

Report to: Cabinet



Date of Meeting 12 May 2021

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Public toilet review - Right Toilet in the Right Place

Report summary:

Following a report to Cabinet in June 2020, relating to the additional cleaning required to ensure the public toilets were Covid secure compliant, along with the restriction on number of toilet blocks which could open because of resource limitations or physical building design; it was agreed that a longer term review of public toilet provision was needed that took account of the additional costs of cleaning for protection from viruses and building design alteration and investment to provide the right toilet in the right place, with good standards and a Covid secure hygienic design.

The recommendation from the June 2020 report built on work from previous service plans, where a review of our public toilet stock has been planned and is required to look both at costs related to closing our budget deficit (MTFP saving of £200k against toilet provision and overall budget deficit of around £3mil), and the quality of our facilities. Many require refurbishment. Capital investment has not taken place since 2014 whilst this review has been pending.

This report looks at East Devon's provision of public toilets, trying to set out some guiding principles to ensure we have the right toilet in the right place, whilst also acknowledging the need to review our level of operation to make it more sustainable in terms of budget, especially given the increased costs of enhanced cleaning and necessary building enhancements for protection from Covid and other future epidemics as well as changed hygiene standards. Consideration is given to our operating model and paid access facilities as well as levels of provision and quality.

Proposals have been made regarding the categorisation of toilets based on suggested Principles of Provision and levels of use, whilst acknowledging that we can't afford to operate all of our public toilets as we did before if providing enhanced facilities and meeting the savings suggestions needed for sustainable budget management.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet;

1. Agree the 'Principles of Provision' as the basis for the toilet review to ensure we have 'the right toilet in the right place'.
2. Agree the importance of public conveniences to tourism and the local economy and endorse that the Council;
 - a. focusses on the provision and support for Category A public conveniences at our key locations on the basis of the Principles of Provision, and
 - b. seeks to provide opportunities for others to take on Category B sites, and
 - c. offers Category C sites to Town & Parish councils if they feel continued provision here is necessary.
3. On the basis of Recommendations 1 & 2 agree to a consultation process as detailed in the report (Section 5) to inform decisions on the final category list and the Principles of Provision and ask the Overview Committee to review the consultation responses and equalities assessment and provide its views prior to a final decision being taken.
4. Delegate authority to the Portfolio Holder for Coast, County & Environment in consultation with the Portfolio Holders for Economy & Asset Management and Leisure Sport & Tourism and the Strategic Leads for Finance and Housing, Health & Environment to decide the final category lists and conclude negotiations with interested parties around Category B & C toilets;
5. Determine whether to install contactless paid access on the retained toilets to enable a future income (£200k p.a.) to help meet deficits and improve toilet standards.
6. Note that in-house operation is more cost effective than private sector operators and so resolve to continue operation on this basis.
7. Agree that for the toilets the Council maintains for others (Table 4 of Category A, B & C list);
 - a. that the service contract costs be increased to cover expenditure to achieve breakeven, achieving a predicted income of around £16,500.
 - b. should be standardised and full freehold transfer to the town or parish council offered and completed where appropriate.

That Cabinet recommends to Council;

8. Agree that a capital budget of £3.15 million be set as part of the 2022/23 budget for the re-build or refurbishment of all Category A public toilets (subject to the results of the consultation).
9. (If agreed) to set an additional £250k capital budget for the installation of contactless paid access equipment from 2022.
10. Authorise the use of the Transformation reserve to support enabling costs for any transfers - contribution towards legal / surveyor fees and the cost of splitting utilities to enable transfers.

Reason for recommendation:

To review the way we provide public toilets; ensuring we continue to maintain important sites whilst reviewing the provision at other sites and capitalising on opportunities for alternative uses; this will help deliver the savings detailed in our Transformation Strategy and Medium Term Financial Plan whilst protecting and improving a core stock of important public toilet sites.

The review also proposes to invest in toilets that are retained to ensure the right toilet in the right place, this is important since no capital investment has been made for a number of years. Many of the sites need updating to meet modern standards and expectations as well as incorporating Covid secure/improved hygiene design features.

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Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Medium Impact

The review may lead to some locations having less public toilet provision than now. Whilst we have been careful to ensure the suggested Category A sites would provide facilities in most cases within an 8 minute walk at the most; this could have an effect on some groups with disabilities, particularly those who need access to a toilet facility.

An equalities impact assessment should be undertaken following consultation and in taking account of its results.

Climate change Low Impact

Risk: Medium Risk; Reputational risk of reducing the provision of a valued public service. Many of our sites have not been invested in for 5 years plus, and so we have a lot of refurbishment to undertake. The financial impact may be too great if we were to refurbish all sites. Risk of not achieving the required saving from the medium term financial plan to help meet the budget deficit, requiring other services to be reduced. Risk of not concluding transfer negotiations on any blocks that might be suitable for such a transfer, thus incurring additional unbudgeted expense. If our facilities continue with underinvestment, it will reflect poorly on our good reputation as an efficient District Council striving for excellent services.

