

Executive Committee

21st February 2006

Report of Head of Environmental Services

Public Convenience Programme

1. Purpose of Report

- 1.1 To report back to Committee on the further discussions and consultations that have taken place in relation to the proposed closure of public conveniences in Malvern, Upton and Tenbury and to make recommendations for consideration by Council.

Recommendation that Full Council be recommended that-

- (i) The further discussions and consultations undertaken, together with views expressed by Malvern, Upton and Tenbury Town Councils and other interested parties be noted.**
- (ii) The public conveniences at Edith Walk and Victoria Road, Great Malvern, Market Street, Tenbury Wells and High Street, Upton-upon-Severn be closed at the end of February 2006 and subject thereto:**
 - a) the public conveniences at Market Street, Tenbury Wells and High Street, Upton-upon-Severn be offered for sale.**
 - b) the public convenience at Victoria Road, Great Malvern be demolished and the area surfaced over to provide additional car parking spaces.**
 - c) the public conveniences at Edith Walk, Great Malvern be offered commercially on a suitable short term agreement or demolished and hard surfaced as detailed in this report, the freehold of the site always being retained by the Council.**
 - d) if sale of the facilities at Market Street, Tenbury Wells cannot be achieved, the conveniences be demolished and the site dealt with as previously proposed.**
 - e) if sale of the facilities at High Street, Upton-upon-Severn cannot be achieved, proposals be brought forward for the site to be mothballed for occasional usage during festivals as previously proposed**

2. Background

- 2.1 This Committee considered proposals in relation to the future of public conveniences at its meeting on 30th August 2005 and resolved to close a number of facilities as recommended (Report EC672). This decision followed a number of previous reports originating from recommendations of the review of public conveniences undertaken by Policy Development and Review Panel B in 2004 (Reports EC459, 559, 628 and OSC13 refer).
- 2.2 The above decision to close public conveniences was "called in" for consideration by Full Council at its meeting on 27th September 2005 (Paper C149 refers) when it was resolved that: *"further discussion and consultation takes place in respect of proposals to close public conveniences at Market Street, Tenbury; High Street, Upton-upon-Severn; Victoria Road, Great Malvern and Edith Walk, Great Malvern, and that a further report be submitted to Executive Committee for reporting to Council at its special meeting on 14th December"*.
- 2.3 Following Council's resolution, representatives of the District Council, led by the Leader of the Council have met on several occasions with representatives of the Malvern, Upton and Tenbury Town Councils. Arising from these discussions, this Council tabled further proposals for the future provision of public conveniences within the District. In addition, extensive supporting information was provided regarding current and historic costs of service provision, etc. The outcome of these discussions is more fully reported below whilst the appendix contains copies of relevant correspondence including the further proposals put forward by this Council.
- 2.4 In addition to the above meetings, a number of representations have been received from other interested parties, stimulated by the extensive coverage that this issue has generated within the local media. These representations are also noted below.
- 2.5 Since the presentation of the previous report in August 2005, there has been national media reporting of the wider provision of public conveniences by local authorities. It is noteworthy that several local authorities have taken decisions to rationalise their public conveniences, usually concentrating on quality rather than quantity.

3. Outcome of Discussion and Consultation

- 3.1 Following an initial joint meeting of representatives of the Town and District Councils on 21st September 2005, a series of meetings were held between representatives of the individual Town Councils and this Council during October and November. These meetings were open and frank and wide ranging in their approach. Whilst it was apparent from the outset that the preferred option on the part of the Town Councils was for the District Council to continue to provide and invest in the facilities proposed for closure, a number of other options were discussed. This included the possible transfer of the facilities at nil consideration to the Town Councils and in the case of Upton Town Council, the offer of some modest financial contribution to this Council's costs in continuing to provide the High Street toilets.

