

Appendix 1 – Response to the Publicly Accessible Toilets Scrutiny Panel Recommendations

No	Recommendation	Response
1	<p>The panel recommends that Brighton & Hove City Council develops an action plan for publicly accessible toilets in the city. This plan should be led by Cityclean, but draw on contributions from services such as Property & Design, Licensing and Planning where appropriate. While the plan is held by the council it will also be a partnership document which sets out how they will work with public sector partners, the community and businesses to maintain the capacity of this service. The action plan would cover both toilets owned directly by the council and other facilities which are publicly accessible, such as those in our Use Our Loos scheme. The action plan would come under the oversight of the Assistant Chief Executive, to ensure that all the relevant council services contribute to this plan.</p>	<p>Recommendation Accepted</p> <p>The provision of public toilets will continue to face budget pressures. The scrutiny has identified that the current provision in the city is good with the council topping the national awards for provision of public toilets. It has also identified the importance of good provision to residents and visitors to the city.</p> <p>The challenge is how to maintain provision, improve or change the provision through engagement with the business community, in particular the hospitality, tourism and health sectors. The question has been asked if/how provision can be extended, in particular in relation to the night time economy.</p> <p>The Action Plan will review the current provision of public toilets and as far as possible identify the resources required to retain provision and alternative ways of providing in future. The Action Plan needs to be flexible as any recommendations accepted in principle are subject to future challenge under the ongoing strategic review of our property assets and services.</p> <p>The scrutiny has identified a number of alternative options for future provision. The feasibility of these will be tested as part of the action plan which will inform if and how they can help reduce the pressure on the service in future.</p>

2	<p>The panel recommends that this action plan contains, or is based upon a business plan for the toilets which are directly owned by the council. This business plan would need to:</p> <ul style="list-style-type: none"> • Clarify what revenue and capital expenditure is required per toilet for the next 15 years. This should cover as a minimum the cost of management and day-to-day maintenance (including responsive maintenance and cleaning) and future planned maintenance. This should include in-house costs and contractor costs. This would enable the council to identify the most cost-effective way of managing these assets. • Clarify what was the cost of providing publicly accessible toilets in 2012/13, including both the capital and revenue expenditure and which service, and budget heading, is responsible for each key aspect of the service. • Ensure a stock condition survey is carried out by Property & Design of all the toilets directly owned by the council to identify a plan of future maintenance. <p>The information in the action plan would inform the strategic, and budget, decisions about publicly accessible toilets. It would enable decisions to be made in relevant areas such as:</p> <ul style="list-style-type: none"> • Investment 	<p>The time-scale for the completion of the action plan is June 2014.</p> <p>Recommendation Accepted in Principle</p> <p>Accurately projecting revenue and capital costs for the provision of public toilets for the next 15 years will be difficult. The main revenue costs are the servicing of the toilets by Wettons and utility costs. The Wettons contract will be re-tendered in 2017 and future costs will not be known until this exercise has been completed.</p> <p>The action plan will however inform the procurement process to ensure that as far as possible it meets the future needs of the service. The procurement process will encourage alternative models of service provision which have investment and income related outcomes to minimise the cost to the authority.</p> <p>Many of the council's public toilets are in old buildings which will require substantial investment if they are all to be retained for the next 15 years. The council's asset management plan & corporate property and building maintenance strategy sets out the process and priorities through which properties are reviewed and challenged to ensure they are fit for purpose . The property performance of operational buildings is evaluated on a decision matrix to identify properties for disposal, in poor condition requiring significant investment, unsuitable for current use and alternative/ change of use options. A high level stock condition survey is to be carried out on all the toilets owned directly by the council to assess their property performance and identify which buildings are fit for purpose and those requiring substantial investment. This will inform the future strategic and budget decisions about public toilets.</p>
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3	<p>The panel recommends that this action plan includes a statement of the council's commitment to enabling public access to toilets in its own properties.</p> <p>The panel believes that providing public access to the toilets in its own buildings should be the default position, where practicable and safe. So the suitability of providing public access to toilets should be assessed when the council either renovates an existing building or opens a new building. Where it is not possible to provide public access in a council building, a clear explanation of the reasons should be incorporated into the action plan.</p> <p>Where toilets in council buildings are publicly accessible, the panel believe that it is important that they are clearly signposted and advertised so that the public are aware that they can use these facilities (see p45).</p>	<p>As the council's current Wettons contract is a day to day management contract it does not support the long term maintenance of the council's public toilets stock.</p> <p>Where public toilets are located in main administrative buildings, libraries and the like, the buildings are covered by the council's planned maintenance programmes of work, prioritised through the corporate property objectives and building maintenance strategy. These look at the council's core operational buildings, those that contain the priority service functions, ensure maximum return, require minimum maintenance and have a large public footfall.</p> <p>It must be recognised that public toilets fall within the non-core service operational category:- an asset to be in a condition to meet minimum and statutory requirements.</p> <p>Where public toilets are located within the council's main office buildings it will look to support this provision where practicable and safe and this will be assessed on a case by case basis when these buildings are being refurbished and/ or extended. Provision where possible will review relevant signage, as part of the overall building business case which will focus on the significant costs associated with statutory compliance, health & safety, security issues and other relevant impacts on costs.</p>