Links to background information:

[Cabinet report – Reinstating Streetscene seasonal resource and budget June 2020](#)

[Cabinet report – enhanced toilet cleaning budget March 2021](#)

[Category A, B & C site suggestions](#)

[Public toilet cost information](#)

[Public toilet water usage](#)

[Proposed PC layout types](#)

[Covid compliant unisex toilet cubicle](#)

[Danfo proposal](#)

[Danfo design option](#)

[Healthmatic contactless review](#)

[Healthmatic paid access door information](#)

[Cat A PCs Re-build Refurb costs](#)

[Cat B & C Re-build Refurb costs](#)

[British Toilet Association best practice guide](#)

[Axminster Public Conveniences map](#)

[Beer Public Conveniences map](#)

[Budleigh Salterton Public Conveniences map](#)

[Exmouth Public Conveniences map](#)

[Honiton Public Conveniences map](#)

[Seaton Public Conveniences map](#)

[Sidmouth Public Conveniences map](#)

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

1. Introduction

- 1.1 The pandemic has brought into sharp focus the need to tackle our long pending public toilet review, which has been on service plans for 6 years but postponed due to other priorities and because of its contentious nature. We already knew through our Medium Term Financial Plan that we needed to look at the overall costs of public toilet provision with a target of a £200k saving from this area to help address our overall budget deficit of around £3 million.
- 1.2 In 2019 a draft report regarding the public toilet review was discussed with the Administration at the time. It was agreed that the Careful Choices consultation of future potential service cuts would be conducted, the results of which would be used to guide how the public toilet review was taken forward. Due to changing political priorities and budget management enabling a balanced budget to be set for 2020/21, the toilet review was postponed.

- 1.3 In June 2020 we reported to Cabinet on the enhanced cleaning required to ensure our public toilets were meeting Government Covid secure guidelines (report – Reinstating StreetScene seasonal resource and budget under background links), which required an additional £76k in staffing to address. Along with this we highlighted the limitations of the out dated and often poor building design with regard to providing a hygienic and Covid secure environment now, and into the future. As well as the need to address our lack of capital investment into our public toilet stock as a result of the pending toilet review. Section 6 talks about the costs of re-building and refurbishing our public toilet stock. One of the recommendations of the report was that a longer term review of public toilet provision should be conducted, taking account of Covid cleaning costs and stock re-build or refurbishment costs for Covid secure and hygienic design. This report attempts to set out a framework for the review and takes account of the stock investment required as well as building design and confirming our intent to invest in the facilities we operate to provide the ‘right toilet in the right place’.
- 1.4 In the June report we estimated the cost of refurbishing all of our stock could be around £4mil. In section 6 we discuss the costs in more detail, which show the cost of refurbishing and investing in all of our sites could be as high as £4.94mil. This coupled with the revenue cost implications is felt to be financially unsustainable and hence why we should consider the review of what we are providing and where.
- 1.5 Prior to the pandemic we noted a national decline of public toilet provision, as many councils have faced the need to reduce service budgets and make difficult decisions for several years. Some UK high streets no longer have any council-run public toilets. Ten areas, including Newcastle, Merthyr Tydfil in south Wales and Wandsworth in south London, now have no council-run public toilets at all. This is due in part to continued cuts to local authority budgets; and whilst public toilets are a very important local service, they are not a statutory service. Councils are doing everything they can to keep public toilets open, including running community toilet schemes to enable pubs, restaurants and shops to make their toilets available to the public. East Devon District Council has tried such a scheme, but found uptake was poor and the establishments involved have all now pulled out due to inconsiderate use of their facilities. East Devon is very well served with 26 council owned public toilets and 4 further toilets the council cleans for others. Some of our towns have many public toilets and the toilet maps (background links) show how well served our towns are.
- 1.6 We currently have 20 public toilets open, 1 of which is not an EDDC block but are cleaned by us and 2 other sites which are being subsidised by town councils whilst we are operating enhanced cleaning - [Public toilets and Coronavirus information - East Devon](#) .
- 1.7 In March we reported to Cabinet requesting they approve a request for additional enhanced cleaning linked to the continuation of government Covid secure guidance until potentially March 22. In this report we comment on the reduction in complaints about our facilities whilst we have carried out additional cleaning, and whether the public will be content with reducing cleaning standards again. This is another budgetary factor to weigh up, we could not afford to operate this way at the currently closed sites if added back to our ‘live’ stock.
- 1.8 Whilst there have been a handful of local complaints about the inconvenience of some of our public toilets being closed during the pandemic, on the whole the open blocks have coped with the community need and we’ve had less complaints about the facilities as they are maintained to a higher standard. Even in the height of summer 2020 when we saw record levels of use at our Parks and Beaches, the toilets we had open were sufficient for most. So one has to ask if we know we need to invest significantly in re-building or refurbishing our outdated toilets for modern requirements, and we know we have a high number of toilet blocks compared to

neighbouring areas (in normal times), and the restricted sites we had open serviced the demand in one of our busiest ever summers; why when we must reduce service costs would we re-open all of them? Moving forward it would seem sensible to provide a smaller number of better provisioned and better maintained toilets, with other sites re-purposed (For example the Seaton Chine Hideaway café case study) and still providing some form of toilet access.

