

Report to: Overview Committee



Date of Meeting 9<sup>th</sup> November 2023

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Review date for release N/A

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## Report summary:

### Update on Public Toilets Review Project

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

Budget Yes  No

Policy Framework Yes  No

#### Recommendation:

In light of the significant work undertaken since the Council's previous decisions on Category A, B and C toilets, and the subsequent engagement with Town and parish Councils and other interested parties all set out within this report, Cabinet now needs to review progress to date as well as future timetables and actions. Therefore, Overview Committee is invited, in light of its interest in these matters, to feedback its thoughts on next steps in order to assist officers and Cabinet in progressing these matters.

#### Reason for recommendation:

To seek the thoughts of Overview Committee on next steps in order to assist Officers and Cabinet in progressing this project.

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Portfolio(s) (check which apply):

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

**Equalities impact** Low

**Climate change** Medium Impact

**Risk:** Medium Risk; The lack of appetite by Town & Parish Councils and of the commercial sector to take on these CAT B & C sites does risk that these locations will be left with fewer public toilet locations.

**Links to background information :** [\(Public Pack\)Agenda Document for Cabinet, 12/05/2021 18:00 \(eastdevon.gov.uk\)](#) , [\(Public Pack\)Agenda Document for Cabinet, 01/12/2021 18:00 \(eastdevon.gov.uk\)](#) , [Agenda for Overview Committee on Thursday, 25th November, 2021, 6.00 pm - East Devon](#)

**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

### **1.0 Project Background**

- 1.1 There was a recommendation by Cabinet, approved by Council in May 2021 for a capital budget of £3.15m for the re-build or refurbishment of all Category A public toilets (subject to results of consultation) plus then an additional £250K capital budget for installation of contactless paid access.
- 1.2 For the consultation we set out proposals about the future of our public toilets service, and asked residents, town and parish councils, businesses and others for their views on our proposals. The consultation was open from early July 2021 until 1 October 2021. The proposals that we consulted on listed the public toilets we currently have and proposed what could happen to them in the future to protect and improve important public toilets sites, whilst also balancing the costs of what we can afford.

It was based on some guiding principles to try to ensure we get the right toilet in the right place, these factors included:

- How much the public toilets are used.
- The proximity to other sites and walking distances for people to find a toilet.
- Possible alternative uses, some of which could include public toilets provided by other businesses or organisations or additional amenity uses such as cafes and community facilities.
- Opportunities for innovation, such as asking people to pay to use the toilets so we can continue to provide and invest in them.

The results of the consultation can be found here: [Public Toilet Review - East Devon](#)

- 1.3 A decision was made by Cabinet in December 2021 as to which sites to retain (referred to as CAT A sites) and those sites to dispose of leasehold, either to Town or Parish Councils, or to commercial tenants (referred to as CAT B & C sites). In both instances, the preferred outcome at those B & C sites was a retained publicly accessible toilet provision, albeit most likely at a reduced scale, with repurposing of the remainder of the building which would then generate an income to help maintain and operate the facility. It is worth noting that as part

of the consultation exercise we included the draft heads of terms to parish & town councils – these received no adverse response.

1.4 On 25<sup>th</sup> November 2021 to inform the Cabinet decision of December 2021 a report was presented to Overview Committee, attached here as a background report. The content is self-explanatory and was to provide insight in to the consultation responses and equalities impact assessment. This tested out the proposals and recommendations which were to be put to Cabinet. The debate by Overview resulted in the following recommendations to Cabinet:

- (1) Request that more detailed water usage data for toilets EDDC owned and that toilets are more regularly assessed so they can be broken down to show how popular toilets are at certain points of the day/year.

Usage data will be retrieved through installation of the paid access equipment.

- (2) Request that Town/Parish Councils are offered one final opportunity to retain Category B and C toilets if leases with community partner organisations cannot be struck within 12 months

In reality all CAT B and C sites were offered to Parish and Town Councils before marketing commenced. We've also done this extensively through allowing extra time – extended from 31<sup>st</sup> March 2023 to 31<sup>st</sup> March 2024. Following unsuccessful negotiations in Honiton and Budleigh Salterton Officers then notified those Town Councils prior to marketing, that those sites would now be marketed.

- (3) Request that the council write to all local businesses and make a powerful case for them to offer the use of their toilets to non-paying customers who may have disabilities and illnesses that are not always visible, given the findings of the local consultations which shows the high extent of local need.

