

**SUBJECT: PUBLIC TOILET PROVISION - GRANTS TO LOCAL COUNCILS AND FUTURE PROVISION IN ABERGAVENNY TOWN**

**MEETING: INDIVIDUAL CABINET MEMBER DECISION (Cllr J Pratt)**

**DATE: tba**

**DIVISION/WARDS AFFECTED:Abergavenny Town**

## **1. PURPOSE:**

This report describes how the provision of public toilets is presently managed in Abergavenny Town, the background to the present arrangements and makes recommendations about how the service might be provided in the future within Abergavenny. It also seeks a decision about the ongoing provision of a grant to local councils for the provision of public toilets.

## **2. RECOMMENDATIONS:**

- 2.1 That the current annual grant available to local councils upon application of £1200 for the provision and maintenance of a public toilet block continue until such time as members decide to review.
- 2.2 That, subject to agreement that all aspects of the provision of the public toilet facilities will transfer to Abergavenny Town Council , as a precursor to transfer to the Town Council the toilet facilities in Castle Street Car Park, the Bus Station and Brewery Yard receive all necessary planned and programmed maintenance during 2020/21.
- 2.3 Subject to confirmation of support from Abergavenny Town Council that the public toilet in Whitehorse Lane be closed. (Should such support not be forthcoming then a further report be prepared about options for the future provision of a public toilet in and around Frogmore Street).
- 2.4 That any existing transfer of asset agreements in place with community or town councils or agreements in the future, subject to approval by the local council, be revised such that the local council may claw back any refurbishment or planned maintenance costs incurred by the council in the 5 years prior to the county council taking possession of any toilet block. The recovery rate to be 100% of planned maintenance costs incurred within 12 months, 80% within 2 years, 60% within three years, 40% within four years, 20% within five years.
- 2.5 Should Abergavenny Town Council decline to proceed with the transfer of the toilets to the town council that the current arrangements continue subject to the town council continuing to support the service financially (further options would then be investigated with further reports submitted).

## **3. KEY ISSUES:**

- 3.1 In 2010 the authority undertook a major review of the provision of public conveniences by the county council throughout Monmouthshire. In principle the council decided to only retain public toilets at the most popular destination point(s) for visitors in the main towns.

Other toilets would be closed or transferred to the local town or community council should the local council wish to fund their ongoing provision.

- 3.2 A range of different arrangements ensued. Toilets closed at Raglan, Tintern, Mathern road Chepstow and a 'superloo' at Bulwark car park was removed.
- 3.3 Several others were transferred (property asset and ongoing costs) to local councils although the transfer agreements held a clause which allows the county council to take ownership of the property asset should this become necessary.
- 3.4 In some instances the local authority was reluctant to take ownership of the asset but did wish to ensure that the toilet(s) remained open. In these instances a pragmatic approach was adopted with the local council paying the county council the cost associated with keeping the toilets open (predominantly utilities, maintenance and cleaning).
- 3.5 In Abergavenny, whilst there was a willingness on behalf of the county council and town council to transfer the toilets, this was frustrated by differing views on which toilets might remain open, refurbishment costs, provision of cleaning services etc. As such the town council has continued to fund the county council to keep the toilets open (Bus station, Castle st car park, Brewery yard, White horse Lane until current closure).
- 3.6 Informal discussions have continued and more recently there has been greater consensus on how the transfer of the property asset and ongoing service provision might be achieved.
- 3.7 In particular the condition of the White Horse Lane toilet block has deteriorated to such an extent that the most practical options are either to close the toilets, major refurbishment or demolish and rebuild. Furthermore Gwent Police has requested that the toilets be closed due to drug related anti-social behaviour taking place.
- 3.8 Major refurbishment has previously been costed as well as demolish and rebuild; either option will cost in excess of £125,000. Furthermore public toilets are available within 300m (Brewery Yard) and other 'customer' toilets are available at nearby retail and food/drink outlets. This when combined with the concerns of the police means closure is currently the most practical and cost effective option although long term plans will be subject to feedback from local members and funding implications.
- 3.9 In discussions with town council members about the transfer of the toilets it was highlighted that the toilet blocks are in various states of repair and that it would seem reasonable that planned maintenance be undertaken prior to transfer. This was done prior to the transfer of the Caldicot public toilet in 2018 so it would seem fair that this be done for the three toilet blocks (Bus Station, Castle St, Brewery Yard) prior to transfer.
- 3.10 During discussions it was also highlighted that the form of agreement used for the transfer of toilets so far could disadvantage a local council where the council had invested in refurbishment/planned maintenance and the county council has subsequently recovered ownership of the toilet for whatever reason. To address this the agreement should be amended to allow the local council to recover costs incurred or a proportion thereof.
- 3.11 When the ownership of the various toilet blocks was transferred to local councils the transfer document included a clause which allowed the county council to take ownership of the asset at no cost (this was included mainly to allow the county council to undertake any regeneration projects that required the asset footprint without undue delay or negatiation of transfer of ownership). However the transfer precludes the local council from recovering any costs they may have been incurred through planned maintenance. This would seem unfair and might deter the local council from investing in the toilet facility.

Therefore it is recommended that the transfer document be amended to allow the local council to recoup investment costs as suggested in the recommendation.

