

Report to: Cabinet



Date of Meeting 1 December 2021

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## **Public Toilets Review – Consultation results and Categorisation proposal**

### **Report summary:**

In May Cabinet debated a report on reviewing our public toilets and agreed to the principles of the review as set out in the May report, and the proposed categorisation of our public toilet stock and potential re-use of sites that were not category A (which EDDC would continue to maintain).

The proposed categorisation, guiding principles and rationale for the review were subject to public consultation to inform decision making on the categorisation, investment and if closures of toilets were to be made.

This report sets out some of the headlines of the results of the consultation, issues raised and considerations to address some of the concerns expressed, along with an equalities impact assessment (EIA linked under background papers) which considers the effect on those affected by this review and possible mitigation to address impacts. The suggestions in this report have been reached after taking into account all the views expressed from individuals, equalities groups and town & parish councils and weighing these against the difficult reality that; we need to invest in our public toilet buildings, but can't afford to do this across all 27 sites, we can't afford to continue running everything as we have done, we have a budget deficit to address and a legal duty to set a balanced budget so some savings must be identified from somewhere.

Cabinet is being asked to consider the consultation responses and results and the EIA (linked under background papers) to assess the implications related to the proposed categorisation of our public toilet stock, take account of the recommendations from Overview and debate the issues raised and then decide on the recommendations in relation to the categorisation and route forward as set out in this report; to provide improved public toilets with investment where we retain them, seek alternative uses at some sites and conclude negotiations with interested parties for the sites we are suggesting we can no longer afford to run. If the proposals are ultimately agreed, the intention would be for the proposed Category B to be marketed commercially, but with consideration to community uses and lease conditions protecting toilet access where possible. The Category C sites where transferred would be on the basis of the heads of terms set out in the consultation. The toilets shown in appendix table 4 from the May report will also be standardised following the completion of this process.

This is a difficult decision, however we can no longer afford to provide everything as we have before, and these proposals seek to set out a sustainable way forward that protects a level of public toilet provision and tries to reduce the impact at those sites that we suggest East Devon can no longer provide directly. These proposals will help preparations for setting a balanced budget in 2022/23 and meet our required medium term financial plan saving against public toilets. A failure to achieve this service rationalisation and saving against an important but discretionary service, will require cuts across other service areas such as parks and gardens, planning support, countryside, culture or the delivery of revenues and benefits support.

**Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

**Recommendation:**

That Cabinet;

- 1) Approve the proposals and the categorisation of the public toilet stock outlined in section 4 together with the specific mitigations (in section 4.6) to protect access.
- 2) For the 8 sites to be confirmed as (section 4.10) and the 6 sites where further discussions are required to confirm categorisation (section 4.12), 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 complete negotiations with interested parties (including the Towns and Parishes) and to complete the related documentation to affect transfers (including the mitigations set out in section 4.6).
- 3) Decide on whether to implement paid access at Cat A toilet sites.

That Cabinet recommend to Council;

- 4) that the Transformation Reserve be used to fund the Cat B & C sites where an alternative use is proposed, allowing them to remain open until these transfers are complete (for up to a year as set out in 5.10) to minimise the impact of closed public toilet sites on those with protected characteristics.
- 5) that the Transformation Reserve be used to assist with legal and transfer fees for town or parish councils taking on the running of any B & C sites through this review.

**Reason for recommendation:**

A review of our public toilet stock and investment in its buildings is overdue, and now necessary due to our budget deficit and proposed medium term financial plan saving against the provision of the public toilet service.

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Portfolio(s) (check which apply):

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

## **Equalities impact** High Impact

Please see the attached Equalities Impact Assessment under background links which details the impacts on those with protected characteristics and proposed mitigation.

## **Climate change** Low Risk.

There will be some carbon emissions involved in demolition of any sites without re-use or through the building works to fit out as a refurbished toilet or alternative use. Building tenders should consider ways to minimise the carbon footprint and take every opportunity to install energy saving technology such as PV and water saving devices.

**Risk:** High Risk; The risk of doing nothing is we cannot afford to maintain all sites and won't be able to invest in the facilities to ensure they are fit for purpose. If we do nothing we will also risk not being able to set a balanced budget for 2022/23. Risks are explored in more detail in the report.

## **Links to background information**

- [Cabinet Report – Public Toilet Review - Right Toilet in the Right Place - 12 May 2021](#)
- [Equalities Impact Assessment – Public Toilet Review](#)
- [Full general public consultation results](#)
- [Town & Parish Council results summary](#)
- [Equalities response summary](#)
- [Public Toilet Review Consultation Questionnaire](#)
- [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)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

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## **Report in full**

### **1 Background**

1.1 Following a report to Cabinet in May 2021 (background papers), Cabinet agreed that a review of our public toilets was required as it had long been avoided and was now overdue since there had been no investment in our toilets since 2014 with many of poor quality and requiring investment, furthermore the review was needed to improve the quality of the public toilets we have, look at how else they might be run and reduce the costs of the service to deliver a saving towards our MTFP shortfall of £700k to help set a balanced budget in 2022/23.

1.2 Cabinet resolved that the Principles of Provision – as detailed in the May 2021 Cabinet report, be used as the basis for the toilet review, as well as agreeing the importance of public toilets

to tourism and the local economy. In passing, and in accordance with the May 2021 decision, the intention is that the Council will pursue the following actions for the toilets the Council maintains for others (Table 4 of Category A, B & C list background papers, May Cabinet report); that the service contract costs be increased to cover expenditure to achieve breakeven, achieving a predicted income of around £16,500 and arrangements should be standardised and full freehold transfer to the town or parish council offered and completed where appropriate.

