
**Decision Session - Executive Member for
Neighbourhood Services**

21st July 2009

Report of the Director of Neighbourhood Services

City of York Council Public Toilets Review - Update

Summary

1. This report informs the Executive Member as to the progress to date on the complete review of public toilet provision for York and the proposed next steps. The report is an update on the position reported on 15th October 2008 and considers the councils charging policy, future repairs and maintenance needs, the Changing Places Strategy and the Community Toilet Scheme.

Background

2. The provision of clean, safe, accessible public toilets affects all local people and visitors to York. For older people, those with medical conditions such as diabetes and parents with young children, public toilets are an important factor in quality of life and in making the city centre user-friendly. Quality of public toilets plays a major role in defining the image of a city.
3. There is no statutory obligation for local authorities to provide public toilets but many people perceive that this is the responsibility of councils.
4. York is a major tourist destination and has a thriving economy therefore it is important that the standard of toilet provision is of the highest quality possible maximising the use of existing financial resources.
5. In considering this report, there are a number of factors that will need to be taken into account.
 - Parliament Street toilets will close later this year, being replaced by a 'state of the art' facility in Silver Street. The profiled user numbers could change when the modern facility is opened.
 - It is expected that the Museum Gardens facilities will close when the new café is built. The designs do not incorporate public toilet facilities. This could add further pressure on the Exhibition Square facilities which are already well used and the proposed redevelopment of the Central Library.

- It is proposed that the area outside the Art Gallery will become a 'Cultural Quarter' and it is unclear as to the impact of this on the Exhibition Square facilities. For example, these facilities serve many of the bus stops in the area, as well as the drop-off points for tourist coaches and city tours.

Scope

6. The scope of the review covered the following issues and options:
 - A condition survey for each of the current sites, including cost implications to bring the current range of facilities up to modern standards.
 - A customer survey to establish the current level of use and cost effectiveness of existing sites.
 - Investigate the potential for a community toilet scheme in partnership with local retail outlets and public houses as in other large city's in the UK. In order to significantly increase the level and quality of provision by inviting local businesses to allow members of the public to use their facilities.
 - Consider options for the introduction of hydraulic urinals that are stored underground during the day and raised in support of the evening economy.
 - Examine alternatives adopted by authorities such as Leeds City Council who operate quality mobile units that are available in the city centre at week-ends or other locations and events where high volumes of customers are expected.
 - To consider the charging regime across the range of attended and unattended toilet facilities, and ensure that future arrangements make the city fully compliant with equalities legislation, and considered how to cover the cost of ensuring that compliance.
 - To consider access issues to ensure that whatever solution was recommended improved facilities for a range of disabled residents and customers and their carers.
7. In carrying out the review the team had to consider the following regulations and policies relating to the public toilet provision and standards:
 - **Public Health Act 1936** - The provision and maintenance of toilets in public places is at the discretion of local authorities, who have powers to provide public conveniences, but not a duty to do so. Section 87(3)c of this Act has recently been amended by the Sex Discrimination Act (Amendment of Legislation) Regulations Act 2008. This Act removes the statutory prohibition on charging for the use of urinals. This change in legislation now overrides Section 87(3)c of the Public Health Act 1936, to charge for the use

of toilets, but not urinals. It was this Act that prevented Local Authorities from being able to set charges for the use of urinals.

- **The Public Lavatories (Turnstiles) Act 1963** – prohibits the use of turnstiles in any part of public lavatory controlled or managed by a local authority.
- **Building Regulations and Building Standards** – The British Standard (BS 6465 – 1:2006) is a code of practice for the design of sanitary installations.
- **Disability Discrimination Act (DDA) 1995** – Part 3 of the DDA includes provisions covering access to services and facilities.
- **The Equalities Act 2006** – gives local authorities general and specific duties.
- **The Equality Bill which was published on 27th April 2009.** Received its Second Reading on 11th May, and started its Commons Committee stage on 2nd June. Royal Assent is expected in Spring 2010. As well as bringing together the different strands of equality law into one piece of legislation, the Bill makes numerous changes to current law.