- 1.9 Particularly as the positioning or use of some public toilets are questionable. Our suggested categorisation (Categories list A, B & C sites under background links) discusses some of this, and water usage shows some blocks have a very low use compared to the sites in prime locations, or the ones currently open.
- 1.10 East Devon recognises that public toilets matter to everyone and that there are key areas where we should provide them, however as this is not a statutory service we must ensure we are doing all we can to reduce the costs of providing the service; reviewing the ways in which we provide it and the number of overall toilets we provide, particularly in locations where demand is less or alternative facilities exist; and ensuring we are able to continue investing in the infrastructure so they are modern, clean and fit for purpose.
- 1.11 Public toilet provision currently costs the council £895,230 a year (2019/20 budget used as subsequent budget effected by Covid costs). We receive £62k of income which reduces the net budget to £833,190. The total can be broken down as £473k of direct and staff costs, £263k of recharges and £158k of depreciation of the capital assets. There is also the capital cost of future investment requirements on these buildings to ensure they remain fit-for-purpose and generally of sound construction, this is further discussed in section 6. This provides 30 public toilet sites (26 directly owned and operated by the council and 4 maintained for others).
- 1.12 A saving of £40k has already been realised against this budget for 2021/22 due to the Government's change in business rate liability for public toilets. This savings has already been accounted for against balancing budgets and is separate from the need to save an additional £200k against public toilets.
- 1.13 Our current budget deficit for the 2022/23 budget year is just over £3 million, including the anticipated impact of Business Rates rebasing and NHB. The Medium Term Financial Plan as reported to Cabinet in January 2021 shows a planned future years saving of £200k from the toilet budget to help towards this deficit. Savings here will help protect other important council services. We have sought to suggest ways this saving could be made, as well as protecting a level of service provision, enabling future investment in the quality of toilets we continue to manage and also providing opportunities for betterment through category B (3.6) re-use options such as food and drink or amenity offers with some form of retained publically accessible toilet where possible.
- 1.14 It is very important that we continue to provide high quality public toilets for our residents and that we recognise they have an important role to play in our visitor economy; but that future provision is financially sustainable and that we are making the best uses of our sites. Continued provision at our current level is no longer sustainable. This review seeks to balance the savings requirement with protecting a level of toilet provision, enhancing and investing in retained stock.

2 Principles of Provision

- 2.1 In establishing where we should provide public toilets and why, it is first good to think about some principles to guide this provision. We have considered a number of factors in determining

how we should go about continuing to provide this important non-statutory service and produced the suggested Principles of Provision as below.

2.2 The overall objective of the council should be to provide high quality, modern facilities that are mainly located in town centers, tourist areas and parks which help support these areas. The council should look at other means of operating toilets and be concerned with overall levels of provision, but not necessarily direct provision in all cases. These principles have been used to steer this review and produce the suggested categorisation lists.

- a. **Charter standard** – public toilets to be maintained to a high standard meeting *British Toilet Association review* standards and capable of achieving National Toilet of the Year Awards. Toilets to be unisex open access cubicles where appropriate, but incorporate a male urinal and designated female cubicle where space allows. Incorporate Accessible/open access design standards, baby change facilities, water and energy saving, auto-locks and a long term investment plan (as adopted successfully since the 2004 toilet review). Investigation of changing places in large towns. Develop and publish a ‘Charter standard’ from service best practice and previous review work.
- b. **Access** – We will ensure all toilet blocks have modern clean facilities with disabled/open access for all (not limited by RADAR key) and baby change facilities. Investigate provision of adult changing facilities at a few key sites.
- c. **At least 1 per town** - East Devon will continue to maintain at least 1 public toilet for each town with a population over 5000, but won't be responsible for toilet provision in villages or some smaller towns as we can't afford to provide facilities everywhere. To assist Town & Parishes with their provision ‘peppercorn’ freehold disposal of some sites should be considered.

Provision in new towns – To be discussed on a case by case basis and if public toilets can be incorporated into other public buildings or attractions this to be pursued. **Cranbrook provision** is being discussed through the Cranbrook Strategic Delivery Board and is likely to be provided within a community building in the town centre.

- d. **More than 1 in some coastal or visitor attraction areas** - It may be appropriate to provide more than 1 toilet in some locations because of our visitor economy, for example where we have a prime park site or large beach.
- e. **Proximity** – A toilet within reasonable easy walking distance is an important consideration for most users. We will ensure at a minimum that there is a toilet block within an 8 minute walk at the most in town centre areas (600m radius of a town centre and/or seafront). This will be based on demand and facilities in other ownership. Where possible this radius should be 300m / 4 minutes reasonable walk. Walking times are calculated based on a 3 miles per hour walking pace. This is the UK average walking pace and the recommended walking speed used in many British standard design guides.

- f. **Community need** - Public toilets are important to support health, recreation and leisure activities in our towns and at nominated parks or beaches. We will try to match community need either through direct provision, business concessions or developments that incorporate public toilets or community toilets where toilets are provided by others but available to the public. If we transfer provision to others, or offer concessions (such as Seaton Hideaway Café) where toilet provision is incorporated into the business offer, we will ensure that publicly accessible toilets are maintained as part of the business concession. Standards of provision for these sites will be laid out in our Charter Standard.
- g. **Covid secure/hygienic design** – Following the pandemic and our risk assessment of toilet access and hygiene against the government Covid secure guidance it became obvious that we needed to alter the design and hygiene standards of our toilets. This design change will incorporate minimised touch points, sensor flushes and taps and easy clean surfaces to protect and minimise viral transmission now and in the future.