- 3.2 At a meeting with representatives of Malvern Town Council on 2nd November, the Town Council put forward the idea of a more extensive transfer of public conveniences to the Town Councils allied to a transfer of function. This idea was prompted by the fact that Malvern Town Council already provides its own public conveniences at Victoria Park, Malvern Link. The concept was developed into a proposed draft framework agreement which envisaged a transfer of assets (at nil consideration) and function to the Town Councils along with transitional financial assistance to enable each Town Council to develop its precept over a number of years. This proposal was put to the Town Councils for consideration with the request for a meeting to discuss further, at the end of November 2005.
- 3.3 Despite the proposed Framework Agreement having its genesis in discussions with Malvern Town Council as detailed above, the proposals were paradoxically taken by the Town Councils to represent a hardening of this Council's position. In a letter from the Town Councils of 17th January, they stated that they considered the proposals provided "*no basis for negotiation or discussion*" and announced their collective withdrawal from a meeting scheduled at the end of January 2006 when it was planned to discuss the proposals further.
- 3.4 In their letter, the Town Councils concluded that their positions were represented in resolutions each had previously passed that the District Council should continue to maintain and update all toilet facilities in the Towns.
- 3.5 In addition to the discussions and consultations with the Town Councils, representations have been received from other interested parties. These are set out below against the facility to which they relate.
- 3.6 **High Street, Upton-upon-Severn.** The local tourism and trade association have expressed concern at the possible closure of these facilities and request their retention for the use of visitors to the town. Possible alternative use of this site for a youth meeting room was also proposed though this has not progressed due to its lack of suitability and funding issues.
- 3.7 **Edith Walk, Great Malvern.** The proprietor of a nearby café wrote expressing concern at closure, enclosing a supporting petition signed by his customers. It should be noted that the close proximity of public conveniences is not an acceptable alternative to the need for food businesses to provide lavatories for the use of their patrons.
- 3.8 **Market Street, Tenbury Wells.** Tenbury and District Civic and Historical Society has written urging that these facilities are retained and refurbished citing them as part of the town's heritage and a link with Victorian times. This view is not supported by Planning colleagues and, as previously reported, a request by the Town Council for listing was rejected by the Culture Secretary.
- 3.9 In addition to the above, a small number of individual residents have written expressing concern at proposed closures having read reports in the press.
- 3.10 The extensive discussions and consultations set out above have not yielded any new or alternative proposals for the future of the public conveniences proposed for closure last August. Nor have the operational and financial factors supporting the previous recommendations changed in the interim. To

retain these facilities would require both additional revenue and capital expenditure as noted in the Corporate Considerations below.

4. Proposals

- 4.1 Taking account of the outcome of the negotiations and consultations detailed above, together with the revenue and capital finance implications of acceding to the requests of the various parties to not only keep all current facilities operating but also to improve them to the same high standard as detailed below, it is proposed that the previously recommended course of action be followed, namely, that the four public conveniences detailed below be closed at the end of February and then dealt with as recommended respectively below:
- 4.2 **Edith Walk, Great Malvern.** Given the site's location and potential significance in relation to the future redevelopment of this area, it is proposed that the facility/ site be offered commercially on a suitable short term agreement (lease, etc) for alternative use (subject to appropriate planning permission). If no interest is forthcoming, it is proposed that following demolition, the site is hard landscaped, its freehold always being retained by the Council.
- 4.3 **Victoria Road, Great Malvern.** It is proposed that the building be demolished and the site made good to provide an additional number of fee earning car parking spaces.
- 4.4 **Market Street, Tenbury Wells.** It is proposed that the site and freehold is offered for sale. If a buyer cannot be found then the alternative course of action to be demolition and paving over to match the surrounding street scene.
- 4.5 **High Street, Upton-upon-Severn.** It is proposed that the site be offered for sale freehold for possible alternative uses (subject to appropriate planning permission). As demolition may prove difficult, requiring costly making good, an alternative approach may be to mothball the facilities and improve them to a very basic standard to make them capable of being opened to provide additional toilet accommodation during festival periods though this would require additional capital funding to be made available.

