

Communities, Housing and Environment Committee

15 March 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Review of Public Conveniences

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	Head of Environment & Public Realm
Lead Officer and Report Author	Street Scene Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:-

- 1, The Committee agrees the objective that the provision of public conveniences should support the Council's ambition for Maidstone to be an attractive place for visitors and residents, and therefore should focus on areas where provision is currently insufficient.
- 2, The Committee agrees the removal of the Butterfly Urinal from Maidstone High Street
- 3, The Committee agrees that the Community Toilet Scheme should be retained and refreshed.
- 4, The Committee delegates to the Head of Environment and Public Realm in conjunction with the Head of Commercial and Economic Development the authority to agree new Community Toilet arrangements with businesses in the Town Centre which have suitable facilities.
- 5, The Committee agrees to continue the current payments to support the Parish Councils' service provision until it can be considered as part of the review of the Parish Services Scheme.
- 6, The Committee supports the proposal to explore investment opportunities for new facilities as part of the implementation of a modest Business Improvement District and through the use of planning agreements.

This report relates to the following corporate priorities:

Keeping Maidstone Borough an attractive place for all – ensuring that members of the public have suitable access to public conveniences.

Timetable	
<i>Meeting</i>	<i>Date</i>
Corporate Leadership Team	1 March 2016
Community, Housing and Environment Committee	15 March 2016

Review of Public Conveniences

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Maidstone Borough Council's provision of public conveniences was reviewed in 2008 resulting in the closure of some facilities and the implementation of the Community Toilet Scheme.
 - 1.2 The purpose of this report is to identify the level of toilet provision required to improve Maidstone's attractiveness and to be a destination of choice for visitors.
 - 1.3 This report provides a brief summary of the existing service, the areas where improvement is required and recommendations for the Committee to consider.
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2. INTRODUCTION AND BACKGROUND

Review Objectives

- 2.1 The objective of this review is:

to identify the level of toilet provision required to support the Council's ambition for Maidstone to be an attractive place for residents and visitors and to be able to secure continuing investment.
- 2.2 It is important that the future provision of toilets reflects the needs of the Borough, including specific issues around night-time economy and addresses any gaps in the service currently provided.

Current Provision

- 2.3 Firstly, it is important to note that while the Public Health Act 1936 gives local authorities a *power* to provide toilets, it imposes no *duty* to do so, and with tightening budgets and increased concern about the link with anti-social behaviour including drug use, it is clear to see why there is a reduction in toilet provision across the Country.
- 2.4 The current cost to the Council for the provision of public toilets is just over £210,000 per annum, with £130,000 recharged to other departments, predominantly for the cleaning and maintenance of toilets in the Borough's Parks.
- 2.5 Maidstone's last public toilet review was undertaken in 2008 and resulted in a number of changes being implemented.
- 2.6 At this time there were three public toilets in urban areas outside of the Town Centre; Parkwood shopping parade, Northumberland Road and Mid Kent shopping Centre, Allington. Both the Parkwood and Northumberland Road facilities were in a poor condition and were closed the following year.

The toilet at the Mid Kent Shopping Centre was fully refurbished in 2008 at a cost £40,000 and remains open today.