- 1.3 Cabinet endorsed that East Devon 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.
- 1.4 Cabinet then resolved that a detailed public consultation should be conducted to inform the final categorisation, with Overview reviewing the results of this before a final decision is taken. Overview will be considering a very similar report at its extraordinary meeting on 25<sup>th</sup> November and any recommendations from that meeting will be reported to the Cabinet in order that those views can be taken into account by Cabinet when considering the matter.
- 1.5 This report sets out the key information and statistics from the consultation and suggest mitigations or considerations for the Council to consider before determining how the review is concluded.
- 1.6 The full consultation responses are linked under background papers and have not been recreated in full in the report, please ensure you review the consultation summaries. This report instead seeks to highlight the themes, important statistics and a general review of what the consultation tells us.
- 1.7 We ran an open to all public consultation on our proposals for public toilet review for 2 months through August and September 2021. We also sought the views of our Town & Parish Councils. We received almost 1300 responses, which is an exceptional response rate to such an engagement. The consultation was available online, publicised through several media releases and regular social media posts and also available in paper format. The consultation questionnaire is linked under background papers and showed the range of questions we asked, designed to gain wide-ranging views on our proposals, the impact of these on our communities and any alternative ideas.
- 1.8 In addition to this we consulted with a number of equalities groups following an invitation sent to 25 well known East Devon voluntary, community and social enterprise groups that work regularly and closely with people with protected equalities characteristics. A summary of the group discussion has been reviewed along with a letter from Devon Link Up, a local learning disabilities group in the completion of the EIA and this report in order to gain the widest input of views on our proposed rationalisation and improvement of public toilets as possible.

Cabinet should consider and have regard to the consultation responses, the equalities impact assessment, the full content of this report and the recommendations from Overview when considering their decision in this matter.

## **2 Consultation results**

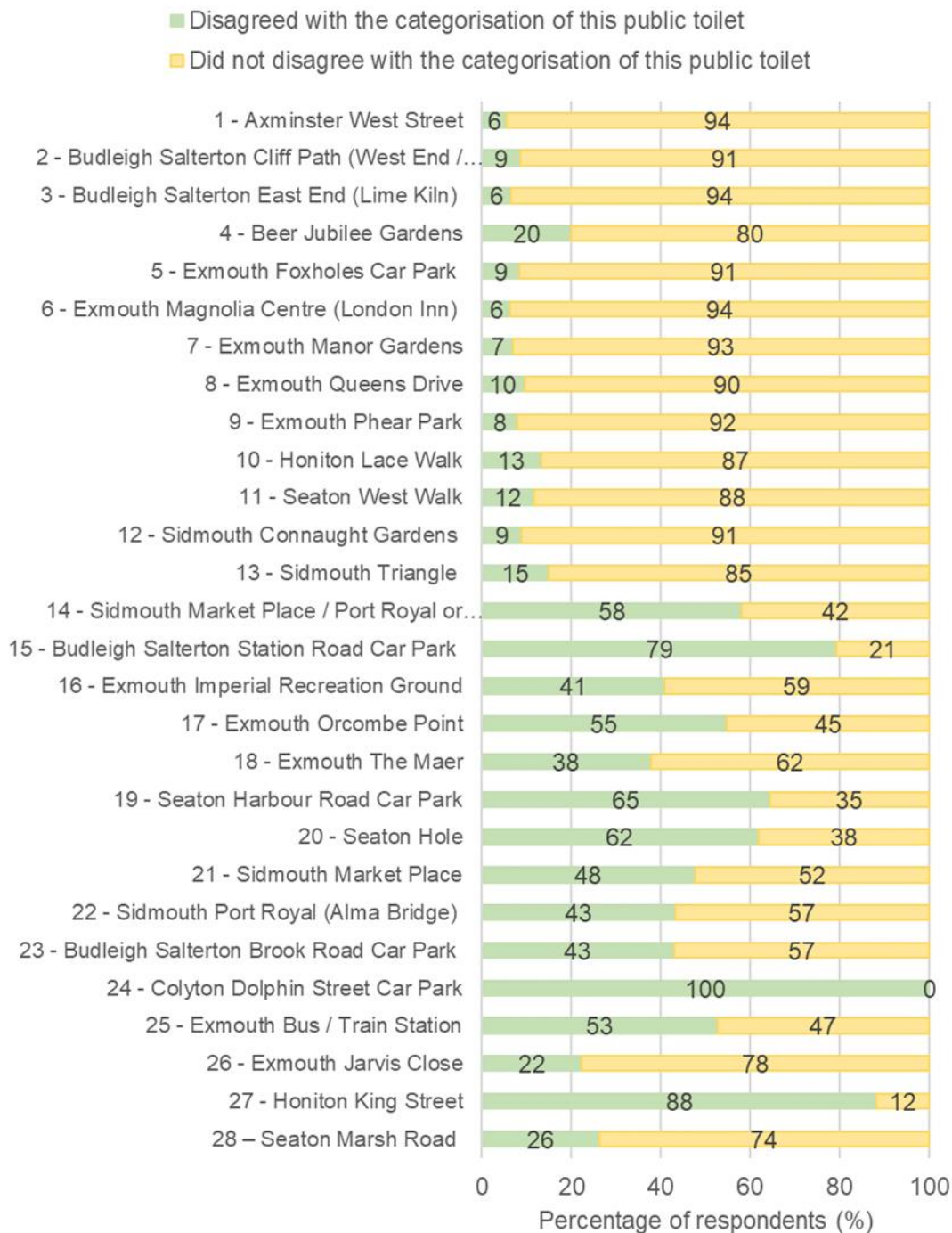
- 2.1 A lot of respondents said that we should not close or reduce public toilets and that we should find a way to continue to afford them. However, hardly any respondents put forward actionable ideas related to how we might continue to fund all of the toilets bearing in mind our financial situation, other than those we already proposed as part of the review for the future provision of public toilets.