		In a climate of acute financial constraints it is necessary for the council to look at its service priorities as a whole and to consider alternative public toilet provision through partnership investment, regeneration sites and local planning requirements.
4	The panel welcomes the intention of Cityclean to refocus the Use our Loos scheme in order to link it to the Can't Wait Card. The panel agrees with the service's plan to start by exploring the possibility of re-launching this scheme in partnership with GPs surgeries, then work to spread this scheme out across other suitable outlets in the city	<p>Recommendation Accepted</p> <p>The Council has been running the Use our Loo scheme for several years. It currently has 21 businesses and organisations taking part in the scheme. In 2012 a concerted effort was made to increase the number of businesses taking part in the scheme, however, the level of interest was low.</p> <p>The scrutiny panel heard evidence from small businesses explaining some of the issues that prevent them from joining the scheme.</p> <p>Officers will consult with colleagues in Public Health to explore use of the 'Can't Wait Card' to allow people access to their toilets as well as looking at other outlets.</p>
5	The panel recommends that effective consultation is carried out with service users before building new toilets. This is especially true when building toilet provision for people with disabilities, for example to ensure that the location and type of toilet will meet their needs	<p>Recommendation Accepted</p> <p>All new toilets will be wheelchair accessible and officers will work with stakeholders such as the Federation for Independent Living when designing new facilities.</p>
6	The panel recognised the importance of the Changing Places provision to provide toilets for those with profound	<p>Recommendation Accepted in Principle</p> <p>The panel recognises the importance of changing places toilets for</p>

