
OPTIONS FOR THE FUTURE PROVISION OF PUBLIC CONVENIENCES ACROSS THE SCOTTISH BORDERS

Report by Service Director Neighbourhood Services

EXECUTIVE COMMITTEE

31 January 2017

1 PURPOSE AND SUMMARY

- 1.1 This report proposes a strategy for the future provision of Public Conveniences in the Scottish Borders in order that improvements can be made to facilities and the savings approved by Scottish Borders Council (SBC) in February 2016 can be achieved. The report evaluates a number of options and recommends the best way forward. The option recommended, option 5, will introduce a charge of 30p at most facilities, keep all existing facilities open while further review and consultation is undertaken and ensure investment in a number of key facilities.**
- 1.2 In January 2014 the Council approved a review of Neighbourhood Operations Services, including Public Conveniences. In February 2016, savings totalling £211k were specified and approved for Public Conveniences to be delivered during the current and next financial year. These were defined as part of a large range of savings to ensure that SBC meets the current financial challenges it faces.
- 1.3 Officers have collected a range of data and information, both from within the Borders and from other Local Authorities, which is being presented within this report and used to inform the options being presented.
- 1.4 There are interesting service models emerging throughout the UK which involve both the private and community sector in the provision of public conveniences and assist with the financial sustainability of future provision. There is an option to explore these models with local communities with a view to creating an improved and enhanced network of provision in both urban and rural areas of the Scottish Borders, with social, economic and environmental benefits.
- 1.5 The recommended option is to charge for use at certain toilets in phase 1, which will provide income of £211k to offset the savings. In parallel Officers will engage with local members and the communities to explore the possibility of developing Comfort Schemes and Community Partnerships. If feasible, a further report will be brought forward on this

which will outline plans for phase 2 to deliver a further £100k of savings.

2 RECOMMENDATIONS

2.1 I recommend that the Executive Committee:-

- (a) Approves the Phase 1 proposal to charge for usage of a number of identified toilet facilities.**
- (b) Approves a charge of 30p per use as detailed in option 5 of Appendix 4.**
- (c) Agrees to Service Director Neighbourhood Services engaging with local members and communities on the longer term provision of toilets and the possibility for Comfort Schemes and Community Partnerships.**
- (d) Agrees that a further report be brought forward outlining recommendations for phase 2, Future Options for the Provision of Public Conveniences across the Scottish Borders.**

3 CONTEXT FOR THE REVIEW

- 3.1 In January 2014, SBC agreed to a review of Neighbourhood Services, including Public Conveniences, in order that savings could be achieved. In relation to Public Conveniences, the report introduced the concepts of “comfort schemes” and “partnerships agreements” (adopting a collaborative approach within Communities towards the provision of Public Conveniences), and the Council agreed that discussions should start with Ward members and the Community, and that service changes should be agreed on a locality by locality basis at Area Forums.
- 3.2 In February 2016, SBC approved £70k savings in 2016/17 and a further £141k in 2017/18 specifically in relation to the provision of Public Conveniences. These are part of a range of saving measures approved in the Council’s 5 year financial plan that aims to ensure minimal disruption to the quality of statutory service provision and the achievement of SBC’s vision and priorities, in the face of reducing public sector resources.
- 3.3 Since the 2014 report, SBC’s Executive Committee has approved a “Localities” approach to ensure SBC activity within our 5 localities (Cheviot, Teviot and Liddesdale, Tweeddale, Berwickshire and Eildon) is co-ordinated, with clear actions and accountability defined in 5 locality plans.

Significantly, in 2015, the Scottish Government passed the Community Empowerment (Scotland) Act, empowering community bodies through the ownership or control of land and buildings; and strengthening their voices in decision making. As part of the Act, SBC and Partners are currently mapping all of the assets they own in each locality, reviewing usage and, with Communities, developing plans for the future.

- 3.4 A narrative regarding the cost benefit analysis of Public Conveniences is contained within a UK House of Commons Communities and Local Government Committee report of 2008 titled “The Provision of Public Toilets”. The report outlines that the costs of provision are significant to Local Authorities even where charging is in place, however that there are direct benefits of their provision for groups including Disabled, the elderly and families with young children furthermore that Public Conveniences support the tourist economy, the report went on to recognise nationally that Local Authorities were increasingly re-designing Public Toilet provision which was seeing an increase in Community Toilet Schemes (CTS).
- 3.5 Based on the review work carried out to date, and the current policy context, this report now presents:
- the current SBC Public Convenience provision and usage;
 - findings of research, including information from other local authorities;
 - a range of options that allow SBC to achieve financial savings.