- 2.2 We expected this response as this service is highly emotive and used by a lot of people. It remains however that in order to address our budget deficit and be able to afford to maintain what we have, we need to make some difficult decisions on what we can afford in relation to discretionary (non-statutory) services.
- 2.2 A very small minority of respondents did suggest other ways to continue to fund toilet provision (other than those we already proposed as part of the review for the future provision of public toilets) such as; raising council tax, using car park income to fund them, reducing EDDC staffing levels elsewhere, reducing EDDC costs such as by reducing staff pensions, making the toilets smaller or using environmentally friendly solutions to reduce costs.
- 2.3 Lots of respondents across the survey commented on how this will impact those with protected equalities characteristics, for example by saying the walking speeds we have used in the proximity principle are unrealistic for those with mobility issues. In the Equalities Impact Assessment (EIA) (background links) we've taken account of these responses and equalities considerations generally and tried to mitigate this where possible. We acknowledge that a reduction in public toilet provision will have a negative impact on all service users, including those with protected characteristics and this needs to be taken into consideration when a decision is made on future provision.
- 2.4 The EIA sets out this information more fully, but for the purpose of the report an example of mitigation is that the walking speed used takes the lower end of the UK average walking speed at 3 miles per hour. The proximity principle also sets out facilities will be a minimum of an 8 minute walk away from a town centre or attraction, but in most cases it is actually half this at 4 minutes and can be less when one takes into account Category B sites which can have an alternative use such as a community space or café which might still include a publically accessible toilet. So we are trying to reduce the impact of the potential outcomes of the proposed review as far as reasonable with the guiding principles and alternative uses but whilst still enabling the difficult but necessary decision to reduce what East Devon provides directly due to affordability.
- 2.5 58% of people agree with our proposed guiding principles for public toilet provision, and there was general acceptance of these and the need to review how we provide the service.
- 2.6 The most disagreed with principle was proximity, with people noting it could be difficult or even impossible for young children, those with medical or mobility issues or older people to walk 8 minutes to a public toilet. It is important to point out however that the 8 minute distance was a maximum, and in most cases it is likely that there will be a toilet within a 4 minute walk, either directly provided by EDDC or as an accessible toilet within another facility such as a café (Cat B sites). Where respondents suggested an alternative to the 8 minute distance, it was that it should be halved or reduced (4 minutes).
- 2.7 A significant amount of people throughout the district wouldn't support Category B, public toilets being provided in a different way but they felt public toilets must continue to be provided.
- 2.8 A lot of respondents also felt that alternative (Cat B) uses such as café's meant opening times would be limited and dictated by the café or business, which may not meet the needs of the public. They felt in these situations there should be a separate entrance, but this could cause issues of security for the business.
- 2.8 Respondents however would definitely be more supportive of Category B uses, rather than them being closed altogether. In Seaton particularly respondents cited the example of the Chine Hideaway which they state it is an unreliable toilet as they shut without notice, and even in the height of summer only open something like 11am to 3pm. The issue of access at the Hideaway has been impacted by the pandemic as access was restricted to patrons only through this time and opening curtailed. It is clear that careful thought to lease conditions on Category B sites to try and protect toilet access, ensure it is open to non-customers and more clearly signposted is needed if this route is taken and should be incorporated into the

marketing and evaluation of bids for these sites. However some Cat B uses may not include a publically accessible toilet if no business or community interest can be found.

2.9 Surprisingly over a third of people agreed with the categorisation of every public toilet site as proposed. We felt this was high considering this was really an acceptance of the need to provide public toilets differently, or at fewer sites than we do currently.

2.10 The majority of respondents who disagreed with the categorisation of toilets did so for those in their own town where they lived. However this is what we would expect. Breaking down the responses from those who disagreed, against where the people are from then gives us a greater insight into the public toilets where people felt strongly that the categorisation was wrong. The graph below shows whether respondents from a particular town disagree with the categorisation of the toilet in that area. It should be noted that the graph has 28 sites but that is because site 14 (duplicates entries in relation to Sidmouth). There are 27 sites in total.



2.11 As can be seen, there is general agreement with toilets 1 – 13, the Category A's. 14 including Market Place Sidmouth, with possibility of it moving to Category B – see below. Of the Category B & C's the following sites with over 50% disagreement from local respondents merit further consideration. Suggestions in response for each site are set out in section 4.

A lot of the respondents who disagreed with the categorisations of the public toilets below also / instead cited the impact on people with medical needs / elderly people / young children / people with disabilities who need toilets in closer proximity. The comments listed below are the ones which relate to a particular public toilet.

- a) **Sidmouth Market Place / Port Royal** – 58% of respondents from Sidmouth didn't agree with this categorisation. Specific feedback was both toilets should stay as they are needed and well used. Outside of the view that it should all be kept, some suggested the Triangle should be closed and Market/Port Royal kept open instead.
- b) **Budleigh Salterton – Station Rd** – 79% of respondents from Budleigh didn't agree with this being a Category B/alternative use, saying;
  - These are essential for bus and coach passengers and people parking in the car parks who have just arrived.
  - These are important for shoppers in the town / are the most central toilets and therefore important for the economy.
- c) **Exmouth – Orcombe Point** – 55% of respondents from Exmouth disagree with categorising this as a Category B/alternative use. They said;
  - They are not close enough to other public toilets (most mentioned Foxholes) for them to close.
  - These toilets are in constant use during the summer, toilets are needed here at least seasonally.
- d) **Seaton – Harbour Rd** – 65% of respondents from Seaton disagreed with this categorisation as a Category B/alternative use, however there was a coordinated campaign in Seaton which may have increased the percentage. They said;
  - These are the main public toilets for people arriving at Seaton, alternatives in the Tramway and Tesco's are not well known enough or easy enough to access and there isn't clear signage to say they are public toilets.
  - West Walk is too far for young families / people with disabilities or medical issues / older people to walk.
- e) **Seaton Hole**- 62% of respondents from Seaton disagreed with this categorisation as a Category B/alternative use, however there was a coordinated campaign in Seaton which may have increased the percentage. The main objection was that these are important for coastal path visitors, and the next nearest toilets is not close enough as one has to walk a long way around, and that toilets are needed for the cafe. Respondents are saying we are not sticking to our Guiding Principles, as it isn't 8 minutes' walk from the next nearest toilet, it's more like 25 minutes, unless you go along the beach which is not an easy route and not suitable for a lot of people.
- f) **Colyton Dolphin St** – 100% of respondents from Colyton disagreed with this categorisation as a Category C/offer to others to operate, however there was a coordinated campaign in Colyton which may have increased the percentage. They said;
  - It's a popular tourist town. Lots of people come, especially on the tram, they need public toilets. 90,000 people come to Colyton on the tram every year.
  - They're the only toilets in the town and without them people (who need them) won't go out as much.

