



**REPORTS FOR DECISION BY THE
CABINET MEMBER FOR ENVIRONMENT**

Date Issued: **06 August 2009**

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K = KEY DECISION

**A Record of Decision will be issued following the
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MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR THE ENVIRONMENT

REPORT OF THE ASSISTANT DIRECTOR OF ENVIRONMENTAL SERVICES

Report prepared by Steve Goulette

Date Issued: 6 August 2009

1. **PUBLIC CONVENIENCES**

1.1 **Issue for Decision**

1.1.1 To consider the recommendations made by the Environment and Leisure Overview and Scrutiny Committee regarding its review of the Council's public conveniences.

1.2 **Recommendations of the Assistant Director of Environmental Services**

1.2.1 That the Cabinet Member agrees that the responses identified in the report be sent to the Overview and Scrutiny Committee.

1.2.2 That the closures of the public conveniences identified in the report are agreed and that the closure of facilities at Shepway, Park Wood and Palace Avenue be implemented as soon as possible.

1.2.3 That the arrangements for the community based schemes, both urban and rural, regarding criteria and numbers identified in the report be agreed.

1.2.4 That the responsibility for the remaining public conveniences together with appropriate budget be transferred to the Cabinet Member for Culture and Leisure and the responsibility for the closed facilities together with appropriate budget be transferred to the Cabinet Member for Corporate Services.

1.3 **Reasons for Recommendation**

1.3.1 The Environment and Leisure Overview and Scrutiny Committee has recently completed a review of the Council's public conveniences. The comprehensive report proposes a number of significant changes to the way public conveniences are provided in the borough, recognising the current quality and number of facilities available to the public and also the financial constraints affecting the Council.

1.3.2 The Committee has made a series of recommendations which reflect the lack of investment in the facilities in recent years and these are identified together with the suggested response in Appendix A to this report.

1.3.3 The Town Centre Management Street Scene Sub Group has supported the overall principles in the Overview and Scrutiny report; however, some key issues raised by them are provided in Appendix B to this report. The views given differ from the responses in Appendix A for the following reasons:

Church St

The sub group supported the principle of closure and considered that the Gateway should be made available as identified in the O&S report.

Fairmeadow

The sub group considers these facilities provide a vital need and are essential to encourage the use of the river, further that the only alternative would require crossing a busy road and should therefore be retained.

These facilities are in generally poor condition, they are often used for the wrong purposes and have suffered from anti-social behaviour and drug-related problems. Whilst alternative facilities would require crossing the road there is a subway for most of the year and a permanent signalised crossing at road level. Whilst this is not ideal it is still preferable to retaining the current inadequate facilities and the response in Appendix A does not support this view.

For special events e.g. River Festival, facilities could be hired in as they are for other activities. Nearby facilities will be approached as part of a community-based scheme.

Palace Avenue

The sub-group supported the closure but, in view of the poor condition and history of misuse, felt they should be closed as soon as possible.

1.3.4 The Overview and Scrutiny report proposes to close a number of public conveniences that are either used infrequently or in poor condition.

There is a need for facilities to remain in the town centre and village centres and the report proposes that community-based facilities are used (e.g. local restaurants, shops, etc).

This principle is supported in that it would provide further choice, provide a greater number of facilities available and will significantly improve the standards.

The scrutiny report does not consider how such schemes would operate and potential arrangements are identified later in this report.

1.3.5 The proposals will mean that the following public conveniences will be closed:-

<ul style="list-style-type: none"> • Shepway • Parkwood • Palace Avenue 	To be closed as soon as practical
<ul style="list-style-type: none"> • Church Street • Fairmeadow 	Subject to community scheme being in place
<ul style="list-style-type: none"> • Staplehurst (library) • Staplehurst (Bell Lane) • Marden • Lenham • Headcorn • Yalding • Sutton Valence 	Arrangements to be discussed with Parish Councils and if not agreed the facilities will close

1.3.6 This will mean that the Cabinet Member only retains responsibility for the remaining toilet facilities:

- Lockmeadow
- Allington
- Butterfly unit/temporary urinals in the town centre
- Clare Park
- Penenden Heath
- Mote Park (Lake and Pavilion)
- South Park
- Whatman Park
- Cobtree
- Brenchley Gardens

1.3.7 With the exception of Allington and the Butterfly/temporary urinals, all the remaining facilities are directly linked to Parks and it is therefore suggested that the responsibility for all the remaining facilities transfers to the Cabinet Member for Culture and Leisure together with the appropriate budgets.