This is to follow once all Cat A's refurbished and B&Cs transferred.

- (4) Establishes the principle of charging for Category A toilets, such charges to be made and calculated so as to cover the costs of their refurbishment and retention together with careful consideration of the choice of private partners and the option of using cash.

Cabinet resolved to introduce charging on CAT A sites once upgraded.

- (5) Acknowledge the historic, well-publicised and in parts still live, legal and governance issues within Honiton Town Council and in the fact that they require extra time to make finances and resourcing available for taking over King Street public toilets despite their early inclined desire and to make a special case to keep these toilets open for a further two years rather than one to allow time for them to make the necessary arrangements to inherit and manage the asset.

Additional time given in Honiton.

- (6) Write to the Secretary of State for Housing, Communities and Local Government to request that he lobbies the Treasury for a fund be created to help Councils further invest in public toilet provision and to make toilets a mandatory rather than discretionary service given their positive role in ensuring people with health issues can live their lives.

Focus has been on delivery of outcomes and this letter is still required – can now be drafted to include updated increased build cost estimates. In the meantime the Government have issued grant funding for Changing Places toilets and we have successfully bid for and received funding, as detailed within this report.

1.5 Council then approved the use of the Transformation Reserve to keep those sites open for up to a year until January 2023 and until a later date of end of April 2023 for King's Street in

Honiton due to the changes the Town Council were experiencing at that time. If Parish & Town Councils did not wish to take sites on then those sites would be marketed for commercial purposes, initially with a retained publicly accessible toilet provision, but thereafter without. Council also approved the use of the Transformation Reserve to assist with legal and transfer fees for town or parish councils taking on the running of any CAT B & C sites.

- 1.6 Throughout 2022 Officers worked through marketing and transfer discussions with town & parish councils and the commercial sector. Exmouth Town Council had been clear that they did not wish to take on any sites but the Assistant Directors for Place, Assets & Commercialisation and for StreetScene met in spring / early summer with Honiton Town Council, Budleigh Salterton Town Council, Sidmouth Town Council, Seaton Town Council and Colyton Parish Council to discuss them taking over CAT B & C sites. Sidmouth and Seaton Town Councils were not interested in taking on such sites but were keen to work with EDDC to deliver a good public toilets outcome for their towns. Honiton, Budleigh and Colyton all expressed interest in taking on site/s. Whilst Colyton initially moved more slowly, EDDC progressed heads of terms with both Honiton and Budleigh Salterton Town Councils –

King's Street in Honiton  
Station Road and initially Brook Road in Budleigh Salterton

in accordance with the principles included as part of the consultation back in 2021. Whilst good early progress was made, after 8 months of negotiations, both Councils withdrew their interest.

Officers also marketed other sites that towns & parishes had not expressed any interest in, namely –

Marsh Road, Seaton  
Harbour Road, Seaton  
Seaton Hole, Seaton  
Maer, Exmouth  
Orcombe Point, Exmouth  
Imperial Road, Exmouth  
Jarvis Close, Exmouth  
Brook Road, Budleigh briefly and after Town Council had withdrawn their interest

Note: Further detail on each site is included in the 2<sup>nd</sup> table below.

- 1.7 In early 2023 Officers reported to Cabinet, then in March 2023 to All Councillors on the challenges of securing interest in the CAT B & C sites. Some successes had been achieved in securing repurposing of buildings to incorporate a continuing publicly accessible toilet provision, but this success (then) had been entirely with the commercial sector – granting of 25 year leases at a discounted rent to reflect the use to which they were putting the building to. The commercial sector had most definitely stepped up to the challenge, embraced the business model and we had some really exciting repurposing projects, albeit complexities around adjacent land interests and the need for planning consent for changes of use and building works meant that sites would still be with EDDC as of 1<sup>st</sup> April 2023 and through the summer season. Town Councils on the other hand, who were being granted very favourable 99 year leases at a nominal peppercorn / £1 rent were seeing the Council's heads of terms as too onerous, restrictive and seeing the projects as

risky despite perceived early progress having been made with them in the summer of 2022. The heads of terms to parish & town councils was included in the 2021 consultation reflecting earlier debate in Cabinet, being that the lease length should be long enough to allow those taking them on to raise investment, but that there should be control over the requirement to provide some form of publicly accessible toilet, hence the lease basis. The lack of appetite by the towns and parishes to step forward and maintain a toilet provision at these locations due to their perception of the level of risk involved balanced by the level of control EDDC wished to retain. Officers' disappointment had been compounded by the fact that these concerns were not raised initially by Towns & Parishes when negotiations commenced and had generally taken from spring 2022 to early 2023 to be raised. Honiton Town Council though had from early on in discussions pushed for a freehold transfer, something which EDDC could not support based on other provisions within the heads of terms and the challenges created then through enforcing any user covenants along with the basis of the previous consultation and decisions reached.

