

# Brighton & Hove City Council

## City Environment, South Downs & The Sea Committee

## Agenda Item 31

**Subject:** The MacLaren Pavilion

**Date of meeting:** 14 November 2023

**Report of:** Executive Director: Economy, Environment & Culture

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**Ward(s) affected:** West Hill & North Laine

**For general release**

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

- 1.1 The public toilets at The Level have been closed since August 2022 due to significant issues with the building they are housed in. This building requires substantial remedial work and investment to bring it and the toilets back into use. These toilets were also the focus of criminal and anti-social behaviour.
- 1.2 This report sets out proposals to change the MacLaren Pavilion into a split-use café and public toilet facility to provide alternative public toilet facilities at The Level.

### **2. Recommendations**

- 2.1 That Committee agrees for the MacLaren Pavilion to change to a split-use café and public toilet facility, which is subject to planning approval.

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

- 3.1 As reported to Environment, Transport & Sustainability Committee in January 2023, the public toilets at The Level are closed due to significant issues with the building they are housed in, The Velo Café. The building requires substantial remedial work and investment to bring the building and toilets back into use. The toilets in this building were also the focus for anti-social behaviour, drug dealing and drug taking. An options appraisal is being completed regarding the future of this building.
- 3.2 Recognising that there is a need for public toilets in this location, officers have been considering what alternative provision could be provided in this area, whilst the long-term future of The Velo Café is determined.
- 3.3 A new site for public toilets has been identified within the MacLaren Pavilion. This building is adjacent to The Velo Café, opposite the water fountains. It is currently a community building but has very little usage – it stands empty for

most of the year, with the exception of a few bookings from one local community group. Conversations are taking place with this community group and City Environment is working with them to find an alternative space in the area.

- 3.4 The proposal, subject to Committee approval and planning permission, is to change the MacLaren Pavilion into a split-use building, comprising a small café and new public toilets. The public toilets will include two standard toilets, a family room and an accessible toilet. It will be fitted out to the same specification as the toilets refurbished as part of the Public Toilet Refurbishment Programme.
- 3.5 One of the primary issues which has led to exceptional levels of criminal and anti-social behaviour at the public toilets at The Velo Café is the lack of natural surveillance of the site. The current design, which allows for pockets of unsupervised areas, encourages criminal and anti-social behaviour. The [Public Convenience Problem Reduction Guide](#) states that having small retailers either adjacent to the toilet facility or as an attachment to it is an advantage due to the added natural surveillance provided. It is for this reason it is proposed the MacLaren Pavilion is dual purpose.
- 3.6 The intention is for the cleaning and maintenance of the public toilets to be undertaken by the café tenant as part of their lease. Not only will this provide the natural surveillance required, but it will also mean the site is attended more frequently than if it were to be maintained by the council. It will also mean these new toilets will be provided on a cost neutral basis for the council. It is important to note that there is no budget available to clean and maintain these new toilets. The lease and rent payable will reflect these arrangements.

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

- 4.1 The existing public toilets and The Velo Café building are extensively damaged and no longer provides a safe or usable environment for a café tenant or public use as a toilet. Therefore, this building does not provide an alternative option for public toilets at present.
- 4.2 Committee could choose not to transform the MacLaren Pavilion into public toilets, and this would leave The Level without these facilities.

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

- 5.1 Ward councillors have been informed of the proposals to create a café and public toilets within the MacLaren Pavilion. The community group currently using the building has been informed and alternative provision is being sought for them. The Level Communities Forum have been informed and conversations are ongoing.
- 5.2 The change of use of the building is still subject to planning approval which will involve the statutory planning consultation process.

## **6. Conclusion**

- 6.1 This report is seeking Committee approval to change the MacLaren Pavilion into a split-use café and public toilet facility to provide alternative public toilet facilities at The Level. It should be noted that this change of use is still subject to planning permission.

## **7. Financial implications**

- 6.2 The Maclaren Pavilion is currently used as a community building, for which low or no fees are charged for its hire. Income received from hire during 2022/23 financial year was £100 and this year sees a similar level. Should recommendation 2.1 be agreed for the MacLaren Pavilion to change to a split-use café and public toilet facility subject to planning approval, lost income from hire fees is not significant to impact ongoing revenue budgets.
- 6.3 The total costs including works, design and professional fees for the Pavilion's conversion is estimated to be £0.210m which will be funded from the existing Public Toilets Refurbishment capital budget. Any significant variation to budget will be reported as part of the council's monthly budget monitoring process.
- 6.4 There is no budget available within City Clean to maintain these new toilets. Upon completion of works, the intention is for cleaning and maintenance of the public toilets to be undertaken by the café tenant as part of their lease for which the lease and rent payable will reflect these arrangements.

Name of finance officer consulted: John Lack    Date consulted: 02/11/2023

## **8. Legal implications**

- 8.1 As indicated in the equalities implications in this Report, local authorities are not under any legal obligation to provide public toilets, although they may do where they consider it appropriate.
- 8.2 If the Council does decide to seek a change of use for the MacLaren pavilion from a community centre to café and toilets, an application will first need to be made for planning permission which will then be assessed on its planning merits in accordance with the Planning Acts.

Name of lawyer consulted: Victoria Simpson    Date consulted: 01/11/2023

## **9. Equalities implications**

- 9.1 The council has no statutory obligation to provide public toilets. However, the council recognises the importance of these facilities, particularly for those with some protected characteristics.
- 9.2 The new toilet facilities, subject to approval by Committee and planning consent, will comprise two standard toilets, a family room and an accessible toilet.

9.3 Unfortunately, it is not possible to provide a Changing Places Toilet due to insufficient room, without a significant reduction in overall provision.

## **10. Sustainability implications**

10.1 The new public toilets will be fitted out to the same specification as the toilets refurbished as part of the Public Toilet Refurbishment Programme. This includes motion sensor lighting, taps and hand driers, reducing electricity and water consumption.

## **11. Other Implications**

### **Social value and procurement implications**

11.1 The procurement process will comply with Contract Standing Orders and the council's procurement policies.

### **Crime and disorder implications**

11.2 The existing public toilets at The Level were the subject of high levels of criminal and anti-social behaviour. Before the site was closed last year, 96 needles were found in the toilet facilities in 2022. In addition, used condoms, tin foil, razors, weapons and drugs were also found, though not to the same quantities.

11.3 If approved, the new public toilets will be designed to minimise the likelihood of criminal and anti-social behaviour.

### **Public health implications**

11.4 The importance of public toilets to public health is acknowledged and this investment in new public toilet facilities is in recognition of this.

## **Supporting Documentation**

### **Background documents**

1. [Public Toilet Update Report](#) presented to Environment, Transport & Sustainability Committee on 14 March 2023 (item 87)
2. [Public Toilets Report](#) presented to Environment, Transport & Sustainability Committee on 17 January 2023 (item 77)