	<p>and multiple disabilities. They recognise that the council is not likely to be able to provide any more Changing Places toilets itself, since they have built one of these toilets and are currently building another. So the panel would like to see Changing Places toilets, or other kinds of wheelchair accessible toilets, included where possible in private developments. The council should work with work with partners such as Network Rail to identify further funding opportunities to develop these kinds of provision. Examples include European Funds, organisational funds related to Corporate Responsibility and the City Plan. The aim should be, where possible, to situate such toilets in high use areas such as Churchill Square and railway stations.</p>	<p>people with profound and multiple disabilities. Installing these facilities is costly, has specific requirements eg in terms of space and need to have an attendant on site to allow access.</p> <p>As part of the action plan opportunities for funding will be explored and potential partners approached regarding the possibility of installing more Changing Places facilities.</p> <p>In the current economic climate funding opportunities for Changing Places facilities are likely to be limited.</p>
7	<p>The panel felt that evidence submitted to them highlighted a number of reasons why small businesses in the city, such as independent retail outlets, are not likely to be suitable for inclusion in the Use our Loos scheme.</p> <p>However the panel feel that it was important to explore whether other businesses, such as cafes and pubs, could be encouraged called upon to contribute to publicly accessible toilet provision</p>	<p>Recommendation Accepted</p> <p>Please refer to response to Action 4 above. Officers have actively tried to recruit businesses including cafes and pubs to the Use Our Loo Scheme but many of them are reluctant for a range of reasons which have come to light as part of the scrutiny. Based on discussions with businesses in the hospitality sector they wish to retain their toilets for the exclusive use of their customers.</p> <p>Officers will explore use of the ‘Cant Wait’ card to allow holders access to toilets in GP surgeries and other buildings (Action 4). Other businesses will continue to be encouraged to join the scheme although uptake is expected to be low.</p>
8	<p>Evidence to the panel demonstrated the impact of the night time economy and the potentially unmet needs that arise from it in relation to toilets. The panel understood why</p>	<p>Recommendation Agreed in Principle but implementation dependent on decision to implement levy by full Council and prioritisation of limited resources should it be implemented.</p>

traditional publicly accessible toilets were not open 24 hours, for reasons of cost and vulnerability to anti-social behaviour (ASB).

However the action plan should consider what kind of provision is needed after public toilets close and the ways of securing funding for this. Innovative ways of meeting the need could include temporary toilets or 'pissiors' The council should meet with the hospitality and retail sectors to explore if there are any means to grow night time provision. It is also crucial for the council, particularly Regulatory Services, to liaise with the police to assess the potential of the Late Night Levy

The decision to introduce the levy is for the full Council of the licensing authority to make. The licensing authority is expected to consider the need for a levy with the chief officer of police and police and crime commissioner ("PCC") for the police area in which it is proposed the levy will be introduced. When considering whether to introduce a levy, licensing authorities should note that any financial risk rests at a local level and should be fully considered prior to implementation. The levy may not generate enough revenue to make it cost effective to collect as a viable option. The Council as licensing authority can deduct the costs it incurs in connection with the introduction or variation, administration, collection and enforcement of the levy, prior to the levy revenue being apportioned. Before formal consultation the licensing authority should discuss the need for a levy with the relevant PCC and the relevant chief officer of police. The net levy revenue must be split between the licensing authority and the relevant PCC. The licensing authority must pay at least 70 per cent of the net levy revenue to the police. There are no restrictions on what the PCC's portion of the levy revenue can be spent on, in line with standard practice on the allocation of police funds. The Home Office recommends that the PCC should consider allocating the funds raised from the levy back to local commanders to allow the revenue to be spent on tackling alcohol-related crime and disorder in the area in which the levy was raised. The licensing authority will be able to retain up to 30 per cent of the net levy revenue to fund services it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy. Specifically, these activities must have regard to the connection with the supply of alcohol during the late night supply

		<p>period and related to arrangements for:</p> <ul style="list-style-type: none"> • the reduction of crime and disorder; • the promotion of public safety; • the reduction or prevention of public nuisance; or • the cleaning of any relevant highway or relevant land in the local authority area. <p>Identified local priorities include taxi marshalling and “Safe Space”. There would be competing priorities for limited funds, if the decision was made to introduce.</p>
9	<p>The panel recommend that the City Plan is updated to include a statement of priority regarding publicly accessible toilet provision. This is seen by the panel as a key means of securing new provision of this service. The City Plan could specifically outline the expectation that appropriate developments, such as large tourist developments or supermarkets, enable general public access to their customer toilets. This would not be additional provision, but designing the toilets which were already built so that they are publicly accessible</p>	<p>Recommendation Accepted in Principle</p> <p>A policy on the provision of public toilets will be considered for Part 2 of the City Plan work on which will commence towards the end of 2013.</p> <p>It may be more appropriate to include requirements for public toilet provision in development briefs for a specific location and scale of development.</p>
10	<p>The panel was pleased that the council had succeeded in leasing a number of park cafes to include either new toilet provision within the café building or to incorporate existing adjoining public toilets into the lease. This then releases funds to be used elsewhere on the toilet service. The panel recommends that the action plan sets out the intention of the council to work towards a situation where all park cafes take on the responsibility for the toilets, where this is practicable and would not jeopardise the leasing of the café</p>	<p>Recommendation Accepted</p> <p>Including the requirement to provide toilets in café leases is a cost effective way to maintain provision. This has been successfully achieved in Park, Wild Park, Aldrington Recreation Ground</p> <p>Locations will be assessed for suitability :- whether it is technically possible ie access to drainage or nearby sewers , footfall, the café opening times and the proximity of the toilets to the café. The</p>