- g) **Exmouth Bus / Train Station** – 52% of respondents from Exmouth disagreed with this categorisation as a Category C/offer to others to operate. They said;
  - It's at a major interchange (car / bus / train) with no other public toilets nearby. There are no toilets on the Exmouth to Exeter Trains
  - Get Great Western Railways / Exmouth Train Station to take over the running of these.
- h) **Honiton King St** – 88% of respondents from Honiton disagreed with this categorisation as a Category C/offer to others to operate. They said;
  - This would mean only one public toilet in Honiton (whereas similar sized towns are getting two or three) this is not enough (at a time when Honiton is growing in terms of residents / tourist numbers).
  - These are in better condition / better access than the Lace Walk toilets, but Honiton does need both.

2.12 Almost 40% of respondents felt there were good opportunities for alternative uses at some sites, these are listed in Q8 in the full consultation results linked under background papers against relevant sites. Many of the suggestions are plausible and tie with officers thoughts on alternative uses, as well as some of the expressions of interest put forward for certain sites. This was felt to be a significant percentage given the strength of feeling around public toilets and is an indication that re-purposing some sites into other uses could be a viable way to reduce East Devon's service costs, but still retain some toilet provision at Category B & C sites.

2.13 Alternative uses as Category B & C sites could also provide opportunities for greater community cohesion where local businesses or community groups take on the site, provide an accessible toilet alongside a new use, giving the community an opportunity to come together in new spaces such as bike hubs, eco hubs or cafes.

2.14 80% of respondents either strongly or tended to agree that East Devon public toilets were in need of refurbishment, which supports our view that investment in whatever we retain is overdue.

2.15 56% agree they would pay to access public toilets if it helped keep sites open in future years. This suggests serious consideration should be given to paid access if further income/reduction in running costs are needed in the future. From the comments submitted with this response however, it does suggest however that some of this support is tied to an expectation that it would mean Cat B & C sites reverted to Cat A. In other words East Devon would continue to provide all toilets it currently has.

2.16 A range of disagreements to paid access were expressed at around 32%; such as toilets should be free, we pay already through council tax, it could discourage tourists and some might have payment problems (old/young/those in poverty/those with disabilities).

2.17 If paid access were introduced, 71% of respondents would pay 30p and a surprising 18% would pay 50p, when given options ranging from 30p to more than 50p. 41% of respondents felt a discount card should be available to people who can't afford to pay and 66% felt a discount card should be available to people with medical needs.

2.18 18 expressions of interest were made to run or use a public toilet space differently, including cafés, a cycling hub, a bike café, business funding of sites proposed for alternative uses, a community/eco hub, a tourist information point, a takeaway and a tea room. The majority however wanted the toilets to remain open and funded by East Devon. This doesn't address our budget need or investment need in toilet buildings, so it is recommended that all of these ideas will need further investigation if Members approve the public toilet review proposals. When negotiating other uses, we will initially set out lease conditions for sites which are not disposed of commercially that require public access to an accessible toilet (even for non-customers) and address signage to offset some of the concerns related to alternative uses,



incorporating this into marketing and evaluation criteria. If no bids come back on this basis, alternatives without retained public toilets may be considered at some sites.

2.19 Notable responses from the town & parish consultation results (linked under background papers) included;

- 57% agreed with the guiding principles, which we interpret as understanding the logic behind the review and the imperative to do it; however 62% disagreed with the categorisation, this was related to disagreeing with the categorisation for toilets within their area, where all town councils said all public toilets in their area should be Cat A and needed to be retained.
- Better wayfinding signage is needed for some sites. We think this becomes especially important if proposals for alternative use sites are taken forward, where we will need to show the public they can use the toilets within the new Cat B use.
- Equality of provision. For example Cranbrook shouldn't be treated differently to other settlements.
- A suggestion that we should have looked at what uses could have complemented a public toilet to reduce its costs without closing. In part this is what Cat B seeks to do with alternative community or business uses.
- The Town & Parish results also show which councils were interested in further discussions about taking on some sites and which were not.

### 3 Our imperatives

3.1 In considering all of the information from the consultation and while compiling our EIA, we have thought deeply about the impact on our communities and those with protected characteristics. In an ideal world we would have the budget to continue provision at all sites, to invest in all of our public toilets to improve the buildings and the design of the facilities and to include accessible features, better baby change, and adult changing places and address gender equality through the ratio of toilet available. The difficult reality is we don't have that luxury. The whole public toilet review was designed to set out a logic to provision which sought to safeguard a level of access whilst minimising the impact of reduction elsewhere.

