



Clerk: Kate Spencer  
Telephone: 01803 207013  
E-mail address: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)  
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Governance Support  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

**OVERVIEW AND SCRUTINY BOARD - WEDNESDAY, 29 NOVEMBER 2017**

I am now able to enclose, for consideration at the Wednesday, 29 November 2017 meeting of the Overview and Scrutiny Board, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
<b>10.</b>	<b>Transformation Project - Public Conveniences</b>	<b>(Pages 105 - 137)</b>

Yours sincerely

Kate Spencer  
Clerk



**Meeting: Overview & Scrutiny Board**

**Date: 29 November 2017**

**Wards Affected: All**

**Report Title: Transformation Project - Review of Public Toilets**

**Is the decision a key decision? Yes**

**When does the decision need to be implemented? ASAP**

**Executive Lead Contact Details: Councillor Robert Excell,  
robert.excell@torbay.gov.uk**

**Supporting Officer Contact Details: Kevin Mowat Executive Head of Assets and  
Business Services [kevin.mowat@torbay.gov.uk](mailto:kevin.mowat@torbay.gov.uk)**

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## **1. Proposal and Introduction**

- 1.1 The Council need to find a long term solution for the provision of public toilets across Torbay as the provision of such facilities is a discretionary area of work. The Councils Policy Development Group (JOT) tasked officers with developing a plan to reduce the cost of the toilet provision to the lowest level possible but still retaining public toilet provision across Torbay.
- 1.2 For the past two years a comprehensive review of public toilets within Torbay has been undertaken. More recently as part of the Councils Transformation Programme a procurement exercise has been undertaken seeking a commercial partner to deliver our public toilet provision.
- 1.3 The procurement exercise has now been completed and a preferred bidder chosen. The preferred bidder has outlined a proposed future model for the delivery of public toilets to address and deliver the following aims:
- Modern and well maintained toilet facilities, which meet the needs of both the residents and visitors to Torbay;
  - Facilities, which meet acceptable standards of cleanliness and hygiene;
  - Facilities located strategically across the district;
  - Toilets, which are accessible and safe to all users;
  - Flexible provision, which can readily cope with fluctuating levels in the demand, experienced in particular locations throughout the year;
  - Addressing night-time economy issues and aspirations.

## **2. Reason for Proposal**

- 2.1 Due to the financial pressures the Council has faced there has been a lack of investment in Public Toilets over many years and maintenance budgets have also been reduced. As a result many of our toilets are not fit for purpose which has led to an increase in the level of customer complaints.
- 2.2 The procurement process provides a proposal for the Council to enter into a long term contract for the provision of public toilets within Torbay, requiring the successful contractor to invest in some of the Council's public convenience services and facilities to improve services.
- 2.3 There is no statutory requirement for a Local Authority to provide public toilets. The Public Health Act 1936 allows Councils to charge for toilets. Therefore there are a range of options available to the Council in its consideration of the future of our toilet facilities.

## **3. Recommendation(s) / Proposed Decision**

### **Officer Recommendation**

- 3.1 That Council approve the proposal to enter into a Service delivery contract with an external Provider to deliver and manage the sixteen toilet facilities as detailed within their tender;
- 3.2 That the Executive Head of Assets and Business Services be given delegated authority in consultation with the Elected Mayor, to enter into a 15 year contract (with an option to extend for a further 5 years) to be awarded to the preferred bidder, 'Healthmatic', with the contract to commence in 1 April 2018 in respect of the sixteen toilets detailed in their tender, and;
- 3.3 That Council authorise prudential borrowing of £1.032m to make capital investment in the modernisation of the Council's toilets facilities referenced in 3.1 above.
- 3.4 That the Council notes that the transitional costs of delivering 3.1-3.3 of £108k in 2018/19 is to be funded from the Comprehensive Spending Review Reserve.
- 3.5 That the Executive Head of Assets and Business Services be given delegated authority to award a contract which ensures that all remaining public toilets remain open and be maintained at current levels, meaning that no toilets are proposed to close.

### **Executive Recommendation**

- 3.6 That Council approve the proposal to enter into a Service delivery contract with an external Provider to deliver and manage the sixteen toilet facilities as detailed within their tender;
- 3.7 That the Executive Head of Assets and Business Services be given delegated authority in consultation with the Elected Mayor, to enter into a 15 year contract (with an option to extend for a further 5 years) to be awarded to the preferred bidder, 'Healthmatic', with the contract to commence in 1<sup>st</sup> April 2018 in respect of the sixteen toilets detailed in their tender, on the basis that any charges

implemented for use of the public toilets will be between 20p – 30p, dependent on location.

