

COLCHESTER BOROUGH COUNCIL

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

Explanatory Note

The Leader of the Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Cabinet member decisions are subject to review under the Call-in Procedure.

From the date the notice of the decision made is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed (called in) and deliver it to the Proper Officer.

If, at the end of the period, no request has been made, the decision may be implemented. If a valid call- in request has been made, the matter will be referred to the Scrutiny Panel

Part A – To be completed by the appropriate Cabinet Member/Officer

Title of Report

Public Conveniences in Dedham, West Mersea and Wivenhoe.

Delegated Power

In respect of all land and buildings owned by the Council (except in its capacity as Housing Authority) to procure a specified service in the provision, implementation, maintenance and management of:-

- Acquisitions and disposals including terms for acquisitions or disposals.

Decision Taken

To approve the transfer or closure of the following public conveniences in West Mersea and Wivenhoe from 1st April 2015:

- West Mersea - Fairhaven
- West Mersea – Coast Road
- West Mersea – High Street
- Wivenhoe – High Street

To approve the cessation of any future maintenance (building repairs, cleaning, opening and closing) of the public convenience at from 1st April 2015:

- Dedham – The Drift

Key Decision

This is not a key decision.

Forward Plan

Not relevant.

Reasons for the Decision

As part of our need to find efficiencies and offer more local sustainable choices, Colchester Borough Council has written to Parish and Town Councils in regard to running public conveniences as a nil cost transfer of asset. Such transfers will enable local communities to positively affect the operational decisions around opening times and secure a sustainable future if they are deemed a local priority. We are pleased to say that this has been successful in some areas.

In the case of Tiptree Parish Council a transfer has been agreed.

In the case of Wivenhoe Town Council work is underway to secure a transfer.

Many existing toilets are out dated and in poor condition. They are subject to vandalism and complaints about their cleanliness. A number of toilet blocks have outlived their usefulness and are located where demand is low.

Any savings achieved through the asset transfer or closure of public conveniences will support future budget pressures and gaps.

There is no statutory requirement for Local Authorities to provide toilets.

Alternative Options

Transfer of the Public Conveniences into local ownership is the most sustainable way forward but where this cannot be agreed then options include closure and demolition or sale of the buildings, the latter of which would be subject to a separate final decision.

Charging has been considered for all public conveniences. For this to be a viable alternative the toilets need usage figures which are unattainable for any Public Convenience outside of Colchester town centre.

Conflict of Interest

None.

Dispensation by Head of Paid Service

None.

Dispensation by Monitoring Officer

None.

Approved by Portfolio Holder for

Signature Councillor Tina Bourne

Date 11 December 2014

(**NB** For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing)

Part B – To be completed by the Proper Officer (Democratic Services)**Portfolio Holder Decision Reference Number**

HOU-008-14

Implementation Date

This decision can be implemented if no request for the decision to be reviewed (call-in) has been made **after 5pm 22 December 2014**

Call-in Procedure

The Decision Notice for this decision was published on the internet and placed in the Members' Room and the Customer Service Centre on **15 December 2014**

A request for reference to the Scrutiny Panel must be made by **5pm on 22 December 2014**

Signature of Proper Officer
K. Barnard

December 2014

Report of	Head of Community Services	Author	Cassandra Clements
Title	Closure of Public Toilets		☎ 282918
Wards affected	Dedham, West Mersea and Wivenhoe		

This report concerns the Public Conveniences in Dedham, West Mersea and Wivenhoe.

1. Decision(s) Required

- 1.2 To approve the transfer or closure of the following public conveniences in West Mersea and Wivenhoe from 1st April 2015:
 - West Mersea - Fairhaven
 - West Mersea – Coast Road
 - West Mersea – High Street
 - Wivenhoe – High Street
- 1.3 To approve the cessation of any future maintenance (building repairs, cleaning, opening and closing) of the public convenience from 1st April 2015 at:
 - Dedham – The Drift

2. Reasons for Decision(s)

- 2.1 As part of our need to find efficiencies and offer more local sustainable choices, Colchester Borough Council has written to Parish and Town Councils in regard to running public conveniences as a nil cost transfer of asset. Such transfers will enable local communities to positively affect the operational decisions around opening times and secure a sustainable future if they are deemed a local priority. We are pleased to say that this has been successful in some areas.
- 2.2 In the case of Tiptree Parish Council a transfer has been agreed.
- 2.3 In the case of Wivenhoe Town Council work is underway to secure a transfer.
- 2.4 Many existing toilets are out dated and in poor condition. They are subject to vandalism and complaints about their cleanliness. A number of toilet blocks have outlived their usefulness and are located where demand is low.
- 2.5 Any savings achieved through the asset transfer or closure of public conveniences will support future budget pressures and gaps.
- 2.6 There is no statutory requirement for Local Authorities to provide toilets.

3. Alternative Options

- 3.1 Transfer of the Public Conveniences into local ownership is the most sustainable way forward but where this cannot be agreed then options include closure and demolition or sale of the buildings, the latter of which would be subject to a separate final decision.
- 3.2 Charging has been considered for all public conveniences. For this to be a viable alternative the toilets need usage figures which are unattainable for any Public Convenience outside of Colchester town centre.

