

TOURISM COMMUNITIES CULTURE AND LEISURE COMMITTEE**25 OCTOBER 2022**

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| REPORT TITLE: | REGENERATION & PLACE BUDGET SAVING CONSULTATION OUTCOME (PUBLIC TOILETS). |
| REPORT OF: | DIRECTOR OF REGENERATION & PLACE |

REPORT SUMMARY

This report provides Committee with the outcome of a public consultation exercise undertaken as part of the 2022/23 budget setting process, to reduce the revenue expenditure for Public Toilets.

On 28 February 2022, Budget Council agreed a balanced budget for the 2022/23 financial year. This included proposals for the reduction of the number of Public Toilets which would generate savings and allow for the balanced budget to be achieved. As part of Budget Council's recommendations an amount of £50,000 would be taken from the Public Toilet Budget which would result in the re-alignment of the facilities. The Council currently provides 9 locations for Public Conveniences throughout the Borough and this proposal recommends:

- The retention of: West Kirby Marine Lake, Parade Gardens Hoylake, Harrison Drive (Kings Parade) New Brighton and Moreton Common
- The closure of: Moreton Cross, West Kirby Concourse (external), Meols Parade (Bennetts Lane), New Ferry and Thornton Hough.

The public consultation exercise was opened on the Councils Have Your Say platform between 16th February and 14th April 2022.

The Wirral Plan 2021-2026 has been developed and the focus covers the following five theme:

- Safe & Pleasant Communities
- Brighter Futures
- Active and Healthy Lives
- Sustainable Environment
- Inclusive Economy

This proposal delivers against Safe and Pleasant Communities.

This matter affects 6 wards and is a Key Decision.

RECOMMENDATION/S

Tourism Communities Culture and Leisure Committee is recommended to:

- (1) Note the outcomes of the online public consultation through the “Have your say” consultation report at Appendix 1;
- (2) Approve the closure of the public toilets at Moreton Cross, West Kirby Concourse (external), Meols Parade (Bennetts Lane) New Ferry and Thornton Hough; and
- (3) Approve that the Public Toilets identified for closure Moreton Cross, West Kirby Concourse (external), Meols Parade (Bennetts Lane), New Ferry and Thornton Hough be declared surplus to requirement and the Director of Regeneration and Place be authorised to consider other options for the sites including marketing them for sale and subsequent disposal, demolition and clearance or any expressions of interest from the communities.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Council must legally set a balanced budget as per the Local Government Act 2003. The legislation leaves discretion to the Council about the allowances to be made and action to be taken. The associated savings identified within the scope of this report and approved by Budget Council on 28 February 2022 have contributed to the setting of a 2022/23 balanced budget
- 1.2 The toilets identified for permanent closure have not been re-opened since the pandemic due to the enhanced cleaning regimes required. It is considered that the four public toilets proposed to be retained at key sites, meet the needs of residents and visitors due their location, frequency of use, ability to maintain good cleaning standards and in maintaining a good provision of toilet facilities within a given radius.
- 1.3 By reducing the number of sites this would allow more investment in the retained public toilet facilities, which are currently in a reasonable condition.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 **Do nothing** – this option would not deliver the savings set out in the 2022/23 budget and would require the Council to seek alternative sources for savings, which have yet to be identified. This may lead to an increased delay in implementing any saving actions and therefore risk savings not being realised in 2022.
- 2.2 **Reduction in Cleaning and other Revenue expenditure** – this would not enable the Council to fulfil its Health and Safety responsibilities for ensuring the standards of the facilities being provided within the budget envelope.
- 2.3 **Community Asset Transfer** – a further consultation exercise would be required to determine whether any of the proposed sites would be of interest for community groups to continue public toilet provision or another use.

3.0 BACKGROUND INFORMATION

- 3.1 Whilst public toilets are not a statutory service, Wirral residents have expressed their desire for the Council to retain public toilets. The Consultation exercise found that 88% of the respondents said that they used public toilets and 86% disagreed with the proposal to close them to help balance the council budget (See attached report for details).
- 3.2 During the pandemic public toilets at four key sites were opened when it was safe to do so, with additional cleaning put in place to maintain public safety. These opened sites were chosen due to their location, response to increased activity of residents and visitors at coastal areas and considering the condition and suitability of the facilities to provide a good quality public service. Whilst the proposed retained public toilets are generally in a good condition, some building improvements are required at some of the sites.