- 1.8 Mindful of the risks around the April 2023 cut-off date for CAT B & C sites, with at that time no leases agreed to parish or town councils, nor any leases completed to commercial tenants, the 31<sup>st</sup> March 2023 cut-off was postponed due to the natural delays we had experienced in negotiations since spring 2022. An additional £200K from the transformation reserve was agreed to be made available for 2023/24 as a provisional sum to enable the CAT B & C toilet sites (those open) to remain open. Seasonal sites up until the end of 2023 season, and for all-year-round sites, to 31<sup>st</sup> March 2024. This gave breathing space of 1 year before facilities would close.
- 1.9 The December 2021 Cabinet decision set out that for those sites offered to businesses / community groups, if no offers came forward to include a publicly accessible toilet provision then these were to be marketed for disposal in accordance with the General Disposal Consent (England) Order 2003 and to ensure best value. For sites offered to parish & town councils, if they didn't require the site, we would then market as we've already done at other sites and seek to secure a commercial offering / community use with retained publicly accessible toilet provision, if unsuccessful we'd then follow suit and dispose in accordance with our legal duty to ensure best value.
- 1.10 The realities of the sites mean that even where strong interest has been forthcoming (summer / late 2022 at two such sites), lease negotiations have become complex and conditional hence limited progress during last 6 months. In addition, assuming agreements for lease are entered into, the leases themselves will be conditional on planning consent, in one instance also a third-party landowner granting a lease and thereafter significant remodelling works and investment by the tenant. Nonetheless these specific sites had very good commercial interest, so if they do not complete, alternative additional uses will be possible, but it causes further delays in transferring sites.
- 1.11 The project is broken down into 2 components:
  - CAT A Investment Works – Led by Property & FM Team
  - CAT B & C Disposals – Led by Estates Team

Both projects now being led / coordinated by Assistant Director – Place, Assets & Commercialisation, with significant input by Assistant Director – StreetScene, who produced the original review and framework for this project.

## **2.0 Detailed Project Update**

### **2.1 CAT A rebuild update:**

- Consists of 15 sites as set out in table below.
- Approved capital budget £3.4m (£3.15m + £250K)
- In addition, secured £242K from DLUHC towards Changing Places facilities at 4 sites— must be delivered by 31<sup>st</sup> March 2024 so these sites included in phase 1.
- Phase 1 will provide for a more manageable works programme but also enable incorporation of lessons learnt into phase 2.
- Due to scale of programme, we've procured through framework contract a dedicated project manager/ design/ delivery support etc through Kendall Kingscott Ltd (KK) working alongside Healthmatic and others. Consultancy costs are coming from capital budget.
- Focus over the summer months has been on phase 1 projects where KK have been progressing due diligence, survey works including electrical and mechanical and now design works. Officers and consultants have formed the brief through learnings from best practice elsewhere. The brief and design work is further informed by feedback received from Members and through the public consultation back in 2021.
- An off-site modular construction delivery model is being adopted. Advantages:
  - Speed of build
  - Off-site construction – minimising impact on existing sites being closed for unnecessarily long periods
  - Eco-friendly and with less waste
  - Cost-effective
  - High quality construction
- Updated cost plan received in recent weeks indicating that through build cost inflation since the time of the estimates, namely early 2021, and now, an additional budget of circa £1.6m is likely to be needed.
- Planning applications for phase 1 sites expected to be submitted during November 2023. With outline design works now almost complete, will be liaising with Planners for pre-planning advice and commencing detailed design.
- KK relatively confident of delivery of phase 1 sites by 31<sup>st</sup> March assuming no unexpected difficulties – still too early to see if those difficulties might arise. Planning consent and Supplier lead-in remain biggest two risks. Delays in recent months in getting contract with KK signed, deferred project as whilst a letter of undertaking was issued to KK, they were not able to appoint sub-consultants. Contract eventually signed last week following externally procured legal advice.
- With progress in recent weeks having significantly ramped-up along with Design Team Meetings with Officers and KK, weekly project meetings now take place with PAC & StreetScene.

