

CABINET

DATE	28 th May 2020
REPORT OF	Councillor John Fenty – Deputy Leader and Portfolio Holder for Regeneration, Housing and Skills
RESPONSIBLE OFFICER	Sharon Wroot – Director of Resources and Governance
SUBJECT	Public Conveniences Review
STATUS	Open
FORWARD PLAN REF NO.	Not included on the Forward Plan – to be considered under the Special Urgency rules, as set out in the Council’s Constitution, with the permission of the Leader of the Council and the Chair of the Economy Scrutiny Panel.

CONTRIBUTION TO OUR AIMS

The continued operation of the Public Convenience portfolio directly supports the Council’s outcome of ‘Stronger Communities’ by providing much needed facilities to residents and visitors of the Borough. The decision also ensures any financial constraint would be limited on the Council, which would support our determination to be an efficient and effective Council.

EXECUTIVE SUMMARY

This report seeks a decision from Cabinet following the latest management review in respect to the financial pressures that the Public Conveniences portfolio present the Council and seeks to implement on one or more of the recommendations in order to demonstrate we have listened to the feedback from customers, against the necessity to achieve the level of savings required.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Instructs the Director of Resources and Governance (*having full regard at this time to public health and other issues arising from the COVID response and at the Director’s discretion as to timing*) to implement the following:
 - a) Grant Street Public Conveniences to close;
 - b) Removal of Pay-To-Use entry charges to Public Conveniences throughout the Resort of Cleethorpes;
 - c) Boating Lake Public Conveniences – explore lease out and provide contract payment to Community interest;
 - d) Reduction on contract costs at Sea Road – through management of new and reduced provision leased to Danfo; and
 - e) Explore the reopening of North Promenade Public Conveniences - leased in and sub-leased to Danfo.

and to deal with all issues arising from the above in consultation with the Portfolio Holders for Regeneration, Housing and Skills and Tourism, Heritage and Culture.

REASONS FOR DECISION

The Council wish to take the opportunity to use the savings from the closure of Grant Street to remove the 20p Pay-To-Use charge across all the Resort Public Conveniences. Officers will explore the potential lease out of the public conveniences at the Boating Lake. The potential savings associated with a reduced contract for the new facilities at Sea Road and the lease of the Boating Lake Public Conveniences could facilitate the re-opening of the former Public Conveniences at North Promenade, which would result in maintaining an equal provision of Resort facilities.

1. BACKGROUND AND ISSUES

- 1.1 The previous review of the portfolio resulted in the decision to change the opening times of two Public Conveniences in line with seasonal and market use and to close two of the facilities. One of the two facilities earmarked for closure has since reopened (Boating Lake).
- 1.2 In addition, the Council entered into contract with Danfo from September 2018 for five (5) years (with the ability to extend by two (2) 12-month periods. Danfo manage and lease the five (5) main facilities, with the Council retaining Boating Lake, managing opening and cleaning with Kingdom and repairs and maintenance with ENGIE.
- 1.3 For the owned facilities, in April 2019, the Council pay to use facilities were changed to cashless systems to improve the historic vandalism of the paddle-gates. These have been operated via our managing agents, Danfo Ltd, who manage all of the facilities except Boating Lake. These changes included:
 - The cashless systems allow visitors to access the facilities by the use of their credit/debit card at a charge of 20p.
 - Coin boxes are available on the four Accessible (disabled) facilities. These are located at: Kingsway, Market Hall, Sea Road and St Peters Avenue. This allows members of the public to use a 20p coin in order to gain access to these facilities. The RADAR key continues to open the facilities free of charge.
 - Pre-paid cards are available to purchase from the Council's main website. The pre-paid card option allows purchase of either a £5 card, which enables 25 uses; or, a £20 card, which enables 100 uses.
- 1.4 Danfo Ltd, hold a retainer of £20,000 per year, which they use to fund the repair of any vandalism which is experienced in each facility. The Council's contract with Danfo Ltd, at the end of each anniversary (September), allows for any remaining budget from the £20,000 which has not been spent to repair vandalism to be returned to the Council.