- 3.8 That Council authorise prudential borrowing of £1.032m to make capital investment in the modernisation of the Council's toilets facilities referenced in 3.6 above.
- 3.9 That the Council notes that the transitional costs of delivering 3.6-3.8 of £108k in 2018/19 is to be funded from the Comprehensive Spending Review Reserve.
- 3.10 That the Executive Head of Assets and Business Services be given delegated authority to award a contract which ensures that all remaining public toilets remain open and be maintained at current levels, meaning that no toilets are proposed to close.

## Section 1: Background Information

### 1. What is the proposal / issue?

The completed procurement process provides an option for the Council to enter into a long term contract for the provision of public toilets within Torbay, requiring the successful contractor to invest in the public convenience service and facilities to improve services and in the long term save the Council money.

The proposal from the preferred bidder falls into six main headings:

1. Close the toilets which are underutilised and expensive to run.
2. Manage a transfer of some of the beachfront toilets from the Council to the adjacent Cafés/businesses.
3. Further the introduction of charges
4. Invest over £1m to refurbish or reposition the remaining toilets.
5. Develop ancillary uses for the high profile location toilets.
6. Operate a service based on local delivery with as little 'van time' as possible.

**PLEASE NOTE** - Although the current proposal from the preferred bidder outlines the closure of 4 toilets within Torbay (see below) it is proposed that these remain open and are maintained at current levels, resulting in no closures:

- Palace Avenue
- Preston Bus Shelter
- Preston Redcliffe
- Watcombe

Seven of the toilets are directly associated with beachside cafés/businesses. The plan would be to work with these cafes/businesses to develop a strategy based on them either wholly or partly helping with the future delivery of these toilets. Should such a strategy be unsuccessful these toilets would remain open and maintained at current levels, as per the four toilets detailed above.

This will still leave sixteen toilets under the direct management of the contractor. In order to work towards the objective of reducing the cost of the provision both an income stream needs to be developed, and a cost reduction plan needs to be introduced. The income can be developed from charging for use, and the main source of cost reduction is in maintenance and utilities. This requires that toilets are refurbished and the layouts and locations of some toilets are changed.

Some of the toilets are also located in positions of premium value to secondary operators. This is normal across the UK as toilets are of course built in locations of high footfall. An approach may be to sublet a whole building and install a new purpose built toilet as is currently proposed by the preferred bidder at Preston Green.

With an objective of improving facilities it is clear that income generation via charging is central to any future plan. Charging means that there will be higher expectations from the user group, and therefore refurbishment and modernisation of the facilities is an essential component of the proposal from the preferred bidder.

By introducing charging the number of people using public toilets will reduce resulting in a reduction in the operating costs of the toilets.

Exempt Appendix Three is Healthmatics detailed proposals for each of the 28 sites.

Due to the amount of buildings that need improving & modernising and the limitations of working during the main holiday period the project will take 3 years to complete.

The final proposed model from the preferred bidder is set out below:

<b>Location</b>	<b>Status</b>	
Babbacombe Downs	Open	H
Bank Lane	Open	H
Beacon Quay	Open	H
Breakwater Beach	Potential transfer to café/business	
Brixham Harbour	Open	H
Broadsands	Potential transfer to café/business	
Corbyn Head	Open	H
Festival Apollo	Changing Places facility	H
Fishcombe	Potential transfer to café/business	
Goodrington Central	Open	H
Goodrington North	Potential transfer to café/business	
Goodrington South	Potential transfer to café/business	
Lymington Road	Open	H
Meadfoot	Potential transfer to café/business	
Oddicombe	Potential transfer to café/business	
Old Town Hall	Open	H
Paignton Central	Open	H
Paignton Harbour	Open	H
Palace Avenue	Closed	
Parkside	Open	H
Preston Bus Shelter	Closed	
Preston North	Open / New location.	H
Preston Redcliffe	Closed	
Sea Front Complex	Open	H
Shoalstone	Leased to Brixham Town Council	

St Marychurch Car Park	Open	H
Torre Abbey Meadows	Open	H
Watcombe	Closed	

As detailed above it is proposed that that a solution is found by the Council to enable the toilets listed as 'closed' in the above table to remain open and be maintained at current levels, resulting in no closures. Similarly if a solution is not found for the toilets which are listed for potential transfer, these will remain open and be maintained at current levels.