**Category A public toilets – Sites to be retained and invested in by EDDC**

<b>PC Name</b>	<b>Town</b>	<b>Built</b>	<b>Refurbishment</b>	<b>Position Statement 10.10.23</b>
West Street Car Park Public Conveniences	Axminster	1980	1995, Due 2018/19	Main programme for winter 2024/25
Cliff Path (West End/Steamer) Public Conveniences	Budleigh Salterton	c.1950?	1994, 2010, Due 2028	Main programme for winter 2024/25
East End (Lime Kiln) Public Conveniences	Budleigh Salterton	c.1960?	1994, 2011, Due 2029	Phase 1 project for winter 2023/24. Includes DLUHC funded adult changing places facility
Jubilee Gardens Public Conveniences	Beer	1980	1996, Due 2020/21	Main programme for winter 2024/25
Foxholes Car Park Public Conveniences	Exmouth	1983	2004, Due 2023/24	Phase 1 project for winter 2023/24. Includes DLUHC funded adult changing places facility
Magnolia Centre (London Inn) Public Conveniences	Exmouth	c.1980	2003, Overdue 2016/17	Main programme for winter 2024/25
Manor Gardens Public Conveniences	Exmouth	c.1939?	2012, Due 2030	Main programme for winter 2024/25
Phear Park Public Conveniences	Exmouth	1976	1998, Due 2022/23	Main programme for winter 2024/25
Queens Drive Public Conveniences	Exmouth	2014	Due 2032	Main programme for winter 2024/25
Lace Walk Public Conveniences	Honiton	c.1990	Due 2021/22	Phase 1 project for winter 2023/24
West Walk Public Conveniences	Seaton	c.1960?	2009, Due 2027	Phase 1 project for winter 2023/24. Includes DLUHC funded adult changing places facility
Connaught Gardens Public Conveniences	Sidmouth	c.1960?	1994, Due 2021/22	Main programme for winter 2024/25
Triangle Public Conveniences	Sidmouth	c.1930?	1994, 2013, Due 2031	Main programme for winter 2024/25
Market Place	Sidmouth	?	?	Main programme for winter 2024/25 Sidmouth was due a net decrease of 1 site under the review. In discussion with Town Council desires to retain geographic locations are being worked through. To enable this Market Place site is reducing footprint, with new site at Ham. Publicly accessible toilet to be provided by others at Port Royal.
Ham car park – New Site	Sidmouth	N/A	N/A	Phase 1 project for winter 2023/24. Includes DLUHC funded adult changing places facility so was not initially included within the Toilets Review Project. However, taking on board concerns from Town Council about loss of cubicle numbers at Port Royal, this site provides opportunity to locate

				2 cubicles alongside changing places facility. Additional cost will be incurred but marginal in comparison to a self- contained block.
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## 2.2 Category B & C public toilets sites

The table below summarises the current position at each B & C site.

Site	Current Position	Next Steps & Estimated Handover Date	Toilet provision in place for April 2024?
Exmouth – Orcombe Point	<p>Heads of Terms agreed and Legal Services instructed late 2022. Proposal includes publicly accessible toilet provision and exciting repurposing of remainder. Agreement for lease to be entered into and with a longstop date of 12 months from signing. On grant of planning consent and consents needed from 3<sup>rd</sup> party, the lease will then automatically be entered into.</p> <p>The transaction has been delayed for past 6 months due to a request to 3<sup>rd</sup> party being needed.</p>	<p>Will almost certainly remain in EDDC ownership for the 2024 summer season.</p> <p>Conclude agreement for lease in winter 2023/24 which will then run for 12 months. At best, building works in winter of 2024/25.</p>	No
Exmouth – The Maer	<p>Heads of terms almost agreed. Includes publicly accessible toilet provision and exciting repurposing of remainder. Leased area to include outdoor space too. Agreement for lease to be entered into and with a longstop date of 12 months from signing. On grant of planning consent, the lease will then automatically be entered into.</p> <p>External seating and the sale of hot &amp; cold drinks and snacks is permitted along with the ability to hold external events.</p>	<p>Considering the need to finalize legals, obtain planning consent and mobilize contractors, will almost certainly remain in EDDC ownership for the 2024 summer season.</p> <p>Conclude agreement for lease in winter 2023/24 which will then run for 12 months. At best, building works in winter of 2024/25.</p>	No
Exmouth – Imperial Road	<p>Marketing in early summer 2022 generated a good level of interest. Exmouth Town Council expressed interest in taking a lease to provide an eco- hub alongside a publicly accessible toilet provision. Heads of Terms issued in 2022 but progress stalled awaiting decision on whether want to proceed or not. Another interested party we believe is still interested.</p> <p>Town Council's interest has delayed this repurposing since summer 2022. Having expressed interest in summer 2022, heads of terms were issued but Town Council were unable to progress until a formal</p>	To write formally to ETC.	No