3.2 For the Category B (alternative uses including community or commercial use) & C (offered to town & Parish or community) sites, section 4 below sets out what is recommended, which takes account of all the feedback from the consultation, strength of feeling about continued public toilet provision and addressing our public sector equality duty (through the detail of the EIA); but weighing this against our imperatives, the reasons we must consider this difficult choice. We will refer to 'our imperatives' throughout the following sections, they are as follows;

- We have not invested in our public toilet stock since 2014, many of the buildings are outdated and in poor repair. Investment is needed. However we can't afford to invest in all of the sites.
- If we do nothing we will be left with an aging and dilapidated public toilet stock which we won't be able to afford to continue servicing or repairing.
- We don't believe we can continue to afford providing public toilets at all the locations we have previously.
- We know we must protect some access to this valued and important, but discretionary (non-statutory) service.
- We don't think East Devon need to directly provide public toilets in all cases, where other levels of Local Government could help or businesses could assist.
- In new areas of growth we should look to 'lock in' public toilet provision by others through agreements, for example with operators of new sea front developments such as QDS.
- We think there are exciting opportunities in some cases for alternative uses such as community spaces or cafes, which in some instances could still have community public

toilet access, would reduce East Devon's direct costs and support a new business or community use.

- Our reduced financial settlement from government and rising cost of services above income (including council tax) means we have to look at cost reduction and in some cases discretionary service cuts.
- We have a legal obligation to set a balanced budget, with a projected budget deficit of around £3million to 2024 and rising costs across many statutory services, we have to consider savings in some places.
- If we don't provide a saving towards the MTFP shortfall in an area where we can still provide the service in some shape, we will need to look at cuts elsewhere which may result in total service cessation. Originally a target of at least £200k was set out against public toilet provision for the MTFP, but since then our financial position has become more acute with new cost pressures increasing our budget deficit. As such a focus on realising as much of the saving potential, with a reasonable level of retained service should be sought. The possible saving is between £200-£430k depending on options and income generation from paid access.

3.3 These are the things we are considering when we say 'our imperatives' for the public toilet review, some were discussed in more detail in the May 2021 Cabinet report. All these factors are being weighed against the understandably strong feeling from respondents to the consultation that we just must continue providing this important service, along with the impact service reductions will have on our residents and those with protected characteristics. The fact remains however that we must reduce our costs somehow, and the proposals for the alternative use of some sites and other aspects we have considered to reduce the impact give us a viable option to do this which doesn't result in a total service closure and balances the need of those who have protected characteristics so they are not disadvantaged.

#### **4 Suggested way forward for Cat A (retained by EDDC and invested in) and Cat B (Alternative community or business uses to include a public toilet where possible) & C (Offered to town or parish councils or alternative uses) and proposals for mitigating sites with a high percentage of disagreement**

**The categorisations from the May report are as follows:**

**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.*

**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.*

**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.

- 4.1 With all the factors weighed, our imperatives set out in section 3 require us to look at where East Devon can continue to afford to provide this important and valued discretionary (non-statutory) service and where it cannot, along with how we can reduce the impact where we are suggesting we can no longer be the direct providers. Financially we must realise the MTFP saving figures to help set a balanced budget, and to enable us to afford the £3m capital investment in the retained Cat A buildings.
- 4.2 Along with protecting a continued level of public toilet access on a sustainable financial footing, the review will also allow us to invest in retained stock. This will significantly enable us to improve the standard of our public toilets, addressing improvements for accessibility, and families through greater provision of baby change facilities, improve inclusion by providing adult changing places and balancing gender inequality through equal provision of facilities for Women and Men where space allows.
- 4.3 While none of this completely offsets the strong feelings expressed in response to this review, with 54% of people accepting the guiding principles and over a third of people agreeing with all the categorisations of the public toilets, there is a higher than expected acknowledgment of the logic behind the review.
- 4.4 With 40% of respondents agreeing to alternative uses and many of the suggestions being plausible, this is felt to be a significant percentage given the strength of feeling this subject elicits. It could be taken as an indication that re-purposing some sites into other uses is a viable way to reduce East Devon's service costs, improve community or business use of a site and in many cases still provide toilet access.
- 4.5 For those that disagree there are legitimate concerns about access for people with protected characteristics, a strength of feeling that we must continue to provide what we have (which doesn't address our difficult choices or budget position), a concern about impact on tourism and growing towns and the public health impacts of reduced provision. The latter concerns should be addressed through careful choice of the Cat B community or business uses and some associated protections that have been suggested through the consultation responses.
- 4.6 The measures and mitigations which could be put in place in response to the consultation concerns and EIA issues discussed are as follows;
  - Marketing and evaluation of Cat B & C sites to focus on careful selections for alternative uses, prioritising community use or local business with a retained toilet provision operated by them when these offers come forward.
  - Lease disposal in most cases to enable lease conditions to constrain continued public toilet access, when interested parties come forward. Open market exercise to seek a community/local business use, with open market commercial disposal this is not possible.
  - Leases of Cat B and Cat C alternative uses to follow a standard set of heads of terms which will include conditions on accessibility standards for toilets within alternative uses and allow access for non-customers to toilets.

- Public access toilets to be accessible standard where possible.
- Clear wayfinding signage with walking distances and minutes to be implemented for alternative use sites, so the public know there is a toilet available.
- Designating cubicles for Women and Men where space allows, so not all cubicles are unisex. When we do this ensure equal numbers of cubicles between Men and Women as a minimum (including urinals). When possible have a ratio of 2:1 in favour of women to address 'potty parity'.
- Improve baby change facilities and ensure all genders can access them.
- Install at least 2 adult changing places to improve inclusion, investigate funding for more.
- If considering charged access, have a discount card for those with medical conditions, or who are unable to pay, along with pre-paid cards for those who may not have access to contactless (Elderly or children for example).
- Incorporate a dry and clean place to put/hang medical equipment in toilets.
- There could also be a positive impact on community relations where a Cat B site is used for an alternative such as community hub or café where people can come together and where the public can still access a public toilet.
- If no alternative community/local business uses with a retained toilet come from the marketing, we would then need to market the sites for commercial disposal.