Outcomes and Findings

Conditions Survey

8. A condition survey has been completed for all the facilities. Where minor repairs were identified, work has been carried out. In summary the findings were:
 - Acomb Front Street – Structurally sound with some minor repairs needed. Internal improvements and updating should be considered.
 - Haxby – General condition is good to fair with some minor day to day repairs needed.
 - Nunnery Lane Car Park – The condition of the external building fabric was noted to be good. Internal is good with some day to day repairs needed.
 - St Georges Field Car Park – The external building fabric is good. Some flood damage to male toilet floor causing a bow.
 - Exhibition Square – The external building fabric was noted to be good. Day to day repairs and updating to the internal fabric was needed.
 - Tanner Row – Generally the property is in a good condition with a few minor repairs needed.
 - Union Terrace – There are no defects noted.

- Coppergate – The building is in a reasonable condition but fixtures and fitting are becoming dated.
- Parliament Street – Scheduled to be closed later this year.
- Kent Street – Currently closed as part of the Barbican redevelopment.
- Museum Gardens – Under review.

Customer Survey and Level of Usage

9. Customer survey and current level of use has identified that the most well used facilities are Parliament Street and Exhibition Square. Below is the current levels of annual usage from records to date.

• Acomb Front Street	Ladies 41,400	Gents 65,100
• Haxby	Ladies 13,300	Gents 23,700
• Nunnery Lane	Ladies 55,400	Gents 81,700
• St Georges Field	Ladies 47,700	Gents 58,100
• Exhibition Square	Ladies 111,600	Gents 179,600
• Tanner Row	Ladies 24,300	Gents 68,700
• Coppergate	Ladies 44,800	Gents 62,700
• Union Terrace	Total Usage 78,500	
• Parliament Street	Ladies 112,100	Gents 180,000

10. ENCAMS (Tidy Britain Group) carried out survey of customer perception of the public toilet provision in York. Their full report is available on the intranet. A summary of the findings are:

- Respondents were not aware of the many different toilet sites available.
- The overall consensus was that the cleanliness of the public toilets was very poor and that antisocial behaviour by a minority had driven down the overall standards. A minority of respondents cited that they were not likely to use public toilets themselves.
- The public toilets in Parliament Street were singled out for criticism on both cleanliness and antisocial behaviour issues by the majority of respondents.
- The majority of respondents felt that the city centre was in need of more public toilets spread around the area to serve the large numbers of residents and visitors using the city centre every day.

The Potential of a Community Toilet Scheme

11. As part of the work done by ENCAMS, the business sector were asked their opinion of the Community Toilet Scheme. They were asked to comment on their current and unsolicited experiences of non-customers entering their premises and using their toilets. The majority of the respondents stated that members of the public had either used or asked to use their toilets in the past. The initial responses to the scheme were mixed. Of those businesses asked, 40% perceived the scheme to be of benefit to their businesses, with the remaining 60% being less keen. Some businesses consulted had had negative experiences of non-customers using their toilets. These experiences can be broadly divided into antisocial behaviour from the non-customers and impact on the businesses' facilities.
12. A meeting was held between officers and the York Civic Trust to discuss their opinion on the Community Toilet Scheme and the national signage to be used across the country. Please see below for an example of the national signage scheme. The feedback about the scheme was generally positive and it was suggested that we should encourage local businesses to participate, rather than targeting the national chains. With regard to the signage, the national scheme was noted, but it was asked if the City's green finger posts could be utilized rather than erecting additional posts.



Reproduced from the Department for Communities and Local Government report on 'Improving Public Access to Better Quality Toilets' March 2008.

Introduction of Hydraulic Urinals

13. Options for the introduction of hydraulic urinals that could be stored underground during the day and raised in support of the evening economy was researched. The findings were that the locations, ground conditions and services as well as discrimination could be problematic. It is therefore proposed that this solution should be rejected and the

Community Toilets Scheme be pursued in the support of the evening economy.

Use of Mobile Units

14. The quality of mobile units have increased significantly over recent years and such units do not look out of place in certain selected areas as exemplified in Leeds. Research showed however, that these units still required to be made secure during the early part of the evening to avoid the anti-social behaviour and rough sleeping, mitigating some of the benefits of supporting the full evening economy. Finding locations in York City Centre to place such units appear to be very limited, coupled with the need to make secure mitigated many of the advantages. It is therefore proposed that the Community Toilet Scheme be pursued as an alternative to this solution in support of York's evening economy.