	<p>decision had been made by Councillors which itself required the commissioning of a business plan. During September 2023 EDDC Officers met with ETC Officers.</p>		
Exmouth – Jarvis Close	<p>Awaiting decision by Housing Taskforce on site including wider car park. Had been expected winter / early Spring 2023 following interest by Taskforce in summer 2022.</p> <p>Taskforce submitted pre-application advice from Planners in September 2023. Following any feedback, if still of interest, will progress to due diligence and viability assessment. Decision unlikely for say 6 months.</p>	<p>Facility has been closed throughout and since pandemic, so no need to re-open ahead of decision.</p> <p>Await update from Housing Taskforce during winter 2023/24. If not interested, will market it either with / without car park. Clearly much more attractive as development site with car park. As toilets already closed, no need to market to include toilets provision.</p>	N/A as already closed
Seaton – Seaton Hole	<p>Short term ongoing public toilet provision secured through incorporating into main lease of takeaway.</p>	<p>Short term future of toilets secured.</p>	Yes
Seaton – Harbour Road	<p>After two rounds of marketing for a repurposing of building with publicly assessable toilet provision – 1<sup>st</sup> in summer, 2<sup>nd</sup> in autumn 2022, no offers had been received which score sufficiently highly in the weighted scoring matrix to be taken forward.</p> <p>During 2023 Officers have been working with a 3<sup>rd</sup> party. High level design work complete and looks very promising and heads of terms are being worked up.</p>	<p>If a credible proposal comes forward then legals can be progressed during winter 2024/25.</p> <p>Considering the need to finalise legals, obtain planning consent and mobilize contractors, will almost certainly remain in EDDC ownership for the 2024 summer season.</p> <p>If progress with 3<sup>rd</sup> party, conclude agreement for lease in winter 2023/24 which will then run for 12 months. At best, building works in winter of 2024/25.</p>	No (but commitment already made by EDDC that a public toilet provision will be continued in some form)
Seaton – Marsh Road	<p>Marketed extensively through 2022. One offer received which included for a publicly accessible toilet provision along with a re-purposing. Offer then withdrawn.</p> <p>During 2023 Officers have been working with a 3<sup>rd</sup> party and a more appropriate proposal is now coming forward. High level design work complete and looks very promising and heads of terms are being worked up.</p>	<p>If a credible proposal comes forward then legals can be progressed during winter 2024/25.</p> <p>Considering the need to finalise legals, obtain planning consent and mobilize contractors, will almost certainly remain in EDDC ownership for the 2024 summer season.</p> <p>If progress with 3<sup>rd</sup> party, conclude agreement for lease in winter 2023/24 which will then run for 12 months. At best, building</p>	N/A as already closed.

