

**Supporting Document to Item 57:
Full Council 12th December 2013**



Publicly Accessible Toilets Scrutiny Panel Report

**Report of the Overview
and Scrutiny Committee**

Date: July 2013

Panel Members:

**Councillor Amy Kennedy (Chair)
Councillor Alan Robins
Councillor Denise Cobb
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1. Chair's Foreword

Publicly accessible toilet provision isn't the most glamorous topic, but it's an issue of great importance to a wide range of people in our communities. As well as enabling residents to live full and active lives when out and about in the city, easy access to decent public toilets also benefits visitors and supports our local economy.

Brighton & Hove currently enjoys high rates of quality and provision of publicly accessible toilets compared to other places, thanks in no small part to the work of the dedicated officers who manage this award-winning service. However, in the context of ongoing reductions to local authority budgets, public toilets are especially vulnerable: while councils have the power to provide public toilets, there is no statutory duty to do so.

This panel was therefore established in response to concerns raised by Members regarding maintaining the provision of publicly accessible toilets at a time when budgets are coming under increasingly severe financial pressure.

In addition to receiving evidence from council officers across a variety of directorates, the panel also heard contributions from local people and community groups which were both eye-opening and, in some cases, saddening. The panel recognises that clean, fully-accessible public toilets allow people to participate in everyday life regardless of age, physical ability or health conditions, and it was humbling to hear some of the testimony from people whose dignity has been affected because of a lack of facilities.

Of course there is a cost attached to maintaining our public toilet provision, so the panel sought to suggest recommendations which are realistic in the current financial climate, and grounded in practical understanding, while also identifying opportunities for possible expansion of the service in partnership with other organisations.

On behalf of panel members, my sincere thanks as Chair go to all the local people and groups who gave their time and expertise in providing invaluable evidence to the Scrutiny Panel on this important subject.

Cllr Amy Kennedy, Chair of the Panel

2. Executive summary

Why do we need publicly accessible toilets?

2.1 The panel were convinced how important it is to have publicly accessible toilets in Brighton & Hove. Having enough toilets which are open to the general public:

- Supports businesses in boosting customer footfall
- Enables people, both residents and visitors, to move round the city for a reasonable length of time
- Helps keep the city clean.

2.2 According to a senior manager of this service:

'The priority.... was to maintain the provision and expand where possible, such as

- *Investigating the feasibility of charging for toilets [we have looked in to this in the past as explained to the panel and the business case doesn't stack up. We can revisit but we need to manage expectations]*
- *Extending provision through leases in parks*
- *Looking for provision in new tourist developments.¹*

2.3 So the panel considered how to maintain or expand the provision of publicly accessible toilets, when public funds for this service were very likely to reduce. Their recommendations aimed to deliver the following outcomes:

- Managing the service and the assets the council owns more effectively
- Looking to the community and businesses in the city to open up their toilets to the public
- Ensuring that publicly accessible toilets continues to meet the needs of its users.

Meeting people's needs

2.4 The panel found out how important the service was for people with particular needs, including:

- The elderly
- People with particular health conditions
- People with disabilities
- Parents, carers and pregnant women.

¹ Jan Jonker, Evidence to the Panel, 25.01.13 (subsequent clarification in brackets)

2.5 Concerns identified by witnesses included:

- Having sufficient accessible toilets which are maintained to a high standard
- Access to these toilets at night, particularly to RADAR² toilets
- Clear and up to date information and signage about the location of toilets. This will help people plan their visits in the city and be confident of finding toilets there
- Involving the views of service users, such as people with disabilities, in decisions about new provision.

Toilets support growth

2.6 Brighton & Hove relies heavily upon its tourism and visitor economies. According to research there are direct benefits to local authorities in providing public toilets because:

*'...investment in good toilet provision has been shown to increase retail turnover, tourist numbers, and economic growth.'*³

2.7 Toilets ensure that people can move round a city: which is important when planning for growth. Brighton & Hove is aiming to become an *'economic growth hub'*⁴ for the region. A strategic objective of the City Plan is to:

*'Develop Brighton & Hove as a major centre on the South Coast for sustainable business growth and innovation, creative industries, retail provision, tourism and transport.'*⁵

2.8 These predictions for growth all bring with them demands upon the infrastructure, including the provision of publicly accessible toilets. So the panel felt that this was a service which needed to be maintained, or grown, rather than be reduced.

2.9 The British Toilet Association (BTA) told the panel that:

*'Where the whole toilet provision had been closed down in a location, such as in smaller towns, it was **an indication of a place in decline**. This was most likely to happen in locations where trade was down and accompanied shops and businesses shutting down too. This could lead to a situation where only a big supermarket, such as Tesco, was the*

² RADAR toilets are accessible to key holders only

³ Clara Greed, Professor of Inclusive Urban Planning at the University of the West England

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/636/636.pdf>

Bold my emphasis

⁴ City Plan, <http://www.brighton-hove.gov.uk/content/planning/local-development-framework/city-plan-previously-core-strategy>

⁵ City Plan

*only business left open in the area when all other firms had closed down.*⁶

Less public funding for this service

- 2.10 Many local authorities are significantly reducing their public toilet provision, because it is not a statutory service which the council is required to provide. Evidence showed that in Brighton & Hove the council is trying its best to manage the inevitable decline of the public toilets they provide directly, in a way that has the smallest effect on users.
- 2.11 Reducing resources for the public sector means that the council is unlikely to be able to provide all the funding needed to:
- Meet growing and changing needs for publicly accessible toilets
 - Maintain and repair the aging infrastructure
 - Provide the new kinds of toilet technology to meet changing needs, for example provision such as pop-up toilets for the night time economy.
- 2.12 Publicly provided toilets have already faced significant cuts in resources and the public funding for it is likely to reduce further in future years. Brighton & Hove still needs publicly accessible toilets, so the council must secure the assistance of the businesses which also depend on the ability of people to visit, work and circulate round the city as well as local communities.

An action plan is needed

- 2.13 While the panel was not able to identify a single solution to meet this funding gap, its recommendations are aimed at how to manage this service more strategically. Therefore a key recommendation of the panel is to produce an action plan for publicly accessible toilets, which can be also used as a basis for developing the capacity of other organisations in the city to contribute to the provision of these toilets.

Planning for the future

- 2.14 The contract with Wettons for managing much of the public toilet service in Brighton & Hove is due for renewal in 2017. The panel felt that Cityclean appears to be doing an admirable job in cutting costs, renegotiating the terms of the contract and working with the contractor to secure service improvements. It was a matter of concern that continuing reductions in costs could eventually result in the existing contractor no longer considering the contract worthwhile.
- 2.15 So the recommendations made by the panel are focussed on ways for planning for the long term future of publicly accessible toilets. One of the purposes of the action plan will be to inform the re-letting of the contract.

