



Policy and Resources Committee - 8 November 2010

Future of Public Toilets

Summary

The report seeks a way forward to transfer the public toilets to the town councils.

Attachment(s)

Appendix A - Report to Finance Working Party 28 October 2010

1.0 Introduction and Background

- 1.1 The Policy and Resources Committee previously considered the future of public toilets and the potential for savings of £164,700 from the closure of the toilets.
- 1.2 At its meeting on 13 July 2009 the Committee agreed to officers negotiating with the Town Councils with a view to transferring the public toilets into their ownership. Unfortunately it was not possible to complete these negotiations to facilitate the transfer before 31 March 2010 and therefore the Council agreed, as part of its budget for 2010/11, to continue funding the public toilets with a view continuing a dialogue with the towns to transfer at a later date.
- 1.3 The Finance Working Party at its meeting on 28 October gave further consideration to this matter and it is now proposed to:

Raunds

To offer the unit at Raunds to the Town Council with effect from 1 August 2011 together with £15,900 to meet the final year's rental payment. This would enable the Town Council to negotiate with the owner a secondary lease or the transfer of ownership of the unit at the end the hire agreement.

Higham Ferrers, Oundle, Rushden and Irthlingborough

Continue with the dialogue with a view to the transfer of the public toilets from 1 August 2011 and to offer the sum of £15,900 to each Town Council as financial support towards the future maintenance liabilities of the toilets.

Thrapston

To go back to Thrapston Town Council with an offer of £15,900 subject to the Town Council agreeing to the transfer of the existing toilets or alternatively to use the sum as a capital contribution towards providing new public toilets, to be maintained at its own expenses, in its new offices/civic building.

2.0 Recommendation

- 2.1 That the Committee endorse the proposals made within the report.

Implications:

Corporate Outcomes or Other Policy/Priority/Strategy

Good Quality of Life

Good Reputation

Good Value for Money	<input checked="" type="checkbox"/>	High Quality Service Delivery	<input type="checkbox"/>
Effective Partnership Working	<input checked="" type="checkbox"/>	Strong Community Leadership	<input checked="" type="checkbox"/>
Effective Management	<input type="checkbox"/>	Knowledge of our Customers and Communities	<input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours			<input type="checkbox"/>
Other:			<input type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval			<input type="checkbox"/>
Financial	There are no financial implications at this stage		<input type="checkbox"/>
	There will be financial implications – see paragraph 1.3		<input checked="" type="checkbox"/>
	There is provision within existing budget		<input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date		<input type="checkbox"/>
	Decisions may have potential for income generation		<input type="checkbox"/>
Risk Management	An assessment has been carried out and there are no material risks		<input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference – inherent risk score – residual risk score –		<input type="checkbox"/>
Staff	There are no additional staffing implications		<input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph		<input type="checkbox"/>
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications		<input type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph		<input checked="" type="checkbox"/>
Legal	Power: Public Health Act 1936		
	Other considerations:		
Background Papers: None			
Person Originating Report: Mark Lovell Executive Director/CFO			
Date: 28 October 2010			
CFO		MO	
			CX

(Committee Report Normal Rev. 21)



Finance Working Party – 28 October 2010

Public Toilets

Summary

This report seeks a steer from Members on the future of the Public Toilets in Rushden, Thrapston, Higham Ferrers, Oundle, Raunds and Irthlingborough.

1 Introduction and Background

- 1.1 The Budget Review Group previously identified the potential for savings of £164,700 from the closure of the public toilets. In order to mitigate the effect on users it was proposed that the function could be transferred to the Town Councils.
- 1.2 At its meeting on 13 July 2009 the Policy and Resources Committee agreed to officers negotiating with the Town Councils with a view to transferring the public toilets into their ownership. Unfortunately it was not possible to complete these negotiations to facilitate the transfer before 31 March 2010 and therefore the Council agreed, as part of its budget for 2010/11, to continue funding the public toilets with a view continuing a dialogue with the towns to transfer at a later date.
- 1.3 It was clear from the outset that both Raunds and Thrapston did not wish to consider the transfer of the facilities. Despite this further discussions have been held with all the Town Councils. The outcome has been that Raunds and Thrapston continue to hold the view that they do not wish to take on the responsibility for this function and appreciate that the toilets may therefore close. However, Rushden, Higham Ferrers, Oundle and Irthlingborough have indicated a willingness to pursue a transfer subject to certain conditions or concerns being addressed.
- 1.4 However, the towns that have indicated a willingness to take over the function have expressed a need for consistency and equity in any agreements made with the towns. The towns would wish to ensure that the Council does not continue to fund provision in some areas of the district but not others.

2 The future of Raunds and Thrapston

- 2.1 As indicated neither Raunds nor Thrapston Town Council have expressed any interest in taking on the toilets. It would appear therefore to be a straight forward decision between continuing to fund the toilets from the District Council precept or closing the facilities. In turn this decision will effectively govern whether or not the other Towns will accept the transfer. Clearly if the Council continued to fund the toilets in either Raunds or Thrapston or both then the other four towns will not accept the transfer.
- 2.2 As Members will know the provision at Raunds is very different to that provided elsewhere and the Council hires an “automatic public convenience unit”. The rental agreement runs for a minimum of five years and expires, at the earliest, on

26 November 2012. The final rental payment of £15,900 is due next year in 2011/12. There is no early termination option for the hirer within the hire agreement so the final rental payment would still be due even if the Council agreed to close the facility before the end of the agreement.

- 2.3 The annual cost of Raunds, which is the lowest of all six towns, is estimated at £17,000. This is the rental on the unit plus the business rates.

3 Issues of Concern for Town Councils

- 3.1 The Town Councils willing to participate in a transfer have raised a number of issues where they are looking for some support. These are set out below:-

- The existing contract arrangements do not appear to offer the Town Council's the best value for money and the pricing of the contract does appear to add a considerable premium. The Town Councils therefore do not wish to operate the service under such a contract arrangement. From the Town Council's perspective it would be more appropriate to transfer the function from 1 August 2011 when the existing contract ends. Alternatively the function could be transferred from the 1 April 2011 but with the District Council picking up the cost of cleaning and security, which is provided under the contract, for the period 1 April to 31 July;
- There are concerns about TUPE implications particularly in respect of staff terms and conditions of employment and pensions. But the further information supplied by Cory suggest that most of the concerns are unfounded;
- The Town Council's want some HR and legal support around TUPE;
- The Town Council's expect the District Council to meet their legal costs associated with the transfer of the assets;
- Requests have been made for a dowry or financial support to meet future maintenance liabilities or capital liabilities.

- 3.2 Most of the concerns above can be addressed and a further round of discussions is due to be held. The significant issue relates to whether or not any financial support or dowry would be available.

4 Way Forward

- 4.1 A steer on the future of the public toilets at Raunds and Thrapston and when any closure would take place is deemed essential to enable negotiations to be concluded with the other four towns.

- 4.2 One suggestion of an equitable solution has been that the Council should continue to provide the facility at Raunds until the end of the agreement and offer the other five towns, including Thrapston, a dowry of £17,000 each to take the toilets from 1 April 2011. This would address the concerns raised by the four interested parties in respect of future maintenance liabilities and also treat Thrapston consistently.

Person originating report: Mark Lovell, Executive Director