Those facilities that have been closed will continue to need minor maintenance and pay NNDR and therefore these premises should transfer to the Cabinet Member for Corporate Services and be

managed by the Corporate Property team as the buildings are no longer "operational".

- 1.3.8 These changes will mean that staffing resources will be reduced and this will need careful negotiation with staff and unions. In accordance with Council policies, staff affected by the proposals will be re-deployed wherever possible.
- 1.3.9 Some of the O&S recommendations are not agreed, details are provided in the SCRAIP response in Appendix A.
- 1.3.10 Whilst the report refers to the provision of developing a community-led scheme, it does not give any indication of how such a scheme would operate. In order to seek agreement with retailers in the town and rural areas, it is suggested that the following criteria apply:-
- a) The facilities meet the standards set out in Appendix C, both in terms of infrastructure and cleanliness;
 - b) There is agreement for the premises to be signed and clearly defined as part of the branding for the scheme;
 - c) Premises agree to a 12 month "contract";
 - d) Premises are paid an annual retainer to make their facilities available at the times agreed in the contract within an overall budget managed by MTCMI and potentially parish councils.
 - e) The facilities are regularly checked by Council officers to ensure standards are maintained.
- 1.3.11 In order to ensure the number of facilities available is increased as part of a community-based scheme, it is proposed that at least twelve facilities are identified and operated in the town centre in order to provide a wide range of choice and opening times, and where possible, two premises in each of the rural locations.
- 1.3.12 In order to have effective management of the scheme and to ensure other premises are available if some drop out or fail to maintain standards, the Town Centre Management Initiative can be asked to manage the list of premises for an annual fee of £2,000 and in rural areas, individual parishes can either take over the premises themselves and receive the community scheme retainer or agree to manage the community scheme in their area for a fee of £300 per annum.
- 1.3.13 The overall budget for public conveniences is £538,000 including overheads, insurances and depreciation.

The savings figures identified in the Overview and Scrutiny report do not reflect the costs of decommissioning or the true costs of closing

specific conveniences. The savings identified in the report are therefore incorrect.

Details of the savings that will accrue in a full year, based on the recommendations in the Scraip, and as detailed in paragraph 1.3.5 above (assuming community facility schemes are in place) are as follows:-

	£
Closure of Parkwood and Shepway facilities	20,400
Closure of town centre facilities	121,800
Closure of rural facilities	46,300
TOTAL	£188,500

Costs to implement the proposals:-

<u>One off costs</u>	£
Decommissioning	10,000
Redundancy (potential cost)	28,000
Demolition, etc. – Palace Avenue	25,000
Signing – community scheme	20,000
Website improvements	5,000
TOTAL	£88,000
<u>Recurring costs</u>	
Urban community scheme, MTCMI -management	2,000
Rural community scheme – management	1,800
Community scheme retainer costs	14,400
Maintenance of closed facilities	10,000
TOTAL	£28,200

It should be noted that Parkwood, Shepway and Palace Avenue will be closed as soon as possible in order to generate the £20,000 savings in the current financial year.

Therefore the savings achieved, if all the closures agreed are implemented, will be as follows:-

2009/10	£20,000	
2010/11	£72,300	Reflects one-off costs
2011/12	£160,300	Full savings less recurring costs

1.3.14 The remaining budgets will therefore be appropriately divided between the two Cabinet Members as identified in paragraph 1.3.7 above.

1.4 **Alternative Action and Why Not Recommended**

1.4.1 It would be possible to not respond to the Overview and Scrutiny Committee's recommendations. Clearly this would not be a positive action from the Cabinet Member and, given the detailed work that has been carried out and number of recommendations made, is not recommended.

1.4.2 Certain toilet facilities could remain open but these are not regularly used or in poor condition and on occasions misused. Those with high usage will only be closed where alternative community based facilities are in place.

1.4.3 Deep cleansing will only be long lasting with high quality sustainable materials. Not replacing those materials which are unsuitable would devalue the deep cleansing undertaken.