4 CURRENT PROVISION AND USAGE

- 4.1 Scottish Borders Council currently provides 40 Public Conveniences across the region, through its Neighbourhood Operations function. A locality/settlement level analysis of their distribution is included at Appendix 1. The average weekly use of the SBC estate of Public Conveniences is approximately 24,848 individual visits per week, with significant variation evidence in the frequency of use of facilities. The review has established that toilet provision is non-statutory and is therefore a discretionary function, a factor that is significant and can influence the options for future provision. Furthermore, where facilities are provided Local Authorities are entitled to charge for their use and also enter into agreements to sublet or lease facilities to third parties.
- 4.2 Provision across all facilities is currently free but SBC formerly charged for use (£0.25p) in eight locations across the region – Selkirk (Market Square), Melrose (Abbey Street), Galashiels (Bus Station), Kelso (Woodmarket), Jedburgh (Tourist Information Centre), Hawick (Common Haugh Car Park) St Boswells (bus station) and Peebles (Eastgate). This generated a revenue income of £65,000 on average and charges were collected by the attendant staff. The staffing costs associated (around £177,000 per annum) negated the revenue income. Charging was ceased in 2008 and staff re-deployed to support other services.
- 4.3 In addition to the 40 facilities provided by SBC, there are many other facilities in civic and publicly accessible buildings, owned and operated by SBC and Community Planning Partners.
- 4.4 SBC successfully established three Comfort Schemes in Eyemouth and Coldingham in 2010 which consisted of making payments of between £350 - £500 per annum to a pub and an amusement arcade in Eyemouth and to the Visitor Centre/Post Office in Coldingham (which also included transferring the former SBC toilets into community ownership).
- 4.5 There is also a large network of private sector (e.g. restaurant and shops) and Community facilities (e.g. village halls). The table at Appendix 1 shows how many Council provided facilities there are and how many other facilities there are by type/category. This “whole network” awareness is important to inform the options appraisal phase and the process of creating a sustainable operating model for the future that meets social, economic and environmental needs.
- 4.6 The 2015 Household Survey undertaken by SBC indicated that 32% of respondents did not use Public Conveniences. Of those that did, 44% were satisfied with their provision and 24% were dissatisfied, in 2010 the top three reasons for dissatisfaction were:-
1. Dirty/smelly
 2. Opening times
 3. Not enough modern facilities

5 FINDINGS FROM OTHER SCOTTISH LOCAL AUTHORITIES

- 5.1 Since the 2014 decision to undertake a review, research has included benchmarking with the other 31 Scottish Local Authorities as well as monitoring and evaluating provision and usage of SBC’s estate of Public

Conveniences. This process has provided helpful information indicating a range of options are available other than "direct Local Authority provision", with other Local Authorities successfully delivering services in a combined manner including the provision of facilities in partnership with community groups and 3rd parties and where facilities are provided directly, having a charging and collection regime in place.

- 5.2 Seventeen Scottish Local Authorities currently charge for the use of public conveniences in their area; the majority (9) charge (£0.20p) with 6 others charging (£0.30p) and 2 authorities charging (£0.10p). Of the 17 Authorities where charging is in place, 11 use automated technology to collect the income, 7 of which have advised that minor vandalism has occurred.
- 5.3 Comfort Schemes (as outlined in the January 2014 SBC report and defined as "the creation and publicity of a focussed scheme that promotes free access to Public Conveniences in third party locations") are currently operated successfully in 7 Local Authorities, 4 of which have operated for over 10 years including Perth & Kinross with 26 in operation currently and Highland with 27 operating. Annual payments of between £500 and £6000 are made to third party providers. An example of the Partnership approach adopted by Perth and Kinross is shown at Appendices 2 & 3.
- 5.4 Community Partnerships operate in 4 Local Authorities with Aberdeenshire Council currently operating 6 and Dumfries and Galloway operating 1. Agreements appear to be either a financial contribution to the partner organisation from the council (£1,200 p.a.) or the provision of consumable items from the Council to the partner organisation which has taken over the running of former local authority facilities.
- 5.5 Thirteen Local Authorities have closed Public Conveniences in urban and rural areas; a further 5 have future plans for closures. South Ayrshire Council has closed 15 of its 20 facilities (10 in urban and 5 in rural areas).

6 ANALYSIS OF SBC FACILITIES

- 6.1 Usage of SBC facilities has been monitored weekly since 2011/12 by Neighbourhood Operations staff, for a period of months each year. Within the report referred to in paragraph 3.1, it was suggested that facilities be classified as follows:
- **Key Strategic facilities** are used on over 300 occasions per week on average - these would be categorised as situated at economically active locations and clearly support the performance of the region's economy in being available for use by visitors and shoppers in the region;
 - **Neighbourhood facilities** are used between 150 and 300 occasions per week on average - and are not being utilised as effectively as they could be and are therefore not delivering best value;
 - **Local facilities** are used less than 150 times per week on average and are not delivering best value and could be alternatively provided involving the Community.