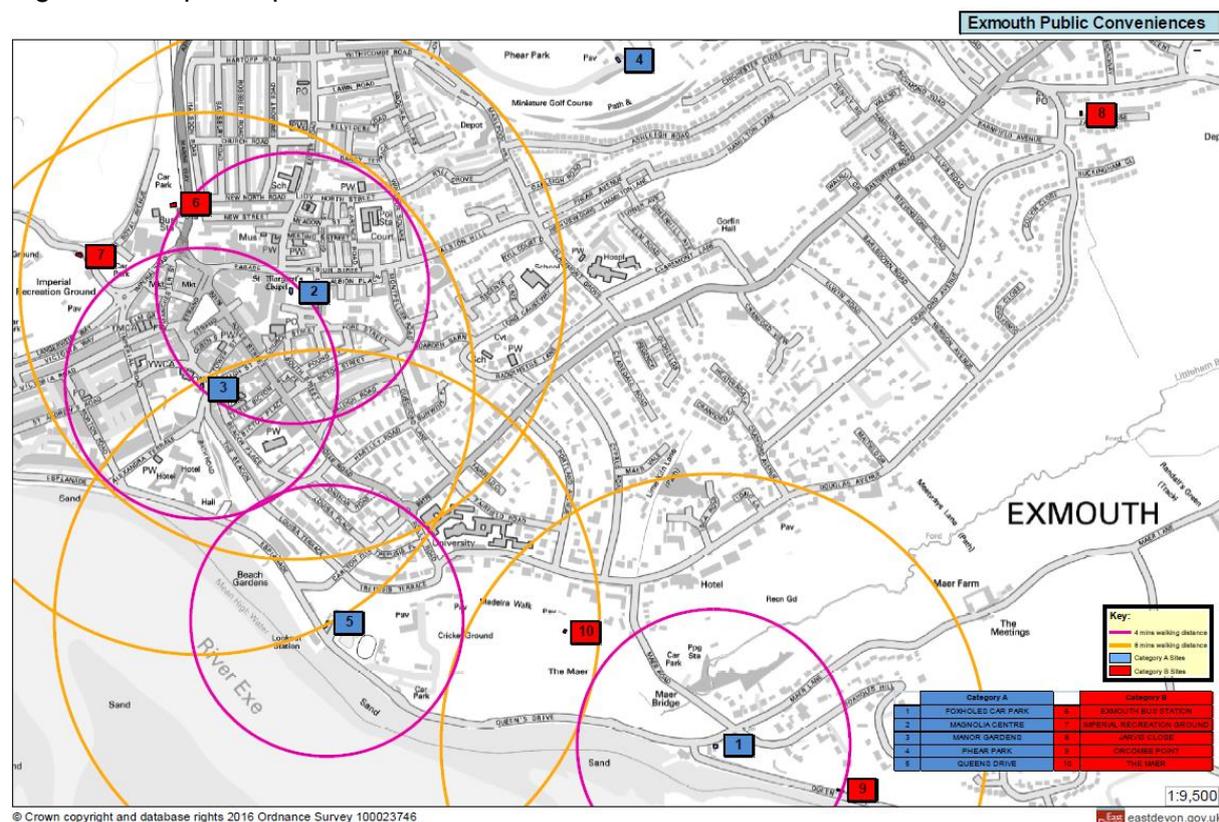
2.3 East Devon has informally used the charter standard and access principles as described above successfully since the 2004 toilet review, but will now produce and publish a charter so our standards are clear to everyone, this could be incorporated in a Public Toilet Policy.

2.4 We have considered these proposed standards in determining the proposed category A, B & C toilet sites, whether toilet blocks meet them already or how easily they could be upgraded. We've looked closely at the proximity and number of toilets in a given area before proposing potential toilet blocks which could be used differently.

2.5 We've also considered alternative methods of operation such as paid access. This could be added for a capital cost of around £2-3k per door for a simple system, and would break even in year 2. The contactless payment access would then allow us to cover some of the running costs of the toilets. This option would ideally be added to a streamlined stock in the future and is discussed further in section 7 as well as in detail in the background paper – [Healthmatic contactless review](#).

2.6 The Background papers section has a link to maps of our main towns with public toilet locations and walking distances marked on them. This is useful in showing how well served our towns are by current public toilet provision, and also that there is scope for operating some of these public toilets differently. We have used concentric rings to show walking distances of 4 minutes and 8 minutes respectively, as set out under the principles of provision. Please note the maps only show two categories, A & B. Some of the B locations have now been split into a further category C since the creation of the maps.

Fig 1 – Example map of Exmouth town centre & sea front:



3 Categorisation of toilet sites

3.1 We recognise the importance of the public toilet service, but also see opportunities in reviewing where we are involved in direct provision, freeing up some sites for alternative uses which could still include publicly accessible toilets. The opportunity for review applies particularly where there are many toilets or the toilets are less well used.

3.2 It is of vital importance to most people to be able to access a public toilet when out, within a reasonable walking distance of key areas such as a town centre, beach or large park, particularly for those who suffer from involuntary urination or have certain disabilities. It is of equal importance that these facilities are of a high standard, well maintained and easily accessible to all.

3.3 In some cases we should ask why East Devon is providing the public toilet, when other commercial operators could, especially if the toilet benefits their business. These are sensitive considerations, but as our budgets continue to reduce we need to think differently about provision.

3.4 In this review we've proposed to categorise our public toilets into Category A, Category B and Category C sites, the Categories list and which public toilets have provisionally been suggested in which category can be found under **background links – Category A, B & C list**.

3.5 **Category A toilets**– Important public toilet sites which underpin the community, visitor economy or town, in which we will continue to invest and maintain. These toilets will meet our Principles of Provision and be open in design, unisex where appropriate, easy to maintain, will have open access disabled facilities (not RADAR key restricted) and incorporate energy saving features. Where category A toilets do not currently meet these standards we will invest in them so they do. Category A sites will have a long term investment plan to ensure the facilities East Devon manages continue to be of a high standard.

3.6 Category B toilets – Still important locally, but less well used or where there are multiple toilets in close proximity (according to proximity maps and 4/8 minute walking zones). If a toilet has been listed as suggested category B it means we would look at other options for the use of the site. At sites identified as category B, we could consider marketing a lease opportunity for a different offer such as a café, to include a publicly accessible toilet, or market the asset for sale, depending on the options for each particular site. Town or parish councils wouldn't be precluded from bidding for these sites, but we believe category B sites offer good potential for an alternative use and therefore would attract a commercial value. These uses may in some instances still include a publicly accessible toilet operated by a third party.