**2. What is the current situation?**

The Council currently provides, manages and maintains 28 public toilets across Torbay, 2 of these facilities are already pay on entry toilets which charge 20p. A further 4 toilets are operated under lease or through the Torbay Coast and Countryside Trust.

TOR2 provide the cleansing and maintenance of toilets as a cyclical service and the level of this service has been reduced over successive budget cycles.

Due to the financial pressures the Council has faced there has been a lack of investment in the public toilets and maintenance budgets have also been reduced. Consequently the result levels of customer complaints have increased.

Many of the toilets within Torbay are not currently regarded as fit for purpose and are in a state of disrepair– please see Appendix 1 for photos of the current toilet facilities and a summary of customer complaints.

Without significant investment the likelihood is that some of the existing facilities will need to be closed as they present either a public health risk or a safety risk due to the state of disrepair.

**3. What options have been considered?**

As part of the ongoing review of Public Toilets a number of options have been investigated as follows:

- Remain as is;
- Undertake a modernisation programme, which would require significant re-investment into toilet provision
- Undertake a procurement exercise for the provision of public toilets within Torbay to secure significant investment in the toilet infrastructure and reduce the overall financial cost to the council.

**4. How does this proposal support the ambitions, principles and delivery of the Corporate Plan?**

Ambitions:  
Prosperous and Healthy Torbay

	<p>Principles: Use reducing resources to best effect</p> <p>Targeted actions: Ensuring Torbay remains an attractive and safe place to live and visit</p>
<b>5.</b>	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p> <p>This proposal contributes towards the Council's responsibilities as a corporate parent as modern refurbished toilets would benefit all residents and visitors to Torbay. With the majority of the new facilities being single door entry cubicles it would provide a safer environment for all, including children in Torbay.</p>
<b>6.</b>	<p><b>How does this proposal tackle deprivation?</b></p> <p>This proposal contributes towards tackling deprivation as modern refurbished toilets would benefit all residents and visitors to Torbay. With the majority of the new facilities being single door entry cubicles it would provide a safer environment for all, including those from deprived communities.</p>
<b>7.</b>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>This proposal has the potential to affect residents and visitors of Torbay.</p>
<b>8.</b>	<p><b>How will you propose to consult?</b></p> <p>At the meeting of the Policy Development and Decision Group (PDDG) held on the 9 October 2017 a detailed consultation exercise was proposed by officers to obtain feedback from members of the public - it was planned that the feedback would then be used to help shape the future provision of toilets within Torbay.</p> <p>The PDDG made the following recommendation to the Mayor:</p> <p>“that contrary to officer recommendation, the consultation proposed in the submitted report is not to be undertaken”</p> <p>The Mayor subsequently recorded a decision that the detailed public consultation proposed was not to be undertaken.</p> <p>Three high level questions regarding public toilets have been included as part of the 2018/19 budget consultation. The current preliminary results are below in section 13.</p> <p>Officers have been liaising with various user groups regarding the location &amp; design of the changing places facility.</p>

If the proposal from the preferred bidder is progressed, as new facilities are rolled out over the early years of the contract. Consultation will take place with the user groups of those facilities.

## Section 2: Implications and Impact Assessment

### 9. What are the financial and legal implications?

The preferred bidder has produced various budget & cost forecasts based upon their proposal. This includes a range of prices being charged for the “pay to enter” systems ranging from 20p to 50p.

Based upon this level of charging budget and cost forecasts are detailed in exempt appendix two.

The costs in respect of the sixteen toilets that will be managed are significantly detailed in appendix two.

In addition to this, Officers are currently assessing the costs of maintaining the remaining toilets at existing levels. This will need to be achieved within existing budgets, otherwise this matter will have to return to Council for a decision.

Please see exempt appendix three for an extract from the Healthmatic tender for further information as to the proposals.

#### **Investment**

Once an entry charging system is introduced the user group is likely to have significantly higher expectations of the cleanliness and modernity of the toilet provision.

Toilets identified within the preferred bidder’s proposal will have improvements made prior to having a charging system installed and in some cases completely new sets of toilets will be installed, the total cost of these improvements will be approximately £1.1m.

#### **Legal Implications**

If the proposal is approved the preferred bidder will be appointed as the contractor for the sixteen toilets marked with ‘H’ in the table shown in section one.

