

Report to: Cabinet



Date of Meeting 3 January 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## Public Toilets Review Project

### Report summary:

A report was presented to Overview Committee on 9<sup>th</sup> November 2023 providing an update on the Public Toilets Review project.

The report addressed both progress with Category A sites, being those sites where the Council is retaining and investing, but also the challenges encountered with Category B and C transfers and the limited interest particularly by Parish and Town Councils, but also more widely by others.

Overview Committee put two recommendations to Cabinet, namely:

1. To extend the closing date and any necessary revenue budgets for Category B and C sites until 31<sup>st</sup> March 2025 to allow a further 12 months to enable an urgent revisiting of negotiations with town and parish councils to look at freehold disposals and other changes to the offer according to a specified timetable and including a renewed effort through Ward Members to engage town and parish councils, with the reality of reduced or removed public toilet provision at the sites should agreement not be reached.
2. For this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to invite other Councils in Devon and Cornwall to also do so.

Recommendations were supported by Cabinet in its meeting of 29<sup>th</sup> November 2023.

This report focusses on how we now move this project forward in respect of recommendation 1 above in terms of timetable and process, but also in respect of resourcing what will be a resource intensive piece of work.

Firstly, to deal with timetable and process.

To allow for success, and a different outcome than received in the past 12 months, an agreed process (gateway approach) and timetable needs to be supported by Cabinet, as set out below:

1. Responding to feedback received on the onerous nature of the heads of terms, the Assistant Director – Place, Assets & Commercialisation, in consultation with Director – Finance, Director – Governance & Licensing and Finance & Assets Portfolio Holder to review and as appropriate amend heads of terms templates for both transfers to Town and Parish Councils, but also to others. Transfers to Town and Parish Councils to be on a freehold basis – This work to be concluded by mid-January.
2. Progress and conclude negotiations for freehold transfer of CAT B & C sites with Parish / Town Councils – commitment by signed heads of terms and authorities in place from Parish / Town Councils - This step to be concluded by 31<sup>st</sup> March 2024.

Note: If they choose to proceed with a freehold transfer, the final date for unconditional contracts to be in place is 30<sup>th</sup> June 2024 to take sites on at an agreed date no later than 31<sup>st</sup> March 2025. If by 31<sup>st</sup> March 2024 we have not secured a commitment then sites will be marketed as per step 3. If commitment is secured but unconditional contracts are not in

place by 30<sup>th</sup> June 2024 then marketing will commence in accordance with step 4, missing out step 3.

3. Progress and conclude marketing for CAT B & C sites commercially marketed to include an accessible toilet provision in part – by 31<sup>st</sup> May 2024.  
Note: Unless there are signed heads of terms by this date, will be marketed without accessible toilet provision as per step 4, either leasehold or freehold.
4. Progress and conclude marketing of sites without an accessible toilet provision – by 31<sup>st</sup> August 2024
5. Unconditional sale contracts, unconditional agreements for lease, or agreement by EDDC to retain / repurpose in place for all sites – by 30 November 2024
6. Transfer of all CAT B & C sites to complete – 31<sup>st</sup> March 2025 (at latest)

This new direction of travel, along with revenue implications in keeping sites open for a further year, also has staffing resource issues with this level of intensive work across all Category B and C sites requiring additional dedicated estates resource. Interim resource has been identified and is able to commence working on this for 3 days a week from early-January but will require additional budget beyond this current financial year. A request is therefore made for an additional £71,000 to be made available from the Council's Transformation Reserve to take the Council through to transfers being completed by 31<sup>st</sup> March 2025.

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

Budget Yes  No

Policy Framework Yes  No

#### Recommendation:

- a) Delegate to the Assistant Director – Place, Assets & Commercialisation, in consultation with Director – Finance, Director – Governance & Licensing and Finance & Assets Portfolio Holder to review and as appropriate amend heads of terms templates for both transfers to Town and Parish Councils, but also to others.
- b) Resolve to adopt the rigid timetable / gateway approach set out within this report.
- c) Recommend to Council that £71,000 be made available from the Transformation Reserve to fund an Interim Estates Surveyor post through to 31<sup>st</sup> March 2025.

#### Reason for recommendation:

To agree a way forward for transfer or disposal of Category B and C sites ensuring sites can close, with or without ongoing public toilet provision, as at 31<sup>st</sup> March 2025.

Officer: Tim Child, Assistant Director – Place, Assets & Commercialisation,  
[tchild@eastdevon.gov.uk](mailto:tchild@eastdevon.gov.uk) , 01395 571692

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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**

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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### **Financial Implications**

The financial details are contained in the report with a request for a £71k budget to be met from the Transformation Fund. It is important that this matter is concluded which this budget supports and that future savings related to this project, factored into the budget, do materialise.

### **Legal Implications**

There is no direct comment to be made at this time, Legal Services will assist with transactions as necessary.