3.7 Category C toilets – As above, but less well used or the area is well served by toilets. In these examples we don't believe there is a commercial alternative that could provide an income and publicly accessible toilet, or there is a desirability to sell the freehold. In these examples the toilet should be offered as a freehold transfer to the town or parish council to operate for a peppercorn and with overage provisions should the use subsequently change. It is acknowledged and accepted that a parish or town council might wish to remodel a building and East Devon would have no objection to them doing so, provided an appropriate toilet facility remained. No dowry should be payable due to our budget deficit. Under these proposals these toilets are over the level of provision as outlined in the 'principles of provision' and it can be considered that we can no longer afford to provide them. If the town or parish council did not wish to take them on, they would be closed, and in most cases demolished to provide additional car parking spaces.

3.8 If we progress the commercial opportunities for Category B sites (background links Category A, B & C), we can consider alongside straight disposal, the scenario of adding an amenity such as a bar or café, leased or disposed by the council, or indeed retaining as an investment whilst retaining a form of toilet provision operated by a 3rd party. The sites which can be used differently could generate a small income in addition to the £230k saving if all proposals are taken forward. A typical average rent for a small café lease would be around £5-10,000 p.a. although clearly the rent would depend on the premises.

4 Reviewing the public toilets to produce the suggested category lists

4.1 StreetScene, Property, Place & Asset and Finance teams worked together to gather the information needed for this review, forming a picture from several sources of information, and proposing the categories based on a composite of different factors.

4.2 Financial information for each of the toilets was collated to show the annual running costs and budget over a number of years, to include materials, consumables, maintenance, services and staffing. This piece of work was done when we had additional resource to look at asset costs. Figures were produced up to 2015/16. The costs shown against each toilet in the Category A, B & C list under background links for this report have then been adjusted for RPI to show current running costs. The financial information generally indicates how well used a toilet is, as it comes partly from the direct operating costs, which increase as use increases. The costs can also be used to indicate where a toilet is aging, when excessive repairs are required.

4.3 The **water consumption** information for each toilet has been used as an indicator of overall use of the toilets, combined with service knowledge from cleaners and supervisors. The water usage figures were then considered against the total costs and a check against the 'principles of provision' to determine the suggestions for the different categories. There is water consumption information against each toilet in the Category A, B & C List as well as a table of public toilet water use in descending order, both can be found under background links. **It is felt that the level of water use of each site generally supports the suggestions made by**

Officers of toilet categorisation (with some exceptions where other factors have also been considered).

4.4 **Site inspections and surveys** were conducted for each toilet to look at general use, situation and opportunities for alternative uses, as well as proximity to other public toilets and walking times between facilities. The intelligence gained from the site inspections was then cross referenced with the financial information, water usage and a check against principles of provision to produce the suggested lists for category A, B & C.

4.5 **Proximity maps** – following a site inspection the maps of the toilets were produced with concentric rings added to show walking distances to the toilets, this is discussed as a principle at 2.2.

4.6 **Suggested categories** - Where multiple toilets fall within a 4 or 8 minute walking ring, officers used professional judgement and the Principles of Provision to guide thinking along with quantitative factors (4.2 & 4.3) and possible alternative uses to produce the suggested category lists. The final suggested sites in each category can be found under background links – Category A, B & C sites.

Case study – Seaton Hideaway Café. This is a good example of what operation by others can look like, and how it can actually add something rather than the perception of toilet closure taking something away. **A triple benefit of improving the local visitor economy, bringing an income through a lease and reducing East Devon’s operating costs.**

EDDC operated large but underused toilets at the Chine, Seaton, along with there being an old fashioned and small café. Nearby are West Walk Toilets, recently refurbished and adhering to our Principles of Provision. When the existing café lease holder retired, we took the opportunity to offer the whole building footprint to prospective bidders, including the toilets. What we have now is a much larger and more vibrant café with a smaller number of publicly accessible toilets operated by the café. Overall the café has been improved by increasing the internal footprint, and is now operating as a very successful and vibrant local business. Toilet provision in a reduced form has been retained.

The Chine toilets used to cost £15,000 - £18,000 per year to operate. The improved café with retained public toilet provision no longer costs East Devon to operate and now brings in an income, whilst benefitting the local economy and visitor economy (pre-pandemic).



4.7 We have tried very hard to apply some logic to a subject that understandably different groups of people will have different views on. We have tried to show that we understand that this service is important to people, and that we recommend a level of continued service is protected

and applied consistently, at the same time recognising the need to review service levels in order to reduce our budget deficit.

4.8 To acknowledge the importance of public conveniences to tourism and the local economy it is recommended that East Devon District Council focusses on the provision and support for public conveniences at key locations based on the assessment as outlined above for Category A toilets. Then seeks to provide opportunities for others through Category B sites and offering Category C sites to town & parish councils if they feel continued provision here is necessary.

4.9 We have looked at the use of our public toilet stock and categorised the toilets as shown in the background link document; Category A,B & C site suggestions. The category A toilets are well used and adhere to the location/proximity principles of provision. The refurbishment of these sites to meet access and hygiene principles is further considered in section 6. 14 sites from a total of 26 council owned sites. We suggest that we should continue to invest in and protect the provision of these category A toilets so that the public can still access this important service, drawing up a schedule of investment and refurbishment, discussed further in the finances - section 6. The toilets in suggested categories B & C are presented as sites either having alternative uses, commercial opportunities, asset sale or transfer to town and parish council. These should be discussed further by Cabinet and consulted upon.

5 Category B & C sites – opportunities for commercial concessions, asset sale or transfer to town & parish council – a consultation.

