

# OVERVIEW & SCRUTINY COMMITTEE

## Agenda Item 4

Brighton & Hove City Council

|                          |  |  |                     |
|--------------------------|--|--|---------------------|
| <b>Subject:</b>          | <b>Report of the Scrutiny Panel on Publicly Accessible Toilets</b> |  |                     |
| <b>Date of Meeting:</b>  | <b>15<sup>th</sup> July 2013</b>                                   |  |                     |
| <b>Report of:</b>        | <b>Head of Law/Monitoring Officer</b>                              |  |                     |
| <b>Contact Officer:</b>  | <b>Name:</b>   | <b>Karen Amsden</b>                      | <b>Tel: 29-1084</b> |
|                          | <b>Email:</b>  | <b>Karen.amsden@brighton-hove.gov.uk</b> |                     |
| <b>Ward(s) affected:</b> | <b>All</b>   |  |                     |

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

1.1 In 2013 a scrutiny panel was established to investigate the provision of publicly accessible toilets in the city. These 81 toilets consist of:

- 44 traditional council owned toilets
- 18 toilets in libraries, museums and leisure centres
- 19 toilets in the 'Use our Loo' community scheme

1.2 However this service is vulnerable in times of reducing resources because the provision and maintenance of toilets in public places is at the discretion of local authorities. Under section 87 of the Public Health Act (PHA) 1936, councils have the power to provide public conveniences, but no duty to do so.

1.3 There has been considerable debate regarding the future provision of public toilets during the budget setting process for a number of years. Therefore the key focus of this panel has been to consider the range of ways to bring into use, or keep, publicly accessible toilets.

1.4 The scrutiny panel report, including recommendations for making improvements in services directed to the city council and key local partners, is included as **Appendix 1** to this report.

#### 2. RECOMMENDATIONS:

2.1 That Overview & Scrutiny Committee members endorse the scrutiny panel report and recommendations (**Appendix 1**) and refer it for consideration to the relevant decision-making bodies.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In Summer 2012 Cllr Pete West asked for the issue to be considered as part of the annual consultation on potential scrutiny topics. He felt that because of the need for public access to toilets, at a time of dwindling resources, a scrutiny review could take '*...a strategic approach across all sectors*' to make the case for a publicly accessible toilet strategy for Brighton & Hove.
- 3.2 The panel agreed that the Terms of Reference for the panel was to consider:
- The future of the service
  - Future funding
  - Types of provision
  - Improving general access to the service
  - Improving access to this service for particular need groups
- 3.3 The panel gathered evidence on how important this service is for the following reasons:
- Environmental health reasons
  - Enabling those who need to visit toilets more frequently (e.g. families with young children; some older people; pregnant women and people with medical conditions and disabilities) to move around freely
  - Enabling residents, tourists and other visitors to enjoy the city and contribute to its economy

#### 4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 It was very important to the panel to hear from groups in the community which particularly depend upon publicly accessible toilets. Therefore a whole public meeting of the panel was held to hear evidence from people representing the following groups:
- **Mencap:** representing the Changing Places campaign for toilets to be sited which are suitable for people who needed a toilet which was provided with an adjustable bench and had sufficient space for both the person with disabilities and their carer(s)
  - **Parent Carers Council (PaCC):** on the experience of being a parent of a child with disabilities and using wheelchair accessible toilets in Brighton & Hove
  - **The Fed Centre for Independent Living:** on their views on the provision of wheelchair accessible toilets in the city
  - **Crohn's and Colitis UK, Brighton & West Sussex Group:** on how their condition impacts upon their need for publicly accessible toilets
  - **BHLink:** representing the views of the BHLink Toilet Users Group
- 4.2 In addition the panel received written evidence from individual residents, councillors in city centre wards, Crohn's and Colitis UK, Brighton & West Sussex Group and the BHLink Toilet User Group.
- 4.3 The scrutiny officer supporting the panel also attended two meetings of the BHLink Toilet User Group to canvass the views of service users.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 The financial implications from the reports recommendations will be highlighted when reported through to Policy and Resources Committee.

*Finance Officer Consulted: Anne Silley*

*Date: 03/07/13*

### Legal Implications:

- 5.2 In accordance with the Overview & Scrutiny Procedure Rules, once OSC has agreed the Panel's recommendations it will prepare a report and submit it to the Chief Executive for consideration at the relevant policy committee.

*Lawyer Consulted: Oliver Dixon*

*Date: 03/07/13*

### Equalities Implications:

- 5.3 An EIA has been undertaken in relation to the work of the scrutiny panel and the panel consulted with representatives of a number of key groups in relation to this service through the review process (see 4.1).

### Sustainability Implications:

- 5.4 None identified

### Crime & Disorder Implications:

- 5.5 None directly, but this service is affected by issues relating to Anti-Social Behaviour.

### Risk and Opportunity Management Implications:

- 5.6 None specifically identified.

### Public Health Implications:

- 5.7 The potential reduction in the provision of publicly accessible toilets could have a negative impact on the health and wellbeing of groups, including:

- Pregnant women
- Older people
- BME communities
- People living with disabilities

### Corporate / Citywide Implications:

- 5.8 The scrutiny panel makes recommendations which seek to meet two of the council's corporate priorities: Priority 1- Tackling Inequality (improving health and well-being) and Priority 2 – Creating a more sustainable city. The panel

recommendations also relate to the council's City Plan, Seafront Strategy and Tourism Strategy.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The scrutiny panel made its recommendations on the options to address the issues raised which 1) they agreed upon; 2) would prove the most practicable to implement and 3) have the most impact on addressing the issues raised in relation to publicly accessible toilet provision.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The scrutiny panel report makes recommendations which seek to plan for the future provision of publicly accessible toilets. If agreed, the recommendation of this cover report will ensure that the scrutiny panel recommendations are considered by the appropriate decision making bodies.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Report of the Scrutiny Panel on Publicly Accessible Toilets

### **Background Documents**

1. Volume 2: minutes and evidence gathered by the panel, available on-line following the publication of the scrutiny panel report