- 6.2 However, as well as considering how often Public Conveniences are used, benchmarking with other Local Authorities during this review has identified other important criteria which may also be considered when assessing current provision. This includes:
- Proximity to strategic infrastructure - car parks, bus interchange, trunk road, amenity beach/coastal resort
 - Current condition
 - Connection to mains water/drainage and electricity
 - Operational costs
- 6.3 In applying the assessment criteria outlined in paragraph 6.2 above, the effect of doing so creates a two tiered structure to the public convenience estate, Key facilities and Other facilities, a broad description of the characteristics of each tier is included as follows ;-

- **Key facilities**, with usage of over 300 per week, located at or close to strategic infrastructure, good or better condition, connections to mains water and electricity and generally lower than average operational costs.
- **Other facilities** (neighbourhood/local), with usage of less than 300, average or below condition, less well located in relation to infrastructure, not connected to main utilities and generally being higher than average in operational costs.

7 OPTIONS FOR FUTURE PROVISION

- 7.1 From this review, and reflecting on the financial savings already assumed in the Council's Financial Plan which are £70k savings in 2016-17 and £141k in 2017-18, it has been established both at UK and Scottish National Level that there are genuine opportunities for changing the way public access to welfare facilities are provided. Given the financial context, doing nothing is not an option – provision of Public Conveniences must change in order to ensure a financially and environmentally efficient service can be sustained. This change needs to be delivered whilst retaining access to facilities where not doing so would be potentially negative for the economic performance of the Borders, be potentially discriminatory to certain groups, and where no other locality level alternatives to provision can be identified and explored/delivered.

Officers have considered and assessed a number of options to deliver the financial savings required. An appraisal of each of these options is shown below with the financial implications for each of the options being detailed in Appendix 4.

7.2 **OPTION 1: Closure of all 40 facilities**

(a) Summary

Public Toilet provision is a non-statutory service therefore complete closure and mothballing/demolishing of all/some facilities may be

considered an option, with the private and community sector being expected to cater for future public access to facilities.

(b) Finance

The closure of all 40 facilities would generate recurring revenue savings, reduce the Council's corporate asset portfolio, and reduce SBCs carbon footprint. There would be costs associated with the disconnection of utilities, disposal and/or demolition of facilities. In closing all the facilities the ability to generate income is completely removed.

(c) Risk/Equalities

The closure and withdrawal of facilities in all locations would negatively impact on the protected characteristic groups (Age, Disability, Race, Carers and Poverty). Furthermore it removes the potential opportunities for Partnerships and Comfort schemes as a result of not having an income to pay for those mitigation measures.

The reputational risk to the Council arising from the impact on protected characteristic groups is potentially high, as is the knock on economic impact arising from adversely impacting on the tourism offering in the Borders. There is the risk of increasing anti-social behaviour and an impact on the quality of life of people living/working/visiting the Borders. Given there are genuine alternatives available to this option, which will still deliver the required financial saving, this option is not recommended.

7.3 OPTION 2: Retention of all 40 facilities, introduction of automated charging

(a) Summary

Income generation is integral to this proposal. The overheads in running the facilities would be expected to remain constant/increase. Variable costs such as utilities would be subject to market forces, with the general direction of travel seeing costs increase. Staff input and therefore costs would remain significant and also subject to increase. The opportunities presented to Communities for involvement and potential improvement are extremely limited and the outlook for the future provision of facilities is entirely dependent on Local Authority budgeting and the numerous and competing demands it faces.

(b) Finance

There would be a need to invest significant amounts of capital to deliver charging. The cash collection contract would need to be expanded to take in rural locations which in turn may increase costs of servicing.

(c) Risk/Equalities

Analysis reveals a number of facilities are not sufficiently used to demonstrate best value, given there are local alternatives. There would be very little impact on the protected characteristic groups, with possibly the exception of Poverty. The sustainability of the

service in this form in future is likely to be challenged as Local Government finances continue to be pressured. Costs of servicing the cash collection from outlying facilities may be prohibitive and the likelihood of achieving a meaningful income stream in more rural settings is low due to the low use and likely payment avoidance in areas where natural surveillance is not effective.

7.4 **OPTION 3: Closure of 20 facilities and introduce charging at 20 facilities, with no creation of partnership or comfort schemes with communities and business**

(a) Summary

This option would see the categorisation outlined at 6.3, implemented and charging introduced at Key facilities. The income from use would be retained by SBC and used to meet the financial savings targets previously referred to.