- 1.5 Since the introduction of the cashless 'pay to use' at the Public Conveniences, in April 2019, £22,714.02 (£15,420.31 (cashless) & £6,293.71 (cash)), has been recovered in income up to the end of November. (Figures are calculated a month in arrears).
- 1.6 The Public Conveniences and paddle-gates in particular, have experienced a significant reduction in vandalism and anti-social behaviour. Danfo have confirmed that since implementation, some minor incidents of vandalism or anti-social behaviour have been reported, which culminated in £4,305 in cost. This provided the Council with a rebate of £15,695, in the first year of the contract with Danfo.
- 1.7 The recommendations are set in context of the level of footfall, which is being monitored through the income received.
- 1.8 Further, discussions have been taking place with Business and Community Leaders to seek opportunities and alternative management of two of the facilities – namely to return the former Public Conveniences at North Promenade in to use and leasing out the Boating Lake.
- 1.9 The above option would see the closure of Grant Street, which would fund the removal of the 20p Pay-To-Use charge across all the Resort toilets.
- 1.10 Officers will explore the potential lease out of the public conveniences at the Boating Lake. The potential savings associated with leasing the Boating Lake Public Conveniences and with a reduced contract for the new facilities at Sea Road could facilitate the re-opening of the former Public Conveniences at North Promenade, which would result in maintaining an equal provision of Resort facilities, with the intention also being to achieve the changes as near to a cost neutral position as possible.

2. RISKS AND OPPORTUNITIES

The risk to the Council in progressing with a lease to the Group is considered minimal. In the scenario of a lease, should the proposals no longer be viable, the option to relinquish the premise back to the Council and ultimately seek alternative opportunities or decommissioning could be pursued which would avoid the site incurring any future operational cost.

Future risks remain with the Group in respect to the operational costs of utilities etc. and the obligation of repair and maintaining a building to an acceptable standard to ensure ongoing use.

There are no identifiable environmental sustainability implications as a result of the proposal, as it is the intention that the condition of the premise will be maintained and improved on the basis of an operational use. The long lease will allow the Group to expand and continue to occupy the premise and would allow for potential external funding to be obtained, allowing for ongoing maintenance and further improvements. The continued use will be a positive reflection to the street scene within an established and well used area within this part of the Borough and will reduce the financial commitments of the Council.

3. OTHER OPTIONS CONSIDERED

To do nothing is not considered a viable option as continuing to manage the portfolio across the current locations and split management as is currently would lead to the overall provision becoming ineffective, thus leading to rising expenditure. The Council risk unnecessary and negative publicity as well as potentially being wholly liable for one site in particular, together with all future associated expenditure including any missed opportunity of investment into or expansion of the potential use and activities.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

There are both positive and negative reputational implications for the Council resulting from implementing the recommendations within this report. The positive aspect would be that the Council has listened to the feedback from customers and against the requirement to achieve the necessary revenue savings as part of managing an effective service. Understandably any partial or full closure of any of the Public Conveniences will have a negative impact on customers who access the facilities. However, there is no intention to reduce the number of facilities continuing to operate and through other opportunities the provision will be improved overall. The Council's communications service has been advised of the potential implications in order to respond to issues and any information requirements in respect to these proposals.

5. FINANCIAL CONSIDERATIONS

The Council wish to take the opportunity to use the savings from the closure of Grant Street to remove the 20p Pay-To-Use charge across all the Resort Public Conveniences.

The potential lease out of the public conveniences at the Boating Lake will result in a saving. The potential savings associated with a reduced contract for the new facilities at Sea Road and the lease of the Boating Lake Public Conveniences could facilitate the re-opening of the former Public Conveniences at North Promenade.

It is expected these recommendations would result in maintaining an equal provision and expenditure (if not slightly reduced) to maintain Resort Public Conveniences.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The recommendations outlined within this report have been considered so far as their impact of the proposal on climate change and the environment. In reference to the Council's environmental policy, the proposal supports the Council's environmental priorities:

- By leading North East Lincolnshire towards consuming resources more efficiently, eliminating waste and supporting & developing the green economy & infrastructure.
- By recognising and realising the economic and social benefits of a high-quality environment
- By working towards a low carbon North East Lincolnshire that is prepared for, and resilient to, the impacts of climate change.

7. CONSULTATION WITH SCRUTINY

Scrutiny will be consulted as part of any further decisions in respect to any changes to the operation and management of the Public Conveniences as outlined in the recommendations within this report.

8. FINANCIAL IMPLICATIONS

The overall impact on the financial position will not be material. A broadly neutral financial position is anticipated, although this will ultimately be dependent upon the outcome of the further investigative work and contract negotiations that are planned.

9. LEGAL IMPLICATIONS

The Council does not have a duty to provide public conveniences but has a power to do so – s.87 of the Public Health Act 1936 (as amended). Where the Council provides such conveniences, regard must be had to the public sector equality duty (s.149 Equality Act 2010).

If it chooses to exercise this power, it also has power to enter into agreements with third parties to achieve the above outcomes, either under the Local Government Act 1972 or the Localism Act 2011.

10. HUMAN RESOURCES IMPLICATIONS

There are no direct HR implications contained within this report

11. WARD IMPLICATIONS

Sidney Sussex, Croft Baker and Haverstoe Wards.

12. BACKGROUND PAPERS

None.

13. CONTACT OFFICER

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Councillor John Fenty

Deputy Leader and Portfolio Holder for Regeneration, Housing and Skills