- 2.7 In addition to these facilities there were five public conveniences within Maidstone town centre; King Street, Palace Avenue, Fairmeadow, Brenchley Gardens and Maidstone Market.
- 2.8 Of these facilities, only three remain open, although all on a seasonal or part-time basis. The Fairmeadow and Brenchley Gardens toilets are now opened seasonally due to the high level of anti-social behaviour including drug use. The toilet at Maidstone Market is available on market days and when the Market Hall is in use.
- 2.9 There are also toilets in a number of the Borough's Parks including Mote Park, Whatman Park, South Park and Cobtree Park. These were not affected by the review and continue to be cleaned at a cost of £15,000 per block per year.
- 2.10 The review not only resulted in the closure of some facilities but also the introduction of the Community Toilet scheme (CTS) in the town centre. Maidstone was not alone in adopting this approach as many other local authorities across the Country implemented similar changes with community toilet schemes being introduced in many major towns and cities.
- 2.11 The Community Toilet Scheme was introduced to compensate for the closure of Council facilities and was based on successful schemes implemented elsewhere.
- 2.12 This scheme allows members of the public to use retail businesses' toilets without purchasing any goods or paying a fee. Most businesses in this scheme receive an annual payment of £300 from the Council to cover the cost of any additional supplies, however one establishment receives £600 as this is the only toilet which opens after 11pm.
- 2.13 To advertise the scheme stickers are placed in each of the premises' window, informational leaflets are provided at the Council's Gateway and there are also 6 large maps strategically placed around the town centre, which are shown in Appendix A.
- 2.14 There are currently 14 toilets in the Community Toilet Scheme which are widely spread across the town centre however these locations have changed very little since the start of the scheme. The toilets are monitored annually by officers and since the service started there have been very few complaints relating to their condition or the availability of toilets.
- 2.15 The Community Toilet Scheme has always struggled to attract businesses that are prepared to allow non-paying members of the public into their premises during late night opening i.e. 10pm – 6am. For this reason only one has been part of the scheme fulfilling this purpose since it started. With the majority of late night bars/clubs being paid to enter and with very strict security policies, the number of bars or clubs that would be suitable for the Community Toilet Scheme during this late night period is negligible.

- 2.16 Currently the Council provides one functional urinal in the town centre for Friday and Saturday night time economy; however has no provision for females or the disposal of solid human waste.
- 2.17 In 2003/04, the Council installed a permanent Butterfly Urinal in the area now known as Remembrance Square at a cost of more than £76,000. This facility was designed to open during the evening when it was needed but could be discretely closed during the day. Unfortunately the unit was damaged by high winds in early 2015 and has been out of order since due to the cost for repair being greater than the cost to replace the whole unit.
- 2.18 In order to provide a facility during the evening, a mobile urinal is installed every Friday and Saturday night by the Council's Street Cleansing Team. This well-used unit is located on Jubilee Square (near the Queen monument) between the hours of 6pm to 6am and costs £1560 per year to hire from a local provider.
- 2.19 The 2008 Review also highlighted the lack of investment in parish toilets over a 10 year period, with many of the toilets in desperate need of internal modernisation. At this time all Parish Councils felt that their public toilet was necessity and nationally there was a trend for Parish Councils to take responsibility for the facilities in their own parish. All Parish Councils were consulted and after some negotiation accepted responsibility. To assist the Parishes in providing these facilities Maidstone Borough Council agreed to provide financial support via an annual sum (see table below).

Parish	Sum
Headcorn	£2,500
Marden	£2,500
Staplehurst	£2,500
Sutton Valance	£1,000
Lenham	£2,500
Yalding	£6,500
Total	£17,500

- 2.20 The higher cost for Yalding relates to the history of these toilets and their transfer back to Maidstone which includes a covenant preventing their closure without the Parish's agreement.
- 2.21 Since this initial review of the service, only a brief 'one year on' follow-up assessment has been carried out. Even though a number of public toilets were closed as a result of this review, Maidstone received several positive mentions in Government 'White papers' such as Communities and Local Government Committee's report entitled 'The Provision of Public Toilets'. This report was commissioned to examine the expenditure, administration and the policies of the Department of Communities and Local Government and its associated bodies. This report is included as a background document.
- 2.22 There have been very few complaints about public conveniences since the changes were implemented. Those which have been received relate to

temporary closures due to anti-social behaviour and isolated issues with the condition of a couple of the Community Toilets.