		works in winter of 2024/25.	
Budleigh Salterton – Brook Road	<p>Town Council rejected.</p> <p>Awaiting decision by Housing Taskforce on site including wider car park. Had been expected winter / early Spring 2023 following interest by Taskforce in summer 2022.</p> <p>Taskforce submitted pre-application advice from Planners in September 2023. Following any feedback, if still of interest, will progress to due diligence and viability assessment. Decision unlikely for say 6 months.</p>	<p>Facility has been closed throughout and since pandemic, so no need to re-open ahead of decision.</p> <p>Await update from Housing Taskforce during winter 2023/24. If not interested, will market it either with / without car park. Clearly much more attractive as development site with car park. As toilets already closed, no need to market to include toilets provision.</p>	N/A as already closed
Budleigh Salterton - Station Road	<p>Town Council had been interested but after 8 months of negotiations have confirmed they no longer wish to proceed. Letter received 01/02/23 confirming that members felt heads of terms were too inflexible, the cost of any future refurbishment was too great and the day-to-day cleaning and maintenance was too costly. In the last meeting with them in early January amongst their requests had been for a much shorter lease and with a tenant break option every 5 years.</p> <p>With Town Council not being interested, the site has been marketed during late summer. Only one offer received but it doesn't provide toilet provision and they aren't proposing to pay a rent. We'll need to work out what the alternative options for this site are, given the existing supply to the site could possibly be used for EV charging points.</p>	<p>An ongoing toilet provision has been found not to be possible – either through Town Council or through marketing.</p> <p>Decision needed on whether to now market without toilet provision, or to demolish and convert to car spaces possibly for EV's.</p>	No
Colyton – Dolphin Street	<p>On 9<sup>th</sup> October Parish Council have resolved to take on this site.</p>	<p>Being a Parish Council and with their proposals being phased, if legals can be concluded it is hoped that the Parish could provide the public toilet from 1<sup>st</sup> April 2024.</p>	Possible
Honiton – King Street	<p>After 6 months of negotiations Town Council confirmed it no longer wished to proceed in November 2022. Similarly to Budleigh Salterton they sighted risk, cost and lack of flexibility.</p>	<p>A business case to be prepared to consider commercial disposal (without toilets) or demolition and use as car spaces.</p>	No

	The site was marketed in late summer 2023 to include for a public toilet. No offers received.		
Sidmouth – Port Royal	To be incorporated into Rockfish development of Drill Hall site. Heads of terms (subj to contract) signed June 2023 requiring new toilets to be provided by 1 <sup>st</sup> April 2024, failing this they need to provide temporary facilities, and from a later date, pay financial penalty if fail to deliver.	Current timings provide no assurance that a public toilet will be operational by April 2024.	No

2.3 As an aside, Newton Poppleford Parish Council has now served notice to terminate their lease of the existing public toilets. EDDC will need to consider how to remarket (i.e. with / without public toilets). Parish Council comments confirm that there is limited user demand for these toilets.

2.4 As set out in the table, at this point in time it is looking very unlikely that when EDDC budget ends on 31<sup>st</sup> March 2023, that any other operator will be in a position to take over running of the public toilets. This is of concern to the project and requires further consideration as to how the Council can seek to achieve the outcomes it was seeking – whereby others take on sites and retain a publicly accessible toilet provision.

### **3.0 Summary of current position**

- The outcomes and decisions of the Toilet Review which were agreed, were sound decisions following a lengthy and detailed assessment of needs but also having listened to parish, towns and others through the consultation. It is disappointing that towns and parishes in general have not stepped forward and shown willingness to take sites on.
- It is likely that EDDC will require circa £1.6m of additional budget to complete the CAT A investment works in the winter of 2024/25. The condition of the sites is such that we couldn't continue operating without needing to invest.
- The issues we face are not a consequence of any failings in the Toilet Review, albeit yes it had been hoped parishes & towns would step forward, and yes we'd hoped the commercial interest would have crystalised more quickly into leases, repurposing and investment – the issues instead are around the timings of delivery. The early stages of this project, including public consultation were during the latter stages of the covid pandemic and therefore progress was challenging. The project has also been plagued by unprecedented build cost inflation, impacting both on EDDC's capital costs but also those of others.
- Within the Toilet Review we'd included a stepped sequence:
  - For those being offered to Parish / Towns, if they didn't want them, then market with toilets, then without.
  - For those not being offered to Parish / Towns, market with toilets, then without.

**Financial implications:**

The Council made the decision to retain the direct public toilet provision of Category A toilets as defined in the report, it should be noted that not all Councils continue to provide toilets directly because of the affordability. The investment required and ongoing costs necessitated the need to only fund Category A toilets and members agreed to the logic and provision of these key toilets. Currently the cost in retaining the other toilets (Non Category A) is being met from reserves at £200k per annum and if the decision is made to retain these there would be requirement of several million in upgrade costs.

**Legal implications:**

As this report is seeking views on next steps, there are no legal implications directly arising. However, there will be legal steps that need to be taken once Members have determined the approach to be taken and appropriate advice will be provided by the legal team at that stage.