These toilet facilities / assets would not be leased to the preferred bidder, they would remain owned by the Council, with a contract for their operation being awarded to the preferred bidder.

The Council will then find a solution to enable the toilets listed as ‘closed’ or transferred in the table in section one to remain open and be maintained at current levels for example by:

- Using the existing contractor TOR2
- Using the new contractor/preferred bidder

	<ul style="list-style-type: none"> <li>• Working with a third party – adjacent business/Brixham Town Council</li> <li>• Procuring another new contractor</li> </ul>
<b>10.</b>	<p><b>What are the risks?</b></p> <p>The key risks to the proposal are as follows:</p> <ul style="list-style-type: none"> <li>• Delays to achieving a contract award in December 2017 may jeopardise the bidder's ability to deliver the contract</li> <li>• Torbay Council do not achieve the expected income from the pay to enter systems.</li> <li>• There are issues with the current facilities that we are not aware of (assets may require additional capital investment than forecast etc.).</li> <li>• Planning consent is not given for new builds.</li> <li>• Negative response from members of the public – in particular in relation to charging for the use of public toilets</li> </ul>
<b>11.</b>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>A full procurement exercise has been undertaken and a preferred bidder has been appointed subject to final Council approval.</p>
<b>12.</b>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The following data/evidence has been gathered:</p> <ul style="list-style-type: none"> <li>• Discussions with toilet providers regarding their solutions for Torbay.</li> <li>• Visits to other local authorities.</li> <li>• Research solutions used by other local authorities.</li> <li>• Full cost analysis of our existing toilets.</li> <li>• Electronic counters used to establish the volume of use of our toilets.</li> <li>• Negotiation meetings with bidders as a result of the procurement exercise.</li> <li>• Meetings with charities and organisations who are interested in sponsoring/funding new toilet provision.</li> </ul> <p>Please see Appendix 1 for photographs of the existing toilet facilities and a summary of customer complaints received.</p>
<b>13.</b>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>The following questions have been asked as part of the current budget consultation.</p>

As can be seen from the data below 53% of respondents would agree to closures of some toilets if the remaining facilities are improved and 41% would be prepared to pay a fee to use them.

PLEASE NOTE: The results below are preliminary results from the first three weeks of the consultation period.

**We know that some of our toilets are rarely used and are expensive to maintain. We are interested to know whether you would support the closure of some facilities, so the Council could concentrate its resources and funding on upgrading the facilities which are used the most.**

Yes, I would support the closure of some of the least used toilets so as to upgrade the facilities which are used the most.	143	<p>A 3D pie chart illustrating the distribution of responses regarding the support for closing some toilet facilities. The chart is divided into three segments: a large blue segment representing 'Yes' at 53%, a red segment representing 'No' at 41%, and a small green segment representing 'Don't Know' at 6%.</p>
No, I would not support closing any of the toilets.	109	
Don't know	16	
Total	268	

**Some Councils are able to refurbish and improve the standard and quality of their public toilets by introducing a fee for the use of facilities. Would you support charging a fee for some public toilet facilities?**

Yes, I would support charging for some toilets if the standard and quality was improved.	171	<p>A 3D pie chart illustrating the distribution of responses regarding support for charging a fee for some public toilet facilities. The chart is divided into three segments: a large blue segment representing 'Yes' at 64%, a red segment representing 'No' at 33%, and a small green segment representing 'Don't Know' at 3%.</p>
No, I would not support charging to improve the standard and quality.	90	
Don't know	7	
Total	268	

**Charging a fee to use some toilets would provide some of the funding needed to improve facilities to ensure they are fit for the future and are of a much higher standard than current provision. Improvements could include; improved lighting, new fittings and redecoration. How much would you be prepared to pay to use some facilities?**

I would be prepared to pay up to 30p a visit.	127	<p>The pie chart displays the following data:</p> <ul style="list-style-type: none"> <li>Up to 30p: 48%</li> <li>No: 37%</li> <li>Up to 50p: 10%</li> <li>Up to 40p: 5%</li> </ul>
I would be prepared to pay up to 40p a visit.	12	
I would be prepared to pay up to 50p a visit.	27	
No, I would not be prepared to pay.	99	
<b>Total</b>	<b>265</b>	

**14. Amendments to Proposal / Mitigating Actions**

As mentioned above it is proposed that that a solution is found by the Council to enable the toilets listed as 'closed' in the above table to remain open and be maintained at current levels.