5.1 Where the site survey or usage indicators showed a public toilet didn't meet our suggested principles of provision, or where there was a proliferation of public toilets in an area; we have identified the site as a category B when we think there are opportunities possibly for alternative uses with publicly accessible toilets (café, bar, shop) or for asset sale. As stated at 3.7 we should discuss whether we can any longer afford to provide these toilets and whether other alternative uses could bring a benefit as well as retaining some toilet access, as with the Hideaway café case study, or whether Towns & Parishes could take over the running.

5.2 In these examples we recommend marketing the sites for alternative uses as shown in the Category A, B & C site suggestions list. Marketing specifics would be drawn up with the Property, Place and Assets team and relevant Portfolio Holders subject to the results of consultation. Public toilet provision by East Devon would cease at these sites from a future date to be determined through the budget setting process. Negotiations for uses such as cafes, bars or shops would continue past this point. The Chine café in Seaton was vacant without toilets for 1 year whilst negotiations were concluded.

5.3 Category C sites will be confirmed based on the suggested sites following consultation and we would need to cease provision at these sites from 1st April 2022. Negotiations with town and parish councils should be concluded to allow them to take over provision if they wish ahead of this date. Consideration could be given to extending the handover period, however it must be noted that this will directly affect our ability to meet the savings targets for the 2022/23 budget deficit.

5.4 Whilst ideally we would have concluded the consultation and fixed the lists before offering up some of these sites for lease/alternative uses or to towns and parishes, the timescales to make the required savings for the 2022/23 budget gap make this difficult. As such, alongside the consultation we will provide a document setting out our approach to these transfers – why we are proposing the changes, the basis of transfers, that there would be no ongoing monetary support, what information we'll provide re costs/ utilities etc. and what will happen if a transfer doesn't happen.

- 5.5 We'll also need to circulate a standard set of heads of terms and have considered for each site the extent of demise being offered. We'll have to consider user covenants and overage. Reports on Title will also be required to ensure we can transfer title and bring to the attention of other parties any restrictions in Title.
- 5.6 We also need to consider whether we'll contribute towards legal / surveyor fees and the cost of splitting utilities. It would seem reasonable to do this to enable transfers and it is suggested this cost be covered by the transformation reserve. However it is recommended that we would not make payments to reflect future investment requirements.
- 5.7 If we are to conclude the consultation and consider the results to enable decisions to be in place for the 2022/23 budget year, it makes the timescale very tight. To complete by 31st March 2022, we will need towns and parishes to have made their decisions by 1st November 2021 and Members and Officers to have considered the consultation results to conclude the final category lists to enable 5 months for the legal work to be done (1st December 2021 at very latest). We will therefore need to issue draft heads of terms by 1st August 2021 to town and parish councils with the proposed category list consultation papers so they can consider if they would be interested should the toilets in the current proposals remain in said categories.
- 5.8 The consultation has been drafted and subject to Cabinet approval of the recommendations will be finalised and agreed with the Portfolio Holder for Coast, Country & Environment. It will then be sent out to all Ward Members ahead of being issued to town and parish councils along with the heads of terms and information packs, and will also be publicly available on our website. It will include the principles of provision, the toilets in the A, B and C category lists and ask for feedback on the ideas and suggestions. The consultation would be open for 2 months, with the results used to reflect on the final category lists and Principles of Provision.
- 5.9 Due to the tight timeline it would be good if Cabinet could delegate the review of the consultation process and content, along with a review of the equalities impact assessment to the Overview Committee to assist in getting wide Member input into these.
- 5.10 Following the consultation an equalities impact assessment will be finalised and the feedback from the consultation considered. It is recommended that given the tight timescales, delegated authority be given to the Portfolio Holders; Coast, Country & Environment and Economy & Asset in conjunction with the Strategic Lead Finance and the Strategic Lead – Housing, Health & Environment to consider the consultation feedback and agree the final category lists before concluding any negotiations and transfers with town and parish councils and other interested parties; finalising the toilet review in a way that delivers the required savings and protects a sustainable level of future provision.

6 Finances & investment in toilet design/refurbishment

- 6.1 If the categorisation of public toilet stock is accepted and the facilities EDDC operate reduced to 14 sites, the saving against our revenue budget would be in the order of £230k. This does not take account of other costs associated with legal conveyancing, utilities disconnection or additional costs associated with enhanced cleaning.
- 6.2 In reviewing our public toilet stock, to provide the right toilet in the right place, with modern standards, clean and attractive facilities we have produced the indicative design shown under the background information section – [Proposed PC layout types](#). The schematics follow the design criteria listed in the Principles of Provision. **Front opening unisex facilities with designated male urinal and female only cubicles where space allows**, providing the safest and easiest to clean facility and follows British Toilet Association best practice, with spacious cubicles. This is also the type of facility favoured by private sector suppliers such as Danfo and Healthmatic, and reduces the space and 'cover' for anti-social behaviour.