		option will be evaluated for all sites as and when leases come up for renewal or when options for renegotiation arise.
11	The panel welcomed the toilet provision that was to be secured by the Community Interest Company, in the renovation of the Open Market, and expects other innovative, partnership solutions to be sought by the council to either improve, or increase, toilet provision in the city. Any programme of such schemes should be included in the action plan	<p>Recommendation Accepted in Principle</p> <p>Implementation of this recommendation is subject to incorporation of a new policy in the City Plan (see 9 above). Until or unless such a policy is in place implementation will be subject to voluntary co-operation and negotiation at the early design stages.</p>
12	<p>The panel recognises the importance of providing the best and most up-to- date information on the publicly accessible toilets in Brighton & Hove. The panel would like to see resources allocated for providing local data on this service to facilitate the collation of national or international online information. In addition, enabling VisitBrighton and other services to provide up to date information on this service to tourists and residents in a range of formats (for example social media, websites, apps and printed material if practicable).</p> <p>The panel also recommend that the signage to, and at, toilets is as clear as possible, while at the same time recognising the need to reduce street clutter and utilise existing ‘finger signage’</p>	<p>Recommendation Accepted</p> <p>There is a significant amount of information already available regarding toilet provision in the city:</p> <ul style="list-style-type: none"> • A list of facilities with opening times is available on line • There is a mobile phone app which holds a national database of public toilets includes facilities in BHCC and is regularly updated • Location maps in central parts of the city include toilet locations • On the sea-front ‘tear drop’ flags are used to highlight toilet locations, particularly on busy days. • Many pedestrian directional signs (including in parks) already contain information about toilet locations <p>Further work will be undertaken with partners including VisitBrighton to promote the locations of public toilets.</p>
13	The panel suggest that the council assesses the practicability of charging for toilets, either across the whole city or identifying any sites where it would be possible and/or	<p>Recommendation Accepted</p> <p>The council previously charged for toilets at the bottom of West</p>

	<p>worthwhile. This could involve examining areas such as the seafront or Pavilion Gardens where this model could work, rather than just individual sites as this may not prove effective. The assessment could be then be referred to when building new sites or renovating existing sites so that the necessary equipment could be fitted, if it was financially viable</p>	<p>Street on the sea front. A second attendant was required to collect the monies and the cost exceeded the income.</p> <p>Automated payment entry systems are now becoming more common, for example at stations. Their use is dependent on there being enough room to install them and ensuring the toilets remain accessible for wheelchairs and buggies. They do require an attendant for these reasons and are only cost effective at busy sites.</p> <p>Many of the councils current facilities would be physically unsuitable for the installation of payment barriers or require extensive modification.</p> <p>New toilets are being installed under the arches by the West Pier and the feasibility of and business case for installing charging mechanisms will be considered along with other sea front toilets and Pavilion Gardens.</p>
14	<p>The panel were impressed by the work of the BHLINK Toilet user group and hope that this kind of consultation with service users can remain under Healthwatch.</p>	<p>Recommendation Accepted</p> <p>Council officers work closely with stakeholders including BHLINK who provide valuable information</p>