Charging Regime

15. The opening of the new facilities in Silver Street as direct replacement for the Parliament Street toilet block ensures the council is moving towards a equal charge scheme which meets the requirements of equalities legislation. This leaves only Coppergate with different charging for the ladies and gents facilities. Whilst the ladies facilities are fully attended, this is not enough to ensure all legislation is met. The Executive Member is asked to consider the removal of the charging mechanisms at this facility with a reduction in income of £8,900 to be offset by the removal of the full-time attendant and replace with scheduled cleans consistent with other facilities with similar user numbers.
16. Both Union Terrace and the new Silver Street facility will be fully staffed with payment being taken on entry to the facility. This then calls into question the charging for children. Scarborough's approach, for example, is that children under the age of 5 are free and 5 to 17 are charged a reduced rate of 10p. A number of other local authorities allow free access to primary school children or under 12. To avoid any antisocial behaviour from groups entering the facilities free of charge, it is proposed that only children of primary school age or below and accompanied should be allowed in for free. The Executive Member is invited to consider this proposal.
17. Later in this report, options are explored for partnership with the private sector to raise funds for investment in the facilities. This could result in a charge being made for all facilities in the City.

Access

18. It was pleasing to involve York Access Group in this project and they were able to carry out a limited, independent assessment of our facilities from their point of view. The outcome of their work helped us to identify some immediate repairs that were needed, along with some

longer term improvement that should be incorporated into any redevelopment or upgrading.

19. They received a presentation from Officers as to the facilities to be available at the new Silver Street facility and were very pleased and wholly supportive of the proposals.

Changing Places Development

20. British Standard 8300:2009 Design of buildings and their approaches to meet the needs of disabled people was published on 27th February 2009 and includes recommendations that Changing Places toilets should be installed in larger buildings and complexes, including large railway stations, airports and motorway services; sport and leisure facilities; cultural centres; stadia and large auditoria; shopping centres; key buildings within town centres; and educational and health facilities.
21. Silver Street is the main public toilet development which will incorporate a changing place in the City Centre. This will add to the facilities already available at Acomb Explore and Walmgate Changing Space, with a further facility scheduled to be opened shortly at Burton Stone Community Centre. It is also intended to incorporate one as part of the Central Library refurbishment and a further two developed as part of the development at Oaklands. It is hoped that such facilities could be made available at the key retail outlet such as the Designer Outlet and Monks Cross.

General feedback from Independent Organisations

22. As reported earlier, three independent organisations were invited to carry out their own assessment of the public toilet facilities in York. ENCAMS, a private sector organisation and York Access Group all submitted reports. Their reports are available on the council's intranet. An overview of the reports and key findings can be summarised as follows:

ENCAMS

23. The signposting to public toilets was not clear and made it difficult for visitors to locate the facilities around the city, although there was good use of Braille signage on the doors and multi lingual signage at the sites on arrival.
24. Location of the city centre sites was covered in an almost circular route but limited provision in the eastern area of the Minster.
25. The general level of cleanliness was good, particularly in female toilets but perception of the toilets being clean was hampered by the condition of some aspects of the internal building such as floor tiles, dark paintwork and poor lighting.
26. Maintenance was needed to replace missing toilet seats, repairs to door locks and although the observations were conducted at 'a specific

point in time', work was needed on the high level of graffiti and vandalism.

27. The public toilets were housed in relatively modern buildings apart from Exhibition Square facilities.

Private Sector Company

28. 'We have considered each of the sites in York, and have found that there are several toilets in good state of repair, well cleaned and well maintained, but there are also some that are in need of major refurbishment to bring them to acceptable standards'. The review runs through each of the toilets:

- Nunnary Lane – The building is in good state of repair and the cleanliness of the toilet is acceptable.
- Tanner Row – The building is in a good state of repair and the cleanliness is acceptable.
- Museum Gardens – Located in a very well maintained garden that is popular with both locals and tourists, however the building is in a poor state of repair.
- Exhibition Square – The building is situated within the city walls and is of a poor standard. The disabled toilet and mother and baby facility in particular needs significant improvement and is very inaccessible.
- Coppergate – The building is in a good state of repair but the lighting and fittings make the cleanliness appear poor.
- St Sampsons Square – The building is in a good state of repair, cleanliness is acceptable.
- St Georges Field – The car park is subject to flooding several times a year, however the building is in a good state of repair and the cleanliness acceptable.
- Union Terrace – The building and cleanliness is good.
- General – In most cases the buildings were difficult to find with poor signage.