## Equality Impacts

15	<b>Identify the potential positive and negative impacts on specific groups</b>			
		<b>Positive Impact</b>	<b>Negative Impact &amp; Mitigating Actions</b>	<b>Neutral Impact</b>
	Older or younger people	With the majority of the new facilities being single door entry cubicles it would provide a safer environment.		Modern refurbished toilets would benefit all residents and visitors to Torbay.
	People with caring Responsibilities	With the majority of the new facilities being single door entry cubicles it would provide a safer environment.		Modern refurbished toilets would benefit all residents and visitors to Torbay.
	People with a disability	All designs will be DDA compliant. The introduction of a Changing Places facility will improve the toilet options available for those that are severely disabled.		
	Women or men			Modern refurbished toilets would benefit all residents and visitors to Torbay. With the majority of the new facilities being single door entry cubicles it would provide a safer environment for all.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			Modern refurbished toilets would benefit all residents and visitors to Torbay. With the majority of the new facilities being single door entry cubicles

			it would provide a safer environment for all.
Religion or belief (including lack of belief)			Modern refurbished toilets would benefit all residents and visitors to Torbay. With the majority of the new facilities being single door entry cubicles it would provide a safer environment for all.
People who are lesbian, gay or bisexual			Modern refurbished toilets would benefit all residents and visitors to Torbay. With the majority of the new facilities being single door entry cubicles it would provide a safer environment for all.
People who are transgendered			Modern refurbished toilets would benefit all residents and visitors to Torbay. With the majority of the new facilities being single door entry cubicles it would provide a safer environment for all.
People who are in a marriage or civil partnership			Modern refurbished toilets would benefit all residents and visitors to Torbay. With the majority of the new facilities being single door entry cubicles it would provide a safer environment for all.
Women who are pregnant / on maternity leave	All new toilet cubicles will have baby changing facilities.		

	Socio-economic impacts (Including impact on child poverty issues and deprivation)			Modern refurbished toilets would benefit all residents and visitors to Torbay. With the majority of the new facilities being single door entry cubicles it would provide a safer environment for all.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	All new toilets will have hand washing facilities with soap dispensers and hot water. It will also be easier to maintain a clean environment with new modern facilities.		
16	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None identified.		
17	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None identified.		

Appendix 1:

# CURRENT TOILET PROVISION TORBAY









# NEW PROPOSED TOILET PROVISION TORBAY







I visited your beautiful, historically interesting town last Saturday the 15th September. This visit was marred by the filthy unkempt and neglected state of the toilets

A Visitor to Brixham Said...

The Council has Received 57 Official Complaints (27 in last 6 months)

To say they were disgusting and not fit for purpose is an understatement.

1. The disabled toilet was open and being used by all comers.
2. The toilets were dirty and past their sell by date.
3. The hand wash facility did not work and was dirty.
4. The whole disabled toilet needs a complete refit and bringing up to a decent standard.
5. If it was inspected by environmental health it would be closed.

I have had to use the public toilets in Torbay the last couple of weeks. NEVER AGAIN.

They are disgusting. They smell, floors unclean, pans are disgusting.

Paid 20p at Palace Ave thinking it would be better. Rusty, dirty.

Brixham toilets. 6 out of order. Not clean. Still 3 out of order a week later. Still unclean. One overflowing.

Ashamed as a local.

£2,287.92 was the repair bill in February 2017

Automatic Flushing has ceased to save Utility Costs

They are disgusting. The only one with a seat is out of order because it was flooding yesterday. Today another one out of order and generally really dirty. Paper on top of dispensers, dirty floor. And it smells of urine.

On Preston Toilets

I was utterly disgusted with the state & site that I was confronted with on entering the Ladies toilets!!

Toilets have been dirty & smelly, awash with water on the floor & a lack of toilet paper in many cubicles. The hand washing facilities are practically non-existent-the small soggy pieces of soap are more of a health hazard than a cleansing item & the hand drier is so painfully slow & inefficient that people give up using it

Customer feedback on Brixham Toilets...

Toilets are cleaned twice a day while in use

Preston 1<sup>st</sup> clean is at 4pm

9 Blocks are opened by local business

The toilets reeked of urine. It was overwhelming. Wet floors, no warning signs, dirty sinks and WCs. What an impression to give visitors

A Visitor to the Bay

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