5. Corporate Considerations

<p>Resource Implications: (Identify Financial, Legal, Property and Personnel issues)</p>	<p>The current budgeted costs of cleaning and maintaining public conveniences in the District require the previously recommended reduction in the number of facilities to enable the desired improved frequency and standards of cleaning to be achieved. If this does not occur, the full benefit of investment currently being made will not be achieved. To implement the planned improved cleaning standards at these four facilities if they are not closed would cost an estimated additional £25,000.</p> <p>Demolition of the four facilities identified above (unless they can be otherwise disposed of) can be accommodated within the remaining balance of the</p>
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	<p>existing capital provision for the public convenience programme. If not closed, the above facilities will have to be improved, to bring them into a good structural condition, capable of being properly cleaned. To achieve these improvements will require an additional capital approval of at least £107,000 and possibly as great as £170,000 based on currently tendered rates. Additional officer time to manage the projects will also be required.</p> <p>As indicated above, there are specific legal and property issues that will require resolution at a number of the facilities.</p> <p>Sale of the facilities at Tenbury and Upton may generate a capital receipt (current asset valuations are High Street, Upton - £30k and Market Street, Tenbury - £17k).</p>
<p><u>Policy Implications:</u> (Identify how proposals link to Council priorities and the current policy framework, and if they do not, identify implications)</p>	<p>Improvement of public conveniences is a key element of the Council's Street Scene Priority. If action is not taken to rationalise the facilities identified above, the full benefit of investments to improve key facilities will not be realised. The inability to implement planned enhanced cleaning is already evident in facilities subject to capital investment.</p> <p>Proposed retention of the site of the Edith Walk conveniences may contribute to the Town Centre Enhancement Priority.</p> <p>Disability Discrimination Issues as noted below which may show the Council appearing to act contrary to its own agreed Equalities Policy.</p>
<p><u>Equalities Issues:</u> (Identify potential human rights issues and any impact on grounds of race, gender, disabilities, age, sexual orientation and religious belief)</p>	<p>Any "2 tier" standard of public conveniences provides a likely opportunity for adverse criticism and also exposes the Council to challenge under the Disability Discrimination Act in relation to the poorer facilities. More importantly, failure to address the substandard facilities will be identified in upcoming Impact Needs Requirement Assessments and may impact adversely on the Council's agreed aim of achieving Level 2 of the Equalities Standard for Local Government.</p>

6. Risk Management

Risk Identified	Inherent Risk Evaluation		Proposed measures	Residual Risk Evaluation	
<ul style="list-style-type: none"> ▪ Closure of facilities as proposed leads to further criticism of Council by Town and Parish Councils, public 	Risk Score	7	<ul style="list-style-type: none"> ▪ Closures will be advertised and linked to promotion of improved facilities. ▪ Clear media briefings, 	Risk Score	4

and media			etc on investment rationale.		
<ul style="list-style-type: none"> Failure to close unsatisfactory public conveniences may lead to challenge under Disability Discrimination Act with possible adverse judgement against MHDC 	Risk Score	5	<ul style="list-style-type: none"> Close unsatisfactory facilities identified in this report. 	Risk Score	1
<ul style="list-style-type: none"> Failure to close unsatisfactory facilities prevents planned improvements in cleaning being achieved at improved facilities. 	Risk Score	7	<ul style="list-style-type: none"> Close unsatisfactory facilities identified in this report. Or make further revenue and capital investment as noted above. 	Risk Score	2
<ul style="list-style-type: none"> Reputational damage arises from Council continuing to operate unsatisfactory public conveniences 	Risk Score	5	<ul style="list-style-type: none"> Close unsatisfactory facilities identified in this report. Or make further revenue and capital investment as noted above. 	Risk Score	1
<ul style="list-style-type: none"> Antisocial behaviour associated with public conveniences identified above results in public safety/ nuisance problems. 	Risk Score	7	<ul style="list-style-type: none"> Close unsatisfactory facilities identified in this report. Or make further revenue and capital investment as noted above. 	Risk Score	3
<ul style="list-style-type: none"> Costs of demolition/ making good exceed estimates provided 	Risk Score	5	<ul style="list-style-type: none"> Secure contractor using competitive tendering. Liaise closely with parties having conjoined structures and agree actions in advance 	Risk Score	5

NB: Risk Score derived from level of Impact and Likelihood, calculated from the [Risk Matrix](#)

7. Conclusions

- 7.1 The recommendations presented in this report are considered necessary if the Council is to achieve its aims in terms of quality of public convenience service provision established in 2004.

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Appendices:	None
Background Papers:	Correspondence received from and sent to Malvern, Upton and Tenbury Town Councils, September 2005 to January 2006.

Related Information:	None
References: (To or from other Committees)	<p>Executive Committee Report EC459, 17th February 2004 - Reference from Overview and Scrutiny Committee - Policy Development and Review Panel B – Review of Public Conveniences</p> <p>Executive Committee Report EC559, 28th September 2004 - Hanley Road Public Conveniences, Upton upon Severn - Tenders Report</p> <p>Overview & Scrutiny Commission OSC13, 15th March 2005 - Review of Public Conveniences – Follow up of Recommendations</p> <p>Executive Committee Report EC628, 22nd March 2005 - Public Convenience Refurbishment Programme</p> <p>Executive Committee Report EC672 30th August 2005 – Public Convenience Programme</p> <p>Council Paper C149 27th September 2005 - Public Convenience Programme – Minute 40 – Call-in</p>
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