a payment to the Council. This is because the lease has no commercial value as the land and buildings would be used as publicly accessible toilets.
- 3.11 The Trust have allocated funds for the Changing Places toilet within the budget for National Lottery Heritage Fund application. Full costings for the repurposing of the toilet block will be carried out if committee approve. Any enabling capital funding from the Council will be considered and negotiated with the Trust. If capital funding is required, it would benefit this council-owned facility if there is match funding from NLHF as part of the wider garden project. The longer-term aim of having public toilet facilities on the Royal Pavilion estate remains.
- 3.12 Delivery plans for the gardens project currently schedules capital works to begin on site in 2025 with completion set for early 2026. The Changing Places toilet and additional cubicles would be built and opened within this timeframe.
- 3.13 Officers have been considering options for solutions to provide public access toilets in this area of city. Stakeholders have been engaged with, including Brighton Dome and Brighton Festival, who have agreed to offer the Corn Exchange and Dome Foyer as signposting options for the public in the short term. Jubilee Library is another central public access toilet.

#### **4. Analysis and consideration of alternative options**

- 4.1 The current toilet block requires substantial investment to operate as a safe and maintained public toilet and is not suitable to be reopened at this time. If committee do not approve the transfer and repurposing of the building for use as a Changing Places toilet and public use cubicles, it would remain closed until additional council capital funds can be secured to for extensive refurbishment.
- 4.2 The Royal Pavilion and Museums Trust hold a lease for the gardens, museum and Royal Pavilion from the Council, with 22 years remaining. The lease for the toilet block would run concurrently and operation for the Changing Places and public access toilets would be managed by the Trust, who are an important and trusted stakeholder for the Council. The Trust have a vested interest in maintaining the toilets to a high standard to support the wider investment in the garden and for their visitors to the Royal Pavilion and Brighton Museum and Art Gallery.
- 4.3 If the building is not transferred to the Trust, they will continue with their original design plan for the Changing Places toilet. Planning permission would need to be sought for a structure in a different location of the gardens.

This will result in a reduction of space for general public use and enjoyment of the gardens.

## **5. Community engagement and consultation**

- 5.1 Extensive community engagement work has been carried out for the Royal Pavilion Gardens project and consultation has been considered and incorporated in the planning stages.
- 5.2 There have been public comments and petitions to keep public toilets open in Brighton and Hove. The city's residents and visitors highly value this public service. Proposals in this report aims to restore modern public conveniences in the Royal Pavilion Gardens, by including a re-build of the toilets within a larger project.

## **6. Conclusion**

- 6.1 This report is seeking approval for a lease of the toilets to be granted to the Trust to run for the same period as the existing leases of the buildings and gardens.
- 6.2 If approved by this committee, the building will be rebuilt and reorientated to incorporate a Changing Places toilet and public use cubicles. This would provide a solution to the ongoing closure of the toilets. The capital work required for this would form part of the wider redevelopment project for the gardens. Funding for this is being sought through an application to the National Lottery Heritage Fund and the council may be asked to contribute to the costs of rebuilding the toilets.
- 6.3 Alongside improvements to the gardens, a new toilet block would greatly enhance the area for residents and visitors. The Changing Places toilet would enhance the gardens, offering a facility in the city centre for people with disabilities.

## **7. Financial implications**

- 7.1 Subject to negotiation and approval of the Trust's business case for providing public access facilities, the Prince's Place toilet building would be transferred to RPMT through the lease arrangement held between the Council and the Trust. The business case would need to incorporate funding including allocations from the National Lottery Heritage Fund. Legal fees relating to changes in the lease arrangement would need to be contained within existing services budgets.
- 7.2 Upon transfer the Trust will need to identify funds to maintain the rebuilt toilets block as there is insufficient budget within services to manage additional assets.

Name of finance officer consulted: John Lack

Date consulted: 01/03/23

## **8. Legal implications**

- 8.1 Section 123 of the Local Government Act 1972 enables the Council to grant a lease of the Prince's Place toilet, provided that the best consideration reasonably obtainable is achieved. As set out above, the lease has a nil value and this requirement is therefore met.

Name of lawyer consulted: Alice Rowland

Date consulted: 20/2/23

## **9. Equalities implications**

- 9.1 An access audit of the gardens was carried out in preparation for the stage one bid to the National Lottery Heritage Fund. One of the findings was that there were no accessible facilities for people with disabilities. To resolve this and enable access for people with disabilities, a Changing Places facility was included in the bid to remove barriers. Increasing access for vulnerable communities meets both NLHF's funding criteria and importantly provides a much-needed city centre facility.
- 9.2 There will be no financial charge for the Changing Places toilet, which will be accessed through the RADAR Key scheme. This Changing Places toilet will complement the network that is currently in development across the city. There are existing sites at Shelter Hall, The Colonnade and Brighton Centre, with new facilities imminent at Daltons (near the zip wire). Providing facilities at this site, along with government funding for four further sites, would contribute to making Brighton & Hove and its attractions more accessible.

## **10. Sustainability implications**

- 10.1 There are no specific sustainability implications to consider.

## **11. Other Implications**

### **Social Value and procurement implications**

- 11.1 Tenders for associated capital works will follow the Council's procurement requirements.

### **Crime & disorder implications:**

- 11.2 Escalating levels of antisocial behaviour have made it untenable for the toilets to remain open. Reorientating the building and making them more visible to public view will reduce the risk of antisocial behaviour and crime.

### **Public health implications:**

- 11.3 Providing a Changing Places facility and retaining public access toilets in a city centre location will contribute to health and wellbeing outcomes

(including health life expectancy) and help deliver the aims of our Health and Wellbeing Strategy, including: using green & open spaces to improve wellbeing; being an age friendly city; considering the needs of our ageing population in the design of the physical environment; reducing social isolation and loneliness.

## **Appendices**

1. Plan of Prince's Place toilet block and land, outlined in red ink.