York Access Group

29. Signage to some facilities were not obvious. All met the access requirement and most came up to the current level of equipment. Positioning of sinks, toilets roll holders, soap and hand drying facilities could be improved. Tanner Row had a recessed push button flush which could cause a problem for hand disability.

30. Exhibition Square appeared to have an office and an attendant, but on closer inspection it was closed and had been for a number of years. The only signage seen was a small 6" x 6" at the side of the gate. The overall layout inside could cause problems as the toilet roll holder, sink and hand drying facilities were difficult to reach. In need of a general clean up and painting as a minimum.

Silver Street Update

31. Work has commenced, provisional completion date is 8th September 2009.

Conclusions

32. Generally most of the buildings are in a sound condition with only minor repair needed. The locations are adequate based on the experiences of ENCAMS and the private sector organisation, but the Community Toilet Scheme would add further facilities in the city centre and support the evening economy.
33. A key criticism from all parties was the lack of signage. Even residents in York were not aware of all the locations available. Additional signage will need careful consideration both from the point of view of planning and the need of the city centre heritage. It is proposed that this forms part of a further report later in the year.
34. Whilst the structure of most of the buildings are sound, improvements are needed at Exhibition Square. Some of the facilities do require investment in internal fixture, fitting and decoration to bring them up to modern day standards. Under the options section of this report, proposals as to how this can be achieved are considered.

Consultation

35. A significant amount of consultation with a range of interested parties plus local businesses and the general public was carried out. To support the ongoing consultation it is proposed to introduce a dedicated page on the councils web site specifically to report problems at public toilets.

Options

36. Executive member to note the limitations in the use of both the hydraulic urinals and the mobile units and to agree that work on these solutions should be suspended in favour of supporting the Community Toilet Scheme.
37. Executive member to consider the inclusion of a dedicated page on the councils web site for the public to report problems with specific facilities in order for the information to be gathered and guide the decisions on an investment and improvement schedule.

38. Executive member to note the work needed on signage and request a further report on the options.
39. Executive member to agree to further work to be carried out to recruit businesses to the Community Toilet Scheme within any limitations identified with regard to signage.
40. Executive member to consider the continuation of the current charging arrangements or to review the charge at Coppergate.
41. Executive member to consider the current arrangements for the charging for children and the age at which a free service is offered.
42. Executive member to consider the option to charge at all facilities in the City.
43. Executive member to consider the option of maintaining the facilities in house and adding them to the capital programme to fund improvement over a number of years or request a further report on a partnership working with the private sector who may be prepared to make capital available immediately.

Analysis

44. The signage will require further work with engagement with planning, the civic trust etc to determine the type and location. One of the key benefits to a commercial business in participating in the Community Toilet Scheme is that their establishment is signposted from at least two locations in the city centre. The availability of the locations of these signs will determine the businesses to be approached as planning could be an issue in some locations as the national signage scheme is required.
45. Under the equalities act, a local authority has general and specific duties to ensure discrimination is not occurring. The charging policy at some facilities could be considered discriminatory. The problem will be reduced when Parliament Street closes, being replaced by Silver Street. This leave only Coppergate where charging for the ladies only continues, but supported by a fulltime attendant. It is proposed to remove the charging system in Coppergate ladies and remove the attendant to off-set the reduction in income. The cleaning regime would be as all the other facilities with similar user numbers.
46. There is no clear charging policy for children. There are a number of thresholds that could be applied to a policy. Below are some examples of the charging applied by other local authorities:
 - Under 5 free, all others pay full price
 - Under 5 free, under 17 half price or 10p
 - Under 12 free,

- All accompanies children are free
 - All children under 12 and accompanied are free
47. The recommendation would be to adopt the last bullet point.
 48. Over the coming years investment in the public toilet facilities will be required. There will be ongoing maintenance within the existing budgets but refurbishment will need to be funded through capital investment. The approach will be to identify the investment needs and apply for capital along with all other scheme across the council.
 49. An alternative to the internal capital would be to seek interest from the private sector. It is the opinion of ENCAMS and the private sector that the major asset for public toilets in York are the user numbers. Please see annex 1 for benchmarking data of cost and user data. Being a tourist city, user numbers are greater than the average for the UK. By using private sector capital to convert the exiting locations into semi automatic facilities income could be collected from all the facilities allowing improvement to be self funding in the long term. This would require the facilities to be given over, through a lease, to the private sector to run and maintain. The Executive Member would need to agreement to charge at all locations following re-development, excluding disabled facilities which will be improved but remain free to users.
 50. Automatic and semi-automatic self clean solutions can be built into existing buildings. Please see annex 2 which showing what has been achieved by using private sector capital in other authorities. Some planning applications may be required if direct access from the street is the best solution for a site. They can be designed to cover the varying demands of high and low usage, 24 hour availability, parent and children and facilities for the less abled user. They design out crime, anti-social behaviour and vandalism.
 51. The Executive member to consider the opportunity of involving the private sector in the both the improvement and running the public toilet facilities in the City.