- 6.3 The design incorporates the Covid secure/hygiene standard from our Principles of Provision, these can be seen in the background information link – [Covid compliant unisex toilet cubicle](#). The measures include; Sensor activated flushes, automatic hand washing and drying appliances, front opening cubicle, timed auto door lock, wall mounted hand sanitiser, social distancing/warning signage and information signs and posters as standard. Enhanced cleaning through the pandemic has led to far fewer complaints from the public, and we believe this improved hygienic design will have a similar effect.
- 6.4 Our Property & Facilities Team who produced all the design schematics in consultation with StreetScene who manage the facilities have surveyed all the sites and produced the following cost estimates based on rebuild or refurbishment costs for the Category A sites as appropriate – [Cat A PCs Re-build Refurb costs](#). As none of the sites have been invested in since 2015, an investment schedule is now felt to be overdue. The total capital cost of the works required is estimated to be around **£3.15 million for the 14 Category A sites, plus 2 additional sites**. The additional sites – Bus Station Exmouth (Cat C but linked to motorhome project) and Harbour Rd Seaton (Cat B) are currently being funded by the Town Councils and have been included in the rebuild cost for information only.
- 6.5 It is recommended that an appropriate capital budget be agreed and a request made to Council to set this budget, building it into the 2022/23 financial year for the investment into our Category A sites (once the consultation has been completed). Furthermore adult changing places should be investigated with installation if possible in the largest town(s). The Service Lead – StreetScene and Service Lead – Place, Assets & Commercialisation in consultation with their Portfolio Holders will then plan and carry out the resulting works from the 2022/23 financial year, focussing on the sites with the most pressing need and aiming to complete all upgrades within a 2 year period.
- 6.6 It is not felt that it is prudent or financially affordable to upgrade all of the existing public toilet stock, especially the bottom quartile of the usage/water consumption list (unless another Principle of Provision factor takes priority). The total **capital cost would rise by £1.79 million to a total of £4.946 million** if all public toilet stock was retained and invested in. For debate the **average cost per toilet block for re-build/refurb is £190,238**. We have suggested the category lists based on qualitative and quantitative factors, and changes to these should be founded similarly, as any additions will increase the potential capital budget burden and reduce the possible revenue savings at a time when the Council is facing a large budget deficit.
- 6.7 There is £110k of basic work required to the currently closed Category B & C sites to make them Covid secure/hygiene compliant if there was a pressing desire to re-open these sites without initial wholesale refurbishment. Re-opening these sites would also cancel out any potential revenue saving, and with our current enhanced cleaning regime, would significantly increase costs. At Cabinet in June 2020 in relation to the [report on re-opening public toilets](#), it was decided it was financially un-viable to do this for the time being.

7 Paid access and other operating models

7.1 Officers have contacted both Danfo and Healthmatic, industry leading providers of serviced public toilet provision and low maintenance public toilet replacement/refurbishment to gauge private sector operation as a cost comparison with our own and also to understand if investment through this contracted route could provide better value to the authority.

7.2 **Comparison table of Danfo and Healthmatic indicative prices against EDDC operation for 14 sites.**

Cost area	EDDC	Danfo	Healthmatic
Cleaning & maintenance of 14 sites	£115,793*	£242,000	£288,235**
Paid access solutions	N/A	£250-275k	£200k+

*EDDC cost adjusted for building overheads as per 7.4 below.

** Healthmatic costs include capital investment and reduce each year as outlined at 7.5.

7.3 Danfo provided an indicative cost of **£242k** for the cleaning and maintenance (excluding vandalism, facility costs and utilities) of the 14 Category A sites. The 14 sites were used to aid comparison. No figures were discussed for capital investment and refurbishment, and further clarity needs to be sought on this depending on the direction we take.

7.4 With regard to pay-to-enter mechanisms, Danfo offered 2 options. A) EDDC provide the capital funding for this and all revenue generated is returned to the council to help of set the running costs of the toilets. B) Danfo provides the capital investment, for upgrading facilities and paid access, which would increase the service cost (no figure yet provided) to repay the investment. We would then enter into a contact for the service (including refurbishment), typical length 10+ years to allow Danfo to recoup investment. More information on their proposal can be found at background information – [Danfo proposal](#) and [Danfo design option](#).

7.5 Healthmatic's cost is initially **£288k** pro-rata for the 14 sites (price provided for 17). This price for the operation of the sites includes a £1.5mil capital investment as well as retaining any income from paid access, estimated at £200k. The suggested contract length here is 15 years, if the contractor is going to do the refurbishment at their expense, then the contract needs time to payback down the capital and this is the duration Healthmatic are advising. This does tie us to this provision and also limits future investment in the facilities. Alternatively we could provide the capital, which could reduce the contract length to around 5-7 years.

7.6 Healthmatic say in their paper – background information – [Contactless review](#), that In East Devon, they anticipate it will be mainly visitors who pay (they estimate 65% across the area of the 1m or so users), and this **will earn the Council somewhere between £120,000 and £250,000 per year depending on the charge**. It will reduce vandalism, reduce the numbers of users and improve the accessibility. It also will bring income which can be invested in services.

7.7 Healthmatic make the following key points about paid access:

- No. Users of the 17 toilets in a typical year – estimated 1m
- Reduction in paid usage if charging introduced – 50% (this helps reduce running costs)
- Optimum contactless charge per use – 40p
- Target revenue - £200,000 at 40p
- Contactless costs to install (if Disabled toilets included) - £200,000
- Cost per annum paid to contactless provider (Nayax) – approximately £13,000
- Capital costs of installation (if provided by EDDC) should pay back after 13 months
- Can we (the council) or should we charge for access unless sites are updated and renovated.

7.8 EDDC In-house provision costs £350,890, this excludes depreciation for a better comparison with private sector providers. However our own costs do include utilities, overheads and building costs/direct costs (insurance, infrastructure etc.), which the private sector prices do not. This accounts for an average of 67% of our total cost. Our price is shown reduced by this percentage for comparison purposes at £115,793. The background for our costs can be seen in background links – [public toilets cost information](#). This was put together in 2017 when we had a specific resource to do this work, it has since been uplifted for RPI. Our actual costs that

make up our annual budgets are current costs and tracked within our financial systems, we currently lack the resource to pull out the information and interrogate it in a format to present updates, and hence we are using the 2017 data with RPI uplifts.