4.7 It is proposed that taking into consideration all consultation responses and EIA mitigations the following 14 Category A public toilets (EDDC continues to maintain and invests in) are agreed to be retained and run by EDDC as set out in the original May Cabinet report (with possibility of one moving to Category B) – see below :

- 1 Axminster West Street Car Park Public Toilets
- 2 Budleigh Salterton Cliff Path (West End / Steamer) Public Toilets
- 3 Budleigh Salterton East End (Lime Kiln) Public Toilets
- 4 Beer Jubilee Gardens Public Toilets
- 5 Exmouth Foxholes Car Park Public Toilets
- 6 Exmouth Magnolia Centre (London Inn) Public Toilets
- 7 Exmouth Manor Gardens Public Toilets
- 8 Exmouth Phear Park
- 9 Exmouth Queens Drive Public Toilets
- 10 Honiton Lace Walk Public Toilets – Honiton Town Council want to enter into further discussions about taking on either or both toilets in Honiton.
- 11 Seaton West Walk Public Toilets
- 12 Sidmouth Connaught Gardens Public Toilet
- 13 Sidmouth Triangle Public Toilets **This site should be confirmed as a Category A following further discussions with the town council.**
- 14 Sidmouth Market Place Public Toilets **This site should be confirmed as a Category A following further discussions with the town council.**

In relation to Sidmouth, a reduction of 4 sites to 3 sites funded by East Devon is the recommended outcome. Sidmouth Town Council did express an interest in funding some site(s) and consultation feedback also suggested The Triangle would be a preferable Cat B site if that had to be an outcome; therefore it is suggested further discussions are held with Sidmouth Town Council and delegation used to conclude negotiations accepting the need to reduce from 4 to 3 EDDC funded sites.

## 4.8 Category B

15 **Budleigh Salterton Station Road Car Park Public Toilets** – This site was the subject of strong disagreement on categorisation due to use for those arriving at Budleigh (2.11 b). The town council were unclear on if they wanted to take on any public toilet provision, however given that East Devon can't afford to continue with all sites, and based on proximity, we still feel Budleigh's suggested Cat A's give appropriate coverage and would suggest further discussions with Budleigh Town Council regarding funding for or taking on Station Rd, and confirmation of Cat B status.

**This site therefore should be confirmed as a Category B following further discussions with the town council.**

16 **Exmouth Imperial Recreation Ground Public Toilets** – We've had a strong expression of interest for this site for a community Eco hub which is very interesting and we feel could be a great use of this site. 'A Community Hub for Exmouth working with the community towards a more sustainable future through information, inspiration and conversation, with accessible toilets for all'. It is strongly suggested this categorisation be confirmed and the expression be investigated along with other opportunities following marketing. Other uses suggested for the site included a water sports café.

**Site to be confirmed as set out in proposed categorisation, with some mitigations.**

17 **Exmouth Ocombe Point Public Toilets** – Just over half of Exmouth respondents disagreed with this categorisation citing the need for toilets at this location and for the beach. With these toilets not being accessible, there is a strong justification to change them and a credible expression of interest from an Exmouth business, for a café use at the site which would include publically accessible toilets. Whilst the argument for beach access is sound, this site is only just outside of the 4 minute proximity ring and comfortably within the 8 minutes. Therefore it is recommended the categorisation is confirmed and the expression taken up/alongside marketing of the space, which would still afford some access to a toilet, whilst meeting the imperatives of the review.

Toilet access for non-customers would need to be agreed in the lease, along with clear wayfinding signage.

**Site to be confirmed as set out in proposed categorisation, with some mitigations.**

18 **Exmouth The Maer Public Toilets** – With 62% of public respondents from the area not disagreeing with the categorisation and our belief that there are strong alternative options for this site such as a café, community space or restaurant, it is suggested this site as a Cat B is marketed as available for other uses which should include a publically accessible toilet, available for non-customers and clearly signed.

**Site to be confirmed as set out in proposed categorisation, with some mitigations.**

19 **Seaton Harbour Road Car Park Public Toilets** – The disagreement with this site as Cat B is due to it being an arrival point in Seaton and no suitable nearby alternative. However part of the planning condition for Tesco was that they had toilets available for public use. So with some improvements in signage and discussions with Tesco we feel this is a reasonable mitigation given our imperatives. Seaton Town Council did not wish to take on any toilet sites.

Furthermore the expressions of interest for this site suggests a cycle hire venue or bike café with a publically accessible toilet remaining, but operated by the business is viable. We recommend marketing the site as Cat B on that basis.

**Site to be confirmed as set out in proposed categorisation, with some mitigations.**

20 **Seaton Hole Public Toilets** – The disagreement with this being Cat B was due to it being outside our proximity principle of an 8 minute walk to another toilet and use for the coast path. However given our imperatives, and given that we don't have public toilets in other locations to service the coast path only, we recommend this is taken forward as Cat B and discussed with the café, who could be offered the option to include it within their lease or the site marketed.

**Site to be confirmed as set out in proposed categorisation, with some mitigations.**

21 **Port Royal (Alma Bridge) Public Toilets** – The disagreement with Cat B for this site was around access for the seafront, however we believe there is a very strong case to seek an alternative use for this site on the open market and enter into discussions with Sidmouth Town Council about alternative provision, who indicated they would like to talk further about what might be possible.

Ideally it is suggested we should identify a site around the Ham for a new public toilet to replace Port Royal, which could include an adult changing place. What is clearly being suggested through the review is that we cannot afford to continue maintaining or afford the required refurbishment at all 4 toilet sites in Sidmouth Town, so the conclusion of any discussions must recognise this. If a new site was identified, then the Market toilets could be re-purposed.