Corporate Priorities

52. This report is important for the following corporate priority:
 - Improve the actual and perceived condition of the city's streets, housing estates and public spaces.

Implications

Financial

53. The day to day repairs can be funded from within the existing budgets. The re-development of facilities will need to be agreed as part of the

capital allocation decision. Outsourcing could be an option if there is interest from the private sector, which should lead to revenue savings.

Human Resources (HR).

54. The existing cleaning contract is outsourced to Mitie and ends August 2010. The cleaning contract will require re-tendering or be part of an overall private sector partnership. TUPE will apply for the existing cleaning staff.

Equalities

55. This report has taken access and charging issues into account and is covered in more detail in the Equalities Impact Assessment attached in Annex 3.

Legal

56. There will be legal implications if the facilities are leased to the private sector.

Crime and Disorder

57. The review has taken community safety into account and in particular looked at ways to improve facilities during the evening.

Information Technology (IT)

58. The development of a web form is required to allow the public to report problems with the public toilets facilities.

Property

59. Minor work is required on the fabric of the building with additional investment needed to improve the internal facilities. If outsourced, lease arrangement will be required.

Risk Management

60. In compliance with the council's risk management policy the main risks that have been identified in this report are those which could lead to the inability to deliver a service review of sufficient quality (operational) which could lead to damage to the Council's image and reputation and failure to meet stakeholders' expectations (governance).
61. Measured in terms of impact and likelihood, the risks at this point need only to be monitored as they do not provide a real threat to the achievement of the objectives of this report.

Recommendations

62. The Executive Member is asked to note the limitations in the use of both the hydraulic urinals and the mobile units and agree the recommendation that work on these solutions be suspended.
 - Reason: To allow resources to be focused of the Community Toilet Scheme.
63. The Executive Member is asked to agree the recommendation that a dedicated page on the councils web site be established for the public to report problems with specific facilities.
 - Reason: To allow complaints to be monitored by site and use the data in support of decision on any refurbishment programme.
64. The Executive Member is asked to note the work needed on signage and request a further report on the options.
 - Reason: To ensure all parties have agreed with the types and locations of sign and how this supports the Community Toilet Scheme.
65. The Executive Member is asked to agree to further work to be carried out to recruit businesses to the Community Toilet Scheme within any limitations identified with regard to signage.
 - Reason: To be able to approach businesses in the City following the agreement on the types and locations of signage.
66. The Executive Member is asked to consider the continuation of the current charging arrangements at the Coppergate facility and agree to the recommendation that the charging at this facility is suspended with the attendant being replaced by scheduled cleans.
 - Reason: To ensure the council meets its obligations under discrimination legislation.
67. The Executive Member is asked to consider the current arrangements for the charging for children and the age at which a free service is offered and agreed with the recommendation that all children under 12 and accompanied are free.
 - Reason: To establish a policy on the charging of children at facilities in the City.
68. The Executive Member is asked to consider the option of maintaining the facilities in house and adding them to the capital programme or request a further report on a partnership working with the private sector who may be prepared to make capital available immediately. This will require a charge to be made at all the facilities except disabled following redevelopment.

- Reason: To improve the facilities on offer in the City.

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Wards Affected:

All

For further information please contact the author of the report

Background Papers:

City of York Public Toilet Review – Meeting of the Executive Member for Neighbourhoods and Advisory Panel – 19th March 2008.

City of York Public Toilet Review – Update Meeting of the Executive Member for Neighbourhoods and Advisory Panel – 5th June 2008.

City of York Public Toilet Review – Update Meeting of the Executive Member for Neighbourhoods and Advisory Panel – 15th October 2008.

Annexes

Annex 1 – Benchmarking Information

Annex 2 – Examples from other authorities

Annex 2 – Equalities Impact Assessment