Areas of Improvement

- 2.23 Public conveniences are used by a variety of different people including shoppers, tourists, workers and those enjoying the Town's vibrant nightlife.
- 2.24 The current provision of toilets is focused on day-time visitors to the Town Centre, with a large number of toilets concentrated in the High Street, Week Street and Earl Street Area.
- 2.25 However there are very limited facilities for those visiting the Town Centre during the evening or those enjoying the River.
- 2.26 Therefore future toilet provision should be focussed on addressing these gaps in the current service as this will have the greatest impact on improving the appeal of the Town.
- 2.27 Aside from the toilets operated by the Council and those within the Community Toilet Scheme, there are also a large number of premises within the Town Centre who provide facilities to their patrons. This is shown on the map in Appendix B.
- 2.28 There is an opportunity to engage with these businesses, particularly those who are open late at night, to improve the Community Toilet Scheme and support the Town's night-time economy with the provision of good quality, cost effective toilets.
- 2.29 In addition to improving the Community Toilet Scheme provision and coverage, there is also a need to raise its profile as there has been criticism about the scheme's visibility. An example of the current signage is included in Appendix C.
- 2.30 Improvements to signage and branding as well as identifying new ways to publicise the scheme are essential to ensure the toilets are well used and visitors are aware their nearest facility.
- 2.31 There is also a concern about ensuring the Service complies with legislation relating to discrimination, particularly around disabled access and gender.
- 2.32 The Community Toilet Scheme means that there has been a significant increase in disabled facilities within the Town Centre which can be used by any disabled visitors to the town. However three complaints were received from disabled users about the closure of the Fairmeadow toilet.
- 2.33 It is recognised that with the seasonal opening of the Fairmeadow toilet and on-going issues with anti-social behaviour, the provision of toilets by the River is inadequate, particularly for elderly or disabled visitors.
- 2.34 However the Fairmeadow toilet has been highlighted as an area for investment within the town as part of the 5 year plan. There is an

opportunity to redevelop this facility to incorporate a visitor attraction such as a food establishment with public toilets.

- 2.35 There is a growing focus on the development of the Town Centre, including improvements to the transport infrastructure as part of the Integrated Transport Strategy, public realm improvements and redevelopment of the Mall. It is important that the provision of toilets, whether directly or through third parties is considered as part of the wider strategic perspective.
- 2.36 It is important for the Council to explore opportunities to gain investment for future toilet improvements which support the Borough's ambitions to increase visitor numbers and have a growing economy.
- 2.37 These opportunities include the implementation of a modest Business Improvement District (BID) which would enable the capture of additional income through business rates to improve facilities within the town.
- 2.38 The use of planning agreements to gain external investment in the Borough and increase visitor numbers should also be explored further in relation to the provision of toilet facilities. However the continuing running costs for their provision would need to be considered as part of the investment plan.
- 2.39 The repeated issue of vandalism and anti-social behaviour around the Council's toilets within the Town Centre is also cause for concern when considering the provision going forward. In order to achieve the Council's objective to raise the profile of the County Town and for it to be a destination of choice for visitors, it is also important that the toilets provided do not provide a negative impression of the Town. Therefore attended toilets, which include toilets within a retail premises, are more likely to appeal to visitors and will deter anti-social behaviour. Co-locating toilets in retail premises, such as in a food establishment on the River or in evening venues, will result in better maintained and safer facilities than stand-alone facilities, such as those in Brenchley Gardens or Fairmeadow.
- 2.40 It is cost effective for the Council to continue to provide support to the Parish toilets rather than operate them directly. However it is still important to note that the Parish Councils have the same legal power as the Borough with regard to toilets and therefore there is no duty for them to continue to provide them. The payment of this support should be considered as part of the review into the Parish Services Scheme and could be incorporated into the Parish Precept.
- 2.41 There are also a number of smaller actions which have already been identified which address issues with the existing service. These are outlined in the action plan attached in Appendix D.

Conclusions

- 2.42 Future improvements to the toilet provision within Maidstone need to be focused around the late night economy and the River, where the existing provision is limited and does not fully meet the needs of visitors and residents.

- 2.43 There is a comprehensive provision of toilets for day-time visitors to the Town Centre which can be further improved by updating the Community Toilet Scheme to reflect the changing landscape of the Town Centre and taking advantage of the growing number of food and drink establishments.
- 2.44 It is recommended that new public convenience provision should be considered as part of the long term investment and development plan for the Town Centre. With significant improvements, including to the Mall Shopping Centre and Bus Station, it is recommended that the potential for this to deliver additional facilities, particularly out of standard daytime hours, is considered in detail.