(b) Finance

There would be capital costs associated with implementing automated charging.

(c) Risk/Equalities

There is reputational risk arising from the introduction of charging.

7.5 **OPTION 4: Closure of 20 facilities, introduction of charging at 20 facilities: and a partnership approach to enhancement of provision across the region.**

(a) Summary

Officers have reviewed the assessment of facilities and developed a suite of proposals that could be combined into a new delivery model, aimed at:

- Sustaining and increasing the network of publicly available toilets;
- mitigating any impacts on protected characteristics groups and rural areas;
- Where possible, increasing access to adequate facilities for the protected characteristic groups;
- Ensuring a financially and environmentally sustainable service;
- Resolving customer satisfaction levels/complaints;
- Being recognised as quality service providers.

The option also supports SBC Localities approach and the Community Empowerment Act as it identifies facilities which SBC could continue to provide and delivers a potential solution in circumstances where SBC has determined that on analysis the facilities may not be sustainable into the future.

There would be the possibility to redistribute some income to Community groups and businesses who, through dialogue, have agreed to adopt an approach to future provision either through Comfort Schemes, partnerships or a mixture of both within their locality.

(b) Finance

A financial breakdown is summarised at Appendix 4.

(b) Risk/Equalities

The alternative potential delivery/combined model replaces conventional service provision with a wider network of publicly accessible facilities. This delivers efficiencies whilst conferring additional benefits as follows:

- Continuation of service provision in rural and urban communities, thus mitigating impact on protected characteristics groups in rural areas;
- Streamlining Public Toilet asset provision by SBC – thus reducing the corporate asset
- Reduced carbon footprint – net reduction in number of facilities in operation would reduce carbon footprint via utilities, water, consumables and staff mileage;
- Income revenue generation from facilities with high footfall would be used to support partnering or alternative provision in other areas;
- Support to local communities/business across the region through Comfort Scheme payments – reinvesting the income revenue from toilet charging in this way enables the key facilities in our areas to be used as a funding stream for remote rural businesses/organisations.
- Creation of an expanded network of publicly available facilities throughout the region.

7.6 **OPTION 5: In phase 1 introduce charging at a number of facilities as well as engaging local members and communities on potential partnership arrangements. In phase 2 introduce partnership arrangements and evaluate options to rationalise the overall number of toilets provided.**

Summary

To date communities have not been engaged in discussions on the future of the toilet provision in their localities. There is therefore no awareness of what other local authorities have successfully done with the support of the communities and Officers would like to engage on this during the first half of 2017. Taking this into account, this proposal is to introduce charging of 30p per use, at a number of facilities in phase 1. Facilities will be identified by usage and the net annual income against the required capital investment. The identified facilities for charging will be those which return the highest net annual income (which includes the associated costs of collecting the income) against the initial capital investment required.

As part of phase 1 Officers propose that effective engagement is undertaken to develop specific locality options prior to a further report in 2017 which would be seeking to identify strategies to enable future savings to be realised from this service. Officers are therefore seeking agreement of members to undertake that engagement with their support prior to future reporting.

7.7 **Phase one – Charging and engagement**

Stakeholders, including Community Councils, would be advised of the Council decision to introduce charging and of the phased approach to the implementation of charging followed by the development of a dialogue with communities prior to a further review/report.

The identification and feasibility work associated with the implementation of charging would be developed and implemented swiftly. There are some unknown elements such as the ability to arrange for cash collection at more rural locations and the costs of borrowing are not shown but will need to be accounted for.

7.8 **Phase 2 – Partnerships and further consideration of provision**

Following implementation of phase 1 a future report will be brought forward to consider and update the financial model and associated assumptions as well as the narrative surrounding comfort schemes and partnerships. It should include an assessment on patterns of usage as well as feedback/lessons learned on the development of comfort schemes/community partnerships to inform and influence future similar Community based discussions in other service areas. It should detail recommendations for phase 2 in moving to a longer term strategy regarding the provision of facilities capable of delivering further improvements to service provision including partnership arrangements.

7.9 **Finance**

The financial assessments and assumptions detailed in appendix 4, include;-

- (a) Cash collection is achievable by contracting with an existing provider of services for car parks and communal vending machines. A premium for more rural settings and the likely higher costs of collection at those locations is allowed for, however it may not be possible to engage a cash collection service in more rural locations.
- (b) All facilities have been assessed to ascertain the net annual income against the required capital investment. The identified facilities for charging are those which return the highest net annual income (which includes the associated costs of collecting the income) against the initial capital investment required.