**This site therefore should be confirmed as a Category B following further discussions with the town Council.**

#### 4.9 Category C

23 **Budleigh Salterton Brook Road Car Park Public Toilets** – With a lower percentage of respondents disagreeing with this categorisation, our proximity principle suggesting the town is covered by other sites, Budleigh Town Council not indicating a clear desire to take it, and all of this weighed against our imperatives, the strong recommendation is that this site is closed or offered on the open market for alternative uses.

**Site to be confirmed as set out in proposed categorisation, with some mitigations.**

24 **Colyton Dolphin Street Car Park Public Toilets** – 100% of Colyton respondents disagreed with this categorisation, but there was a coordinated campaign in Colyton which may have increased the response. The main reason cited for keeping these is the need to have them for the 90,000 visitors on the Tram reported annually. That said the Tram does have toilets at both ends and the water consumption indicating level of use for this site is the third lowest in the district.

It was unclear through the consultation if Colyton Parish Council would take on these toilets, but they have previously indicated they might be interested. It is suggested these toilets are considered outside of what East Devon can afford to provide and further discussions are held with Colyton Parish Council or alternative uses sought for the block.

**This site therefore should be confirmed as a Category C following further discussions with the parish Council.**

25 **Exmouth Bus / Train Station Public Toilets** – Just over half of Exmouth respondents disagreed with this categorisation based on the fact this is a gateway transport site for

Exmouth, Exmouth Town Council said keeping the train station toilets was imperative, however they were also not interested in taking on or funding any public toilets in Exmouth.

The water consumption at this site indicating levels of use is the fourth lowest in the district, falling below Jarvis Close and the Maer (which is only open for 6 months), so this doesn't support its perceived importance, but the logic of needing toilets at such an interchange is sound.

Weighed against the imperatives of this review, it is suggested that the Cat C designation be upheld and 1 of 3 routes be pursued: 1) Negotiations with Exmouth Town Council for funding are initiated, 2) Negotiations with South Western Trains and/or the bus company are initiated, 3) The site is re-purposed as part of the proposed Motorhome project to provide paid for showers, water and chemical toilet disposal for those using the car park.

**This site therefore should be confirmed as a Category C following further discussions with the town Council and other stakeholders.**

- 26 **Exmouth Jarvis Close Public Toilets** – Water consumption indicating usage is very low at this site, the 5<sup>th</sup> lowest in the district. 78% of Exmouth respondents did not disagree to the categorisation of this site and so it should be confirmed as Cat C.

A few expressions of interest were received; one for a community tea room type use and a private use. Other suggestions were for a café or bar with toilets. It is recommended a community use be sought first, and if this does not come forward an alternative use or demolition is approved.

**Site to be confirmed as set out in proposed categorisation, with some mitigations.**

- 27 **Honiton King Street Car Park Public Toilets** – A high percentage of respondents from Honiton disagreed with this categorisation as Honiton would then only have 1 public toilet. The town council also expressed this view, pointing out towns with similar populations had more toilets.

There were suggestions for alternative uses such as a café/bar and also to house a visitor centre with some form of retained toilet.

Honiton Town Council expressed an interest in taking on public toilets and so this toilet should remain Cat C and negotiations with Honiton Town Council be initiated. There were also indications from local business who may be prepared to help fund the site.

**This site therefore should be confirmed as a Category C following further discussions with the town Council.**

- 28 **Seaton Marsh Road Public Toilets** – A low percentage of Seaton respondents disagreed with this categorisation, and when weighed against the imperatives of the review it is suggested this is taken forward as a Cat C.

Seaton Town Council were not interested in taking on any sites and so this site should be offered for community use (there was one expression of interest for a cycle/walking hub), and if there are no interested parties, then disposed of on the open market.

**Site to be confirmed as set out in proposed categorisation, with some mitigations.**

4.10 In total it is recommended that 8 sites from the B & C list have their category confirmed and work is undertaken to conclude negotiations with interested parties within 6 months from commencement of marketing (nominally July 2022). This would meet £125,926 of the proposed MTFP saving.

The 8 sites are:

- Budleigh Salterton Brook Road Car Park Public Toilets
- Exmouth Imperial Recreation Ground Public Toilets
- Exmouth Jarvis Close Public Toilets
- Exmouth Orcombe Point Public Toilets
- Exmouth The Maer Public Toilets
- Seaton Harbour Road Car Park Public Toilets
- Seaton Hole Public Toilets
- Seaton Marsh Road Public Toilets

4.11 In total 6 sites need further discussion and some adjustments to allow their confirmation in the proposed category. Further discussions with town and parish councils and interested parties at these sites are suggested, but with a clear view to moving them to the proposed category, taking account of local opportunities, ideas and funding.

These would meet £78,201 of the proposed saving. £118,789 if Market Place became a Cat B additionally.

Total of £204,127 saving for all proposals, £244,715 if Market Place became a Cat B.

4.12 These further discussions should be concluded within 12 months of the toilet review completing (nominally Jan 2022 until Jan 2023), and will require us to use the transformation reserve to fund the operation of these sites in the meantime (from April 2022). Both factors to meet financial constraints. If agreement cannot be reached during this 12 months, it is suggested the proposed categories are confirmed and sites marketed with suggested mitigations from 4.6 included.

The 6 sites where further discussions would be prudent to confirm categorisation are:

- Budleigh Salterton Station Road Car Park Public Toilets
- Colyton Dolphin Street Car Park Public Toilets
- Honiton King Street Car Park Public Toilets
- Exmouth Bus / Train Station Public Toilets
- Sidmouth Market Place Public Toilets
- Sidmouth Port Royal (Alma Bridge) Public Toilets

## 5 Conclusion

5.1 We've taken account and considered deeply the issues raised in the consultation, and explored the impacts on different protected characteristics as well as documenting the justifications or considerations we've made against these in the EIA. We've listened to the feedback we've had and are suggesting further discussions in some locations as a result, but with an anticipation that all proposed categorisations will be approved, and negotiations completed in due course.