3. AVAILABLE OPTIONS

- 3.1 The Committee could agree the six recommendations outlined on page one of this report, specifically:
- The Committee agrees the objective that the provision of public conveniences should support the Council's ambition for Maidstone to be an attractive place for visitors and residents, and therefore should focus on areas where provision is currently insufficient.
 - The Committee agrees to the removal of the Butterfly Urinal from Maidstone High Street
 - The Committee agrees that the Community Toilet Scheme should be retained and refreshed.
 - The Committee delegates to the Head of Environment and Public Realm in conjunction with the Head of Commercial and Economic Development the authority to agree new Community Toilet arrangements with businesses in the Town Centre which have suitable facilities.
 - The Committee agrees to continue the current payments to support the Parish Council's service provision until it can be considered as part of the review of the Parish Services Scheme.
 - The Committee supports the proposal to explore investment opportunities for new facilities as part of the implementation of a modest Business Improvement District and through the use of planning agreements.
- 3.2 Alternatively the Committee could reject the recommendations made within this report and propose alternative actions.
- 3.3 The Committee could decide to reject the recommendations and decide that the existing service should remain unchanged.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is to implement the recommendations contained within the report. These actions have been identified to ensure the Council can continue to operate a cost effective service and take advantage of the current development of the Town Centre.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 It is proposed that following agreement of the recommendations within this report, businesses will be consulted on the Community Toilet Scheme in order to determine which businesses would be interested in joining the initiative as well as the suitability of their facilities.
- 5.2 Initial discussions have been held with the Head of Commercial and Economic Development and the Parks and Leisure Manager regarding their role for commissioning toilet provision in the future and future consultation will be held with the Strategic Town Centre Board.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The following timetable is proposed:

Action	By When
Approval of the recommended actions by CHE Committee	15 March 2016
Revised Community Toilet Scheme Agreement drafted	April 2016
All businesses within Town Centre with facilities consulted	June 2016
Removal of the Butterfly Urinal	July 2016
Commissioning of new toilet cleaning model	July 2016
New CTS implemented with improved marketing and publicity	July 2016

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all – the proposals support this priority by maintaining the provision of facilities which contribute to a reduction in public urination/defecation.	Head of Environment & Public Realm
Risk Management	Failure to provide public conveniences is likely to lead to	Head of Environment

	increased issues of public urination and defecation, which will have a negative impact on the Council and Town's reputation. This report looks to ensure the Council provides access to suitable facilities whilst accepting that there is no statutory obligation to do so.	& Public Realm
Financial	The actions related to the Community Toilet Scheme will be funded through the existing Public Conveniences budget. Any savings identified through the commissioning of a new cleaning model will be returned to the relevant department responsible for the management of each facility.	
Staffing	Commissioning a new cleaning model for public conveniences may have an impact on the members of staff currently undertaking this work. Staff will be fully consulted on any proposed changes.	Head of Environment and Public Realm
Legal	The Council does not have a statutory obligation to provide this service. The Council and businesses within the Community Toilet Scheme will enter into a legal agreement.	Head of Legal Partnership
Equality Impact Needs Assessment	An Equality Impact Assessment has been carried out and is attached in Appendix E	Policy & Information Manager
Environmental/Sustainable Development		
Community Safety	All issues of anti-social behaviour linked with Maidstone's public conveniences are reported to the Community Safety Team, including needle finds and vagrancy.	Head of Environment & Public Realm
Human Rights Act		
Procurement		
Asset Management		

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Community Toilet Scheme Map
 - Appendix B: Map of all Town Centre Toilets
 - Appendix C: Community Toilet Scheme Signage
 - Appendix D: Action Plan
 - Appendix E: Equality Impact Assessment
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9. BACKGROUND PAPERS

Communities and Local Government Committee Report on the Provision of Public Toilet