- 3.12 To encourage local councils to continue to provide public toilets that might otherwise close at the time of the review the council approved a grant to the local council of £1200 per year for each toilet block retained and maintained in line with the agreement. The grant has remained available since the review. It is incumbent upon the local council to claim the grant annually. Based upon toilet blocks transferred as of today (8) the grant costs the authority £9,600 per annum assuming all local councils apply. Should the remaining toilet blocks transfer ( Abergavenny 3, Monmouth 1, Usk 1) then the grant cost could increase to £15,600 per year. The toilet facility in Tintern is on lease and is not available for transfer to the local council.
- 3.13 The payment of the grant is raised at this time to allow members to review the payment and should the council wish to continue to offer the grant.

#### **4. OPTIONS APPRAISAL**

Various options have been explored over several years as part of the ongoing examination of suitable and affordable options for the service.

This includes:

Continuing with the existing arrangements is feasible but action is required to address the problems associated with White Horse Lane. Viewed within the context of the level of public provision within the town the cost of replacement must be taken into account.

Closure of all toilet facilities other than two in Abergavenny town. This is consistent with the decision of the county council taken during the review in 2010 but would be contrary to the wishes of the local council which has been paying to keep all toilet blocks open, and would be cost neutral to the county council.

Retain the Whitehorse Lane toilet facility by demolishing the existing toilet block and rebuilding or major refurbishment of the existing toilet block. A survey of usage undertaken by the town council showed that the Whitehorse Lane toilets were the most popular in town. However since the survey the toilets have been closed on several occasions for repair with little criticism.

Furthermore the discovery of drug related paraphernalia and the concern of the police about anti social behaviour along with vandalism does suggest that the existing facility is no longer suitable without major investment.

Finally the option remains to continue with arrangements as is (i.e. Abergavenny Town Council continuing to support the service financially whilst managed by MCC) although the future of the White Horse Lane toilet block would require resolution and funding amended accordingly (Recommendation 2.5 allows this to be pursued).

#### **5. EVALUATION CRITERIA**

The method of evaluation will be an assessment of whether the recommendations have been achieved within a twelve month period.

Potential difficulties surround:

opposition to the closure of the Whitehorse lane facility such that the decision is withdrawn or delayed.

Lack of agreement between the county council and town council to proceed with the transfer.

Failure to get agreement to the amendment to the transfer agreement.

Opposition to the continued availability of a grant to local councils to provide toilet facilities.

Indications that any aspects of the recommendations might not be achieved during the twelve month period will be reported to the cabinet member.

## **6. REASONS:**

The authority set a strategy and policy some ten years ago and implementation of this report would see further progress towards a uniform approach for the ownership and management of public toilet facilities.

Whilst not essential to achieve uniformity (most toilets have continued to be open since 2010 under the current regime) it is fair to say that officers and members have had numerous discussions about how the transfer in Abergavenny might be achieved and there is consensus that the recommendations in this report offer a fair way to proceed.

## **7. RESOURCE IMPLICATIONS:**

The transfer agreement transfers the property asset to the town or community council but the county council retains the right to take back ownership should the local council not use them to provide a public toilet or should the site of the asset be incorporated into a wider regeneration programme.

The amendment to the current agreement does mean that the county council might be liable for costs incurred by the local council in the last five years but does offer a fairer arrangement between the two authorities.

All public conveniences are subject to planned maintenance. By bringing the programme forward into the next twelve months some work may be undertaken in advance. The projected planned maintenance costs for the three sites are budgeted for in 20/21.

Abergavenny Town Council paid MCC £58,000 in 2019/20 to fund the cleaning, management and maintenance of the four toilet blocks in Abergavenny. Assuming the Whitehorse Lane toilets are closed then the Town Council will be seeking a reduction in this cost to reflect reduced running costs. An initial observation might suggest that costs reduce by one quarter (toilet facilities reducing from 4 to 3). However this would be misleading as some costs will remain irrespective of the number of toilets being cleaned. There will be some staff implications by reducing from 4 to 3 toilets which will need to be organised but officers will work with the Town Council to arrive at a cost that fairly reflects the cost of cleaning, supplies and consumables (paper, soap) for the remaining three toilets.

At this time the town council has indicated that after the transfer it will continue to require cleaning by the county council staff but has highlighted that it might seek competitive quotations at some point in the future. Should this happen then employment legislation such as TUPE will need to be considered.

Refurbishment or rebuild of White Horse Lane toilets would require capital investment of at least £125,000.

**8. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING) .**

**To be completed**

**9. CONSULTEES:**

**Abergavenny Town Council**

**Enterprise DMT**

**Abergavenny town county councillors**

*Note: No public consultation has been undertaken at the time of this report but extensive consultation with the public and town council has been undertaken in the past.*

*However it should be highlighted that White Horse Lane Toilets have remained closed since prior to the pandemic (vandalism and drug related anti social behaviour). Whilst feedback has been relatively low the local member has been approached by member(s) of the public requesting that they be re-opened. Furthermore the management company of Cybi Walk have also asked when the toilets might be re-opened, the toilets being convenient for their shoppers.*

**10. BACKGROUND PAPERS:**

**Provision of Public Conveniences in the Future – 21<sup>st</sup> July 2010**

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**12. CONTACT DETAILS:**

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