1.4.4 The Cabinet Member could decide to close some facilities and not provide a community based scheme. This would result in very limited public conveniences in the Borough and would not support those shopping and visiting the Borough's towns and villages.

1.5 **Impact on Corporate Objectives**

1.5.1 The provision of public conveniences is a discretionary function, however poor quality facilities could adversely affect a number of the Council's priorities.

1.6 **Risk Management**

1.6.1 The provision of public conveniences can be a very emotive subject and the Overview and Scrutiny Committee's report is comprehensive and involved considerable consultation. However the proposed closures will need to be implemented carefully with considerable involvement with local groups, ward members and parish councils. There is therefore a risk to the council's reputation.

1.6.2 The closures need to be implemented in time to achieve budget savings and if delayed could result in a shortfall in the budget.

1.6.3 Unions will need to be consulted regarding the changes to staffing resources who will be re-deployed wherever possible, but this could delay implementation.

1.6.4 The community based scheme will need to be effective to ensure the Council does not receive adverse comments regarding the lack of facilities or poor quality provision. Again there is a risk to the council's reputation.

1.6.5 The Council will be working with partners to ensure the success of the new proposals. there is a need to ensure all parties are clear of their roles and responsibilities to ensure success.

1.7 Other Implications

1.7.1

1. Financial

X

2. Staffing

X

3. Legal

X

4. Equality Impact Needs Assessment

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5. Environmental/Sustainable Development

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6. Community Safety

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7. Human Rights Act

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8. Procurement

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9. Asset Management

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Financial

1.7.2 The financial implications are detailed in the report.

Staffing

1.7.3 The proposed closures will lead to the need to re-deploy and redundancies may have to be considered.

Legal

1.7.4 Contracts will be agreed with each community facility provider.

Background documents

Environment and Leisure Overview and Scrutiny Committee Public Conveniences Review

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? *July 2009*

Is this an Urgent Key Decision? Yes No

Reason for Urgency

[State why the decision is urgent and cannot wait until the next issue of the forward plan.]

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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SCRUTINY COMMITTEE RECOMMENDATION ACTION AND IMPLEMENTATION PLAN (SCRAIP)

Report Title: Public Conveniences Review

Report of Environment and Leisure Overview and Scrutiny Committee

Date of Publication: July 2009

Dates to report back to Committee:

Update	Date	Completed?	Note
1 st	15 December 2009		6 months after publication
2 nd	15 June 2010		12 months after publication
3 rd			

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Recommendation¹	Cabinet Member²	Response³	Timetable⁴	Lead Officer⁵
A. Cleaning Staff be trained to implement a deep clean of the Council's public conveniences, for example through training delivered by the British Institute of Cleaning Science and that a rolling programme of deep cleaning be carried out on the Council's public conveniences to remove unpleasant build up;	Environment	Partly Agreed. Programme of training to be implemented during the autumn subject to agreement on closures identified elsewhere in the report. However, some materials will be resistant to such cleansing which will have limited effect. Such materials should be replaced as budgets allow.	Training autumn; cleansing winter 2009	R Wilkin
B. Cleaning staff complete checklists to itemise for signs of vandalism and to ensure that facilities are fully stocked and in working order;	Environment	Agreed. Staff already undertake minor repairs and other items on the checklist are sent to Property & Procurement for action.	August 2009	R Wilkin

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C. All needle disposal points in public conveniences be clearly marked.	Environment	Agreed. Already marked - no further action.		
D. All public conveniences, Council owned and otherwise, be clearly signposted;	Environment	Agreed. A signing programme will be implemented; this will be finalised when the closure arrangements have been completed.	TBA	R Wilkin
E. The Council's website be improved to show which public conveniences have disabled access and/or baby changing facilities and that contact details and a web-based form be added for customers to report problems;	Environment	Agreed. To be implemented for the toilets that are remaining open and for community schemes when they are in place. Web-based reporting form to be introduced as soon as possible.	TBA August 2009	R Wilkin
F. Baby change facilities be incorporated into the facilities at Mote Park (Lake Side) and Cobtree Rural Park, and future refurbishments include incorporating baby change facilities for both men and women at the facilities at Brenchley Gardens and South Park;	Environment	Agreed subject to budget being available and spatial considerations making it possible.	When funding permits	D Tibbit
G. The inappropriate fixture and fitting heights in the Council's public conveniences be remedied and relevant maintenance staff be briefed on Part M of Building Regulations regarding heights and arrangement of fittings to ensure compliance with this;	Environment	Partly agreed. The property team will review existing arrangements and suggest any improvements that can be made subject to funding being available.	Review August 2009	D Tibbit