- 3.3 The consultation attracted 363 respondents, 88% of whom said they used public toilet facilities. The evaluation of consultation showed that there was strong support for public toilets with 79% indicating they disagreed with closing the facilities however, only 24.8% said they were prepared to pay for their use, which has a direct implication on the reduced budget available for this non-statutory service.
- 3.4 The proposed closures are linked to other supporting evidence which is detailed below:
- (i) New Ferry – this location is included in the regeneration of the town following the gas explosion and falls within the area identified for demolition and redevelopment.
 - (ii) Moreton – whilst this location is central to Moreton Cross the usage is low, the planned redevelopment at the library will have toilet facilities as will the new supermarket.
 - (iii) Meols (Bennetts Lane) – these toilets are in a very poor state of repair and have been out of time for some time. They are located less than 1 mile away from public toilets at Meols Parade Gardens.
 - (iv) West Kirby – this location is adjacent to the Concourse Leisure Centre, alternative public toilets are available next to the marine lake 0.3 miles away.
 - (v) Thornton Hough – this is a rural village location where limited toilets are available for users of hired park facilities. Representation has been made that as Thornton Hough is a tourist destination therefore having similar demands for facilities as coastal locations where Council toilets have been kept open.
- 3.5 Maps of locations of public toilets is attached in appendix 2 also an additional map showing other corporate buildings which currently offer toilets for use by members of the public in appendix 3, this also includes the location of football facilities with changing facilities including toilets.
- 3.6 A report was brought on this matter to the Economy Regeneration and Housing Committee on 13 June 2022. This was reflective of the fact that operational responsibility for toilets has transferred to the Regeneration and Place Directorate from the Neighbourhoods Directorate with effect from 4 October 2021. That Committee has (amongst other matters) responsibility for “promoting regeneration, economic development and associated activities including the tourism culture and visitor economy.” The review of toilet provision is clearly relevant to our tourism culture and visitor economy.
- 3.7 The terms of reference of the Tourism Communities, Culture and Leisure Committee state that it has responsibility for “trading standards and environmental health, including but not limited to [amongst other matters] public conveniences.” It is clear in light of this that the final decision on this subject matter rests with Tourism Communities, Culture and Leisure Committee.

4.0 FINANCIAL IMPLICATIONS

4.1 The financial cost against the savings identified, totals £50,000

| Saving Proposal | Saving (£m) |
|--------------------------------------|--------------------|
| Salary Savings (1FTE) vacant post | 0.026 |
| Facilities Costs including utilities | 0.012 |
| TBC | 0.012 |
| Total | 0.050 |

4.2 Costs are still being finalised for changes required with staffing rotas particularly weekends arrangements as well as the reduction in facilities costs. The additional £12,000 required to meet the savings target is very likely to be achieved. Some delays are being experienced in upgrading payment mechanisms at some locations, but this is being actively progressed.

4.3 Any recommendations from this report in respect of the closure of public toilets which are not approved by this committee will have an adverse financial implication and will require remedial action to be taken to ensure that a balanced budget position is maintained.

5.0 LEGAL IMPLICATIONS

5.1 The Council must set the budget in accordance with the provisions of the Local Government Finance Act 1992 and approval of a balanced budget each year is a statutory responsibility of the Council. Consultation has taken place in respect of the priorities and views of the public in regard to the savings identified within this report.

5.2 The report sets out the relevant considerations for Members to consider during their deliberations and Members are reminded of the need to ignore irrelevant considerations. Members have a duty to seek to ensure that the Council acts lawfully and, where a service is provided pursuant to a statutory duty, it would not be lawful to fail to discharge it properly or abandon it, and where there is discretion as to how it is to be discharged, that discretion should be exercised reasonably.

5.3 Members must not come to a decision which no reasonable authority could come to; balancing the nature, quality, and level of services which they consider should be provided, against the costs of providing such services.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 Proposals will see the removal of one vacant FTE post and changes to staff rotas for weekend working.

6.2 Closed assets will be reviewed for onward use as per the Asset Management Strategy, including potential capital receipts.

6.3 There are no ICT implications.

7.0 RELEVANT RISKS

- 7.1 Any delay in agreeing the recommendations will jeopardise the savings being actualised within the 22/23 financial year. This will risk the 2022/23 savings not being met and undermining progress to improving the Council's financial resilience as recommended by DLUHC.
- 7.2 Closed Assets could increase the chance of issues arising at the lack of toilet facilities including anxiety and health issues; better sign posting for available public toilets at Council sites would help this.
- 7.3 Popular places for exercise have been considered to ensure toilet facilities are available for residents and visitors (see appendices).
- 7.4 Large events could be affected by the proposed closure of public toilets, this risk can be mitigated at the planning stage by the use of temporary toilets as required.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Statutory consultation was undertaken through the Have Your Say portal as part of this process.
- 8.2 At its meeting of 13 June 2022 the Economy Regeneration and Housing Committee indicated its support for the proposals set out within this report.

9.0 EQUALITY IMPLICATIONS

- 9.1 The equality implications have been considered within the savings proposals via the completion of equality impact assessments.
- 9.2 The methodology for the consultations were considerate of accessibility and equality requirements, adjusting accordingly to facilitate this need.
- 9.3 Attached as appendix 4 are the locations of Changing Places toilets available in the Borough, these toilets meet the needs of people with profound and multiple learning disabilities, as well as people with other physical disabilities such as spinal injuries, muscular dystrophy and multiple sclerosis.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There is a limited impact on environment and climate implications from the proposals within this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 None identified

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APPENDICES

- Appendix 1 Consultation Report
- Appendix 2 Map showing Public Toilets
- Appendix 3 Map showing Public Toilets and Corporate Buildings with toilets including football pavilions

BACKGROUND PAPERS

Outcome of Public Consultation

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|---------------------------------------------------------------|-------------------------|
| Environment, Climate Emergency and Transport Committee | 1 February 2021 |
| Tourism, Communities, Culture & Leisure Committee | 27 July 2021 |
| Policy and Resources Committee | 17 January 2022 |
| Council | 28 February 2022 |
| Environment, Climate Emergency and Transport Committee | 13 June 2022 |