- 7.9 As our in-house service cost is cheaper than the indicative prices supplied it is not recommended to pursue a private sector operator model. Additionally as the council can borrow capital funds at a better rate than the private sector it is also envisaged that the council should invest in refurbishment of our public toilet stock, rather than doing so through the private sector. If Cabinet should wish us to investigate operation by others in more detail, we could undertake a contract procurement or market test to better understand the costs and terms.
- 7.10 Seeking leading industry views on methods of operation and facilities along with some indicative pricing has been invaluable in sense checking our own officer's views and ensuring we are achieving best value for our residents and visitors. The Healthmatic contactless review particularly gives another opinion on some of our sites, but generally concords with our own thoughts. Both Danfo and Healthmatic's public toilet designs and access information are very useful for our refurbishment programme moving forward and consideration of paid access.
- 7.11 The potential income from paid access would help us off-set running costs and protect service provision. Along with this we are advised it will reduce vandalism and running costs. During the pandemic our enhanced cleaning has led to far fewer complaints, and even compliments of public satisfaction. The elevated staffing needed to achieve this is not sustainable financially, but paid access could have the same effect on cleanliness and satisfaction. For these reasons it is recommend that Cabinet consider the inclusion of **contactless paid access** into our refurbishment programme, setting the fee between 30p-40p. **An additional capital budget of £250k should be allocated for this and recommended to Council.** The annual income of around £200k (at 40p) will further assist the sustainability of public toilet provision and help us tackle our budget deficit.
- 7.12 Paid access **installation on the entire toilet stock** (open and currently closed) is **not a prudent step** and counter to the advice of both Danfo and Healthmatic as well as our own officers. However for the purpose of debate, the **average cost for paid access at a block** taken from Healthmatic's report (actual cost depends on style and number of doors) is almost **£12k**. The ROI would be much reduced at the lower use sites, and if one is to apply a charge, the facility must be in good order. So as 6.6 refurbishment of the blocks would be needed.

8 Table 4 – Toilets leased and cleaned for others

- 8.1 The toilets shown in appendix table 4 of the Category A, B & C site list are toilets which have either been leased to others following the 2004 toilet review; or are toilets cleaned for others. The table shows the detail.
- 8.2 In the case where we are maintaining or cleaning the toilets for another party, it is recommended that the service/contract costs for this be increased so that we are covering costs, and the council is no longer incurring costs for toilets which were agreed to be disposed of under the 2004 review.
- 8.3 Where these toilets have been leasehold transferred it is recommended that they be standardised and wherever possible be freehold transferred to the current lease holder for a peppercorn. The rational for this is that the council has already decided these toilets should no longer be maintained/paid for by East Devon District Council.

9 Conclusion

- 9.1 We recognise that public toilet provision is an emotive subject and an important service. It is however non-statutory and costs almost £900k per year including recharges. With budget pressure from reducing government grants we must look at transforming how we operate services, and our medium term financial plan sets out targets for savings from different ways of operating.
- 9.2 This review is looking to ensure East Devon continues to provide high quality public toilets in a sustainable way, but also recognising in some situations other methods of provision might be appropriate, indeed beneficial to the public, particularly where there are multiple toilet blocks or toilets are less well used and some sites could add a café, bar or other commercial offer.
- 9.3 We recognise it is of vital importance to people to be able to access a public toilet when out, within a reasonable walking distance of key areas such as a town centre, beach or large park.
- 9.4 It is not our intention that all proposed category B sites will result in the loss of toilet provision, rather we want to find concessions or operators who will continue to provide public toilets; but as with the Seaton Hideaway café example, the toilet provision will be smaller and the café improved.
- 9.5 The potential saving of up to £230k will only be delivered if East Devon stops maintaining the toilets at all category B & C sites. This saving does not take into account the costs of negotiations, legal fees, TUPE considerations, other transfer costs (empty rate liabilities) if not disposed/occupied quickly or redundancy costs which may result if toilet numbers are reduced. Recharges will need to be reduced accordingly, with corresponding back office saving. In conjunction with this saving, an income of around £200k per year could be realised if contactless paid access is installed.
- 9.6 The re-build and refurbishment costs shown in section 6 should be committed in principle and then built into budgets through the 2022/23 budget setting process to ensure the public toilets we continue to maintain are fit for purpose, Covid secure/hygiene standard compliant and 'the right toilet in the right place'.

Financial implications:

The report details the financial position of the Council and the need to reduce net costs. The Medium Term Financial Plan shows a budget gap of £3.010m in 2022/23 and a further £1.243m in 2023/24. Of this total £4.253m funding gap, £3.1m relates to business rate and New Home Bonus funding changes by Government.

The public toilets annual budget is significant as detailed in the report and if not managed differently will increase further along with the identified need of significant capital investment to provide toilets suitable for the future. This is an area of spend where the Council has considered costs can be reduced and an alternative, if not better service provided. A £200k saving was targeted a few years ago but the Council's MTFP gap has increased since then, this is a large area of spend and the report gives options for members to make a significant step in helping to balance the Council's budget. Officers will struggle to bring other such significant saving proposals forward whilst still being able to maintain a service. From a financial perspective it is important the Council start making these important decision and steps.

Legal implications:

As the report identifies the provision of toilets is a discretionary service and therefore the Council is able to decide whether it wishes to continue with the provision of public toilets and if so how. In coming to a decision it will be necessary to comply with the public sector equality duty and ensure that appropriate related impact assessments are carried out informed by appropriate consultation. Otherwise the approach advocated / options presented are within the Council's duties and powers and represent a reasonable approach to working through the issue bearing in mind the relevant timescales.