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<p>H. New and refurbished public conveniences avoid being RADAR locked unless necessary;</p>	<p>Environment</p>	<p>Not agreed. RADAR is an established scheme, understood by all disabled organisations. Keeping the toilets locked helps maintain standards and prevents vandalism and possible sites for drug misuse.</p> <p>Gateway and Town Hall staff to have RADAR keys available for purchase.</p>	<p>N/A</p>	<p>N/A</p>
<p>I. The RADAR Scheme be more widely advertised and appropriate local premises be supplied with a key to facilitate the provision to all disabled people at those public conveniences where a RADAR lock is required;</p>	<p>Environment</p>	<p>Agreed. The scheme will be more widely advertised. Not agreed to provide keys to local premises as this will require them to make judgements on the disability of individuals requesting a key.</p>	<p>August 2009</p> <p>N/A</p>	<p>R Wilkin</p> <p>N/A</p>
<p>J. All new and refurbished public conveniences have 'family friendly' public conveniences available to both men and women;</p>	<p>Environment</p>	<p>The provision of family-friendly facilities will be considered as part of any provision on refurbishment of existing facilities. However, this would be subject to budgetary provision and the layout of existing facilities which may prevent further changes being made</p>	<p>TBA</p>	<p>D Tibbit</p>
<p>K. The practice of positioning baby changing facilities behind RADAR locked doors cease;</p>	<p>Environment</p>	<p>Not agreed. Subject to funding, additional baby changing facilities will be provided in Male, Female and Disabled facilities so that <u>all</u> sections of the convenience has baby changing arrangements.</p>	<p>TBA</p>	<p>D Tibbit</p>

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<p>L. The public conveniences in Park Wood and Shepway be closed given their low usage and cost to achieve approximate direct cost savings of £29,146 per annum;</p>	<p>Environment</p>	<p>Agreed. Toilets to be closed. Discussion to be held with ward members. Costs have varied and are identified in the report.</p>	<p>TBA During 2009/2010</p>	<p>R Wilkin</p>
<p>M. The usage of public conveniences in Allington be monitored in 2009/10;</p>	<p>Environment</p>	<p>Agreed.</p>	<p>Commence August 2009</p>	<p>R Wilkin</p>
<p>N. The relevant Parish Councils be consulted with regard to transferring day to day management of rural public conveniences facilities to Parish Councils, with a view towards part time or seasonal openings; if the Parish Council was unwilling to take over management of a particular public convenience, the public convenience be closed achieving savings of up to £94,322 per annum;</p>	<p>Environment</p>	<p>Agreed. Parish councils to be offered the conveniences to operate themselves and receive a community facilitator retainer payment or they can manage the community facilities in their parish and be given a management fee. If arrangements are not agreed the toilets will close. Costs have varied and are identified in the report.</p>	<p>TBA during 2009/2010</p>	<p>R Wilkin</p>
<p>O. The Council pursue a community based public convenience scheme in the Town Centre utilising a variety of premises to cater for society's needs. Maidstone Borough Council should lead on this scheme by making available public conveniences at the museum and in the Gateway at an approximate cost of £50,000 dependant on uptake;</p>	<p>Environment</p>	<p>Partly agreed. The principle of a community-based public convenience scheme is supported and will be pursued. The use of the Museum is not supported as the Museum facilities are currently too small. Costs have varied and are identified in the main report.</p>	<p>Community scheme developed during 2009/2010</p>	<p>R Wilkin</p>
<p>P. The Council undertake surveys of interest for a Community Toilet Scheme across the urban and rural areas of the Borough, including the commercial sector and community</p>	<p>Environment</p>	<p>Agreed where providers receive an agreed fee for providing facilities.</p>	<p>During 2009/2010</p>	<p>R Wilkin</p>