4. Supporting Information

- 4.1 As there is no statutory requirement for Local Authorities to provide toilets.
- 4.2 Community Toilet Schemes will be explored in all areas. The public are generally more content with using toilets in shops, restaurants and pubs, with the agreement of these venues, appropriate signage would assist visitors to locate available facilities. Toilet facilities in commercial venues can be a mutually beneficial factor in attracting the public to use them.
- 4.3 Failure to agree closures will inevitably lead to declining facility standards and escalating costs as maintenance becomes a more significant burden on ageing buildings.

5. Proposals

- 5.1 This report proposes to cease maintaining the Public Convenience, from the 1st April 2015, located at Dedham – The Drift.
- 5.2 This report proposes to transfer or close the Public Convenience, from the 1st April 2015, located at West Mersea – Coast Road, High Street and Fairhaven Avenue.
- 5.3 This report proposes to transfer or close the Public Convenience, from the 1st April 2015, located at Wivenhoe – High Street.

6. Strategic Plan References

- 6.1 Our desire to transfer ownership supports the enabling local communities to help themselves priority within the Strategic Plan 2012 – 2015.

7. Consultation

- 7.1 Ward Members have been made aware of this work and discussions have taken place with Town and Parish Councils though the offer of transfer has been declined. Cabinet are in full support. There has been no resident consultation as the provision of this service is not statutory.

8. Standard References

- 8.1.1 **Equality Impact Assessment:** The EQIA for Closure of Public Toilets can be viewed here: <http://www.colchester.gov.uk/article/12744/Community-Services>
- 8.1.2 The decision to reduce funding for public toilets could lead to some facilities closing. This could have a disproportionate impact on a number of groups especially older people and people with disabilities). It should be noted that the provision of public toilets is not a statutory duty and many district councils do not provide facilities. As such, any specific funding decisions must be considered against the background of a substantial reduction in income for district councils between 2010 and 2015. In this context, the Council believes that this decision is a “proportionate means” of achieving a legitimate aim; the “legitimate aim”, in this case, is the balancing of the Council’s budget, which

must be achieved for the Council *to continue to meet its core statutory duties and equality objectives*. It is therefore held that any disproportionate impacts will not amount to unlawful discrimination under the terms of the Equality Act 2010.

- 8.1.3 In order to mitigate any such adverse impact the Council has sought to negotiate the transfer of service provision to local ownership and the Town or Parish Council. It is felt that this provides the opportunity for a sustainable and cost effective approach with Community facilities and it has been successful in Tiptree and is progressing well in Wivenhoe.

Other factors which mitigate the closure of these public toilets are noted below, specific to each:

- Dedham – The Drift
Charging was considered but usage is not high enough to make charging viable in this location. Dedham toilets are used all year round, but with shorter opening hours in the winter. In the summer this is a tourist destination however there are toilets available in the local businesses, such as pubs and the Tiptree Tea Room and it is reasonable to expect that tourists would be making use of these facilities during their visit. Additionally there is a Community Toilet Scheme running in the Arts and Crafts Centre on the High Street. The opening times are 9am – 16.00pm Monday to Saturday.

- West Mersea – Willoughby and Fairhaven
Meetings with Beach Hut users and the Town Council have taken place to try to engage in a more cost effective solution in West Mersea. Both these toilets are located on Victoria Esplanade and users will include people using the beach huts, beach, café and play park. Charging is not a viable alternative due to low usage figures. The café does not have a public toilet so is also reliant on the public one at Willoughby Road.

The closure of Fairhaven will be mitigated by retaining Willoughby Public Toilet.

- West Mersea – High Street
The high street toilets are located in the Car Park and are used by residents and visitors to the town. Charging is not a viable alternative due to low usage figures. The closure will be mitigated by the fact that there is alternative toilets available for public use, including local pubs but also a Community Centre and a public library.

- West Mersea – The Coast Road Toilets
These toilets are located in the car park opposite the jetty and the users are visitors and fishermen predominantly. Charging is not a viable alternative due to low usage figures. Alternatives are available in nearby pubs and restaurants.

- Wivenhoe – High Street
These toilets are located in a Colchester Borough Council Car Park on the High Street. They are used by local residents and are located close to a play park and open space. Wivenhoe Town Council are currently negotiating the transfer of both the toilets and the car park. Should this not happen then a closure will be undertaken. There are facilities nearby in the local library as well as a pub and Council Offices.

We will ensure that the public are given adequate notice of any resulting closures.

However, these factors will not necessarily negate the identified adverse impact and on this basis the full Equality Impact Assessment has been completed.

9. Financial Implications

- 9.1.1 If attempts to transfer fail then closure will take place from the 1st April 2015. If no alternative use, transfer or sale of the building is possible then demolition costs could occur and are likely to be £6,000 - £8,000 per toilet.
- 9.1.2 Possible efficiencies are estimated at £27,500.00 in total per annum inc NNDR.

10. Publicity Considerations

- 10.1 The decision will be of public interest and while consultation is not a legal requirement the Service and Council Communications Team will ensure regular and consistent messages to the public so they are aware of timescales and activities.

Background Papers

None