5.2 Cabinet will be asked to approve the Category A list (12 sites as proposed, 2 sites in Sidmouth approved in principle pending further discussion) and the majority of the Category B & C lists (the 8 sites). In relation to the 6 sites (which include 1 Cat A at Sidmouth) that are identified for further discussion with town councils to allow their categories to be confirmed, the intent is for the approval of these to be delegated 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. The delegation will also permit negotiations with interested parties (including the Towns and Parishes) around Category B & C toilets and completing the related documentation to affect transfers.



- 5.3 Our May report stated: *'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'*.
- 5.4 It is therefore suggested that to enable the mitigations of consultation concerns and the EIA, the Cat B sites be first marketed as lease opportunities with the mitigations set out in section 4.6. Except where a compelling case exists for a commercial or community use disposal, such as at Port Royal in Sidmouth, where the location would be better used for something else and proximity to other facilities still gives people reasonable access to toilets (4/8 minute walking distances).
- 5.5 If no offers arise, then these Cat B sites will be considered for disposal in accordance with our legal duty to secure best value or otherwise in accordance with the General Disposal Consent (England) Order 2003.
- 5.6 Cat C sites should be first offered to the town or parish council and if they do not wish to take them, then 5.4 and 5.5 apply. Our May report said this on Cat C sites: *'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'*.
- 5.7 It is not anticipated that dowries would be payable, and a standard set of heads of terms will be used when sites are marketed on a lease arrangement.
- 5.8 In addition to the above, the consultation posed the question of keeping Cat B & C sites open until alternative uses or business funding could be sought. Cabinet is asked to consider whether to recommend the use of the transformation reserve to fund the Cat B & C sites remaining open until these transfers are complete to minimise the impact of closed public toilet sites on those with protected characteristics. Also to recommend that the reserve is used in addition to assist payment of reasonable legal and transfer fees for town and parishes taking on Cat B & C sites.
- 5.9 Alongside this Cabinet may wish to consider if it would be appropriate to give an indication whether the Council should explore any Town and Parish requests to borrow for capital works on these assets through the Public Works Loan Board. Should there be support, individual proposals will need to be reported back as Council will need to approve any borrowing and the necessary terms to ensure compliance with state subsidy requirement.
- 5.10 However doing so could use a large proportion of the reserve at around £200k, and a long stop date would have to be agreed. This is suggested to be 6 months (nominally July 2022) for the 8 sites listed at 4.10 for completion of marketing and new leases or disposals and 12 months for the 6 sites listed in 4.12 (nominally Jan 2023 for completion of agreements). If agreements are not in place by these proposed deadlines, then the sites should be marketed for commercial uses as East Devon can no longer afford them and the revenue budget to maintain them would no longer exist. Use of transformation reserve to fund the operation of sites is suggested at a year total from the end of the current budget year until April 2023.
- 5.11 56% support the introduction of charging for access, if toilets are kept open and much improved. We believe from the responses that this was made on the understanding that it might result in a higher number of toilets becoming Cat A, but this is not something we are suggesting we can afford.
- 5.12 The introduction of paid access has the potential to further improve cleanliness standards and bring an estimated income of around £200k, so careful consideration of this issue is needed. The income would help towards our large budget deficit, and protect future provision

of this service and others, and so Cabinet will be asked to consider whether to decide to introduce this or not.

- Paid access charged at 40p is estimated to bring a potential income of around £200k based on 62 contactless charging points. The income will fluctuate depending on use, and what sites are selected.
- A reduction to 30p would result in an estimated income of £150k and 50p equals £250k
- If paid access is taken forward, more work will be required to procure the supplier and agree the operational specifics. It is suggested that if this is taken forward, paid access is initiated after completion of toilet refurbishment at each site.
- Contactless access only is suggested as cash collection will increase costs and most people are now comfortable with contactless charging.
- In the consultation 71% of respondents felt 30p was a reasonable charge if paid access was in place.
- There were concerns expressed for those with protected characteristics, such as young, old or those with learning difficulties using contactless charging. 66% agreed that a discount card should be available for those with a disability. Access cards could also be distributed through TIC or similar outlets to give access to those without contactless payment methods.

5.13 In conclusion then, having considered the consultation responses, associated EIA, 'our imperatives' and analysis above, officer advice is that the categorisation of the toilets and steps in relation to future provision / alternative uses / disposal should be approved. This will enable the Council to deliver a service which is financially sustainable, which improves our facilities for all and helps meet the required level of saving for budget balancing purposes.

**Financial implications:** The report highlights the financial predicament the Council is in and the need for it to reduce its costs and/or increase income in order for it meet its legal duty to set a balanced budget. The Medium Term Financial Plan showed an estimated saving required of £700k in 2022/23 and since then further financial service pressures including recycling and refuse costs have arisen that will significant add to this budget deficit. As outlined previously public toilet provision is one of the largest discretionary spend areas of the Council (£900k per annum) and require over £3m of capital investment to bring key sites up to a modern/good standard. Proposals have been made to reduce the number of public toilets directly operated by the Council whilst ensuring key sites are maintained and invested in. Proposals reduce annual revenue costs by £230k to £430k depending on options taken. Whilst it is appreciated this is a difficult decision for members this is a key decision in that the Council cannot afford to continue providing the existing level of services and assets it currently does and other areas will need to be explored to meet the remaining budget deficit.

**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. The approach advocated / options presented are within the Council's duties and powers. In coming to a decision on how to progress, it will be necessary to comply with the public sector equality duty and Members should therefore have regard to this duty and accompanying equalities impact assessment when considering the matter. Should the decision be to progress transfers / disposals in due course, Legal will advise as and when appropriate and provide support as necessary.