APPENDIX A

organisations that run community centres;				
Q. S106 money be used as a means to providing more public toilets, possibly as part of a Community Toilet Scheme;	Environment	Not Agreed. The priorities for S106 monies have already been set with social housing and open spaces high on the list, any S106 agreement would have to relate to the specific development.		
R. The Church Street public conveniences be closed and the Gateway public conveniences be publicised, achieving an approximate saving of £24,471 per annum;	Environment	Agreed. Church St to be closed when a community toilet scheme is in place. Costs have varied and are identified in the main report.	During 2009/2010	R Wilkin
S. The public conveniences at Palace Avenue and Fairmeadow be phased out following the successful implementation of a Community Toilet Scheme, achieving an approximate saving of £43,407 per annum; and	Environment	Agreed. Closure at Palace Avenue to take place as soon as practical in accordance with the views of the MTCMI Street Scene Sub-group. Closure of Fairmeadow subject to implementation of a community facility scheme. Costs have varied and are identified in the report.	During 2009/2010	R Wilkin
T. The savings made from closures be used to refurbish and improve public conveniences in Parks.	Environment	Not agreed. Whilst the principle is understood, revenue savings will be considered as part of the overall budgetary process and the costs associated with the provision of community toilet schemes, decommissioning and related signing.		

Notes on the completion of SCRAIP

¹ Report recommendations are listed as found in the report.

² Insert in this box the Cabinet Member whose portfolio the recommendation falls within.

³ The Officer/Cabinet Member responsible for responding to the recommendation should indicate in this box either the acceptance or rejection of the recommendation.

If the recommendation is rejected an explanation for its rejection should be provided. The 'timetable' and 'lead officer' boxes can be left blank

If the recommendation is accepted an explanation of the action to be taken to implement the recommendation should be recorded in this box. Please also complete the 'timetable' and 'lead officer' boxes.

⁴ The Officer/Cabinet Member responsible for responding to the recommendation should indicate in this box when the action in indicated in the previous box will be implemented.

⁵ The Officer/Cabinet Member responsible for responding to the recommendation should indicate in this box the Officer responsible for the implementation of the action highlighted in the 'response' box.



MTCMI Street scene sub group comments on O&S report on public conveniences

General Comments

It was considered that the recommendations had not been thoroughly thought through and at least one of the proposed closures would be difficult to achieve due to the lack of alternative commercial premises in the locality.

The savings indicated were unrealistic given the decommissioning, potential redundancy and costs to implement the community public convenience scheme.

It was also felt that the proposals would work for shoppers but would not be suitable for events such as the River Festival which would require temporary facilities to be brought in.

The concept of a community facility scheme is good and could raise overall standards and accessibility but signage and delivery would need to be excellent. Such a scheme will only work where several suitable alternatives are available in the locality.

Closing toilet facilities in the town centre will impact on drug use and homeless activity and should be discussed in advance with the relevant agencies.

Comments on Individual Proposals

Church Street

Gateway should be made available subject to extending cleansing arrangements. These facilities will be the subject of redevelopment in a few years but are strategically placed in the town and are the most frequently used facilities.

These could be closed if suitable alternative community facilities could be provided.

Palace Avenue

Poor facilities, detracting from the Council's reputation and should be closed as soon as possible. New facilities should be provided in the longer term in the Archbishops Palace complex area. Alternative community facilities are to be sought.

Fairmeadow

Suitable community type facilities are very limited in the locality but even were they to be found it is unrealistic to expect people using the riverside to leave it, cross the highway and go the distance required to find a convenience. This suggestion is in direct contradiction to the aspirations arising from the "Use of the River" Overview and Scrutiny Report.

These facilities are always clean but are in need of refurbishment. They are on a key position next to the river. If the river is to be exploited and used by more people, these facilities must be retained.

The site is considered in the High Street scheme for re-development and perhaps the site should be marketed.

July 2009

CRITERIA FOR COMMUNITY BASED FACILITIES

1. Detailed cleansing programme in place with regular inspections
2. Good disabled access and facilities
3. Clearly sign posted inside and outside the premises
4. High quality facilities with good soap and drying arrangements
5. Baby changing facilities where practical
6. Good repair, decoration and lighting
7. Available to all age ranges
8. Broad range of opening times with minimum 7 hours per day and preferably 7 days per week.

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