7.10 **Risk/Equalities**

There are risks associated with the cash collection contract and, subject to negotiation, at this time it is unknown if some of the facilities will be able to be serviced under the terms of that contract. Additionally there is reputational risk arising from the introduction of charging. Poverty groups may be affected on the implementation of charging.

7.11 **Conclusion**

At this time, due to the lack of awareness and engagement with communities on the provision of toilets, Members are asked to consider and agree implementation of option 5 which will be carried out in two phases.

8 IMPLICATIONS

8.1 Financial

- (a) Within option 5 Phase 1 would address the £211k savings previously agreed as part of the 2016/17 budget setting process. Phase 2 would present options to address the additional £100k proposed in 2018/19.
- (b) A full summary of the financial implications and assumptions made for each option can be found in Appendix 4.
- (c) The £200k capital investment associated with the recommended option has been incorporated into the draft Capital Plan 2017/18 and resources from the additional Capital Grant received.

8.2 Risk and Mitigations

- (a) By accepting option 5 in this paper, there is a risk that the private and community sector have neither the willingness nor the capacity to set up a "Comfort Scheme", or Community Partnering arrangement. However, SBC's Localities approach and the current Property and Assets mapping/engagement work, combined with the structure of the Scottish Borders Community Planning Partnership should mitigate against this risk. By taking a locality approach, provision should evolve that suits a particular area.
- (b) There is a risk that the level of income expected is not achieved, which would risk the ability to support and maintain the delivery model, including partnerships and comfort schemes. Monitoring and ongoing reporting will enable that to be captured and contingencies developed as the project progresses
- (c) There is a risk that Communities do not respond to the partnership/comfort scheme model. A considered approach to marketing, promotion, finance and communication is required to ensure that the appropriate level of SBC support is made available to reassure potential partners that the proposal is positive and is an opportunity for them. As the project progresses ongoing monitoring and reporting can be used to evaluate successes and learn lessons to refine the approach.
- (d) There is a risk that the amount of vandalism to the charging units renders them ineffective and creates increased costs of repair. An amount is being retained to pay for maintenance including repair. Through monitoring and ongoing reporting this can be captured evaluated and reported along with contingency options as the project progresses.
- (e) There is a risk that the cash collection contract may not extend to the more rural locations where toilets are retained with charging. This will only be known along with contingency measures as part of the negotiation with the suppliers.

8.3 Equalities

The Stage 1 EIA identified protected characteristic groups that may be affected by changes to the service provided as Age, Disability, Race, Carers and Poverty. The recommended Option (5) and phased approach would mitigate against negative impacts by continuing to provide publicly accessible facilities across the region, and creating a wider network of facilities than has previously existed.

8.4 **Acting Sustainably**

The recommended option proposes a new income stream to support the future provision of public conveniences.

8.5 **Carbon Management**

The various options presented would, over the longer term, reduce SBC's carbon emissions.

8.6 **Rural Proofing**

Fundamental to the development of the revised approach to Public Conveniences has been the recognition of the importance of access to facilities for the protected characteristic groups Age, Disability, Race, Carers and Poverty. Furthermore recognition of the contribution that a Public Convenience makes towards the economic performance of local business is a significant contributory factor.

The proposals are based on a significant body of evidence which confirms that re-design of Public Toilet provision is being undertaken throughout the UK and alternative delivery models do exist.

The principals of the long term strategy are identified and detailed as follows:

- (a) Creation of a wider and more strategic network of access to facilities, either public or private, funded through the income generated by the retained network, however delivered in a non-traditional way.
- (b) There will be no reduction in the number of facilities available for use by the public. There will be an increase in the number of facilities available for the public to use.
- (c) Accessible facilities will be provided such that there will be no reduction in numbers of current provision.
- (d) The economic impacts of partnering and comfort schemes don't place a burden on the private sector.
- (e) Appropriate and mixed private sector establishments are selected as partners to the strategy e.g. cafes /restaurants/supermarkets/ pubs/ village halls. Thus removing perceived barriers to certain groups.

The strategy supports rural communities to be in control of facilities seen as important to that community, in a supported strategy. Comfort Schemes provide further opportunities in the event that a Community does not choose to take advantage of the opportunity a partnership presents. Business can access grant support in lieu of members of the public using their facilities, which also brings sales and marketing opportunities to those businesses.

8.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes proposed to the Scheme of Administration or Delegation.

9 **CONSULTATION**

- 9.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council are being consulted and any comments received will be incorporated into the final report.

Approved by

Jenni Craig

Service Director Neighbourhood Services

Signature

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Background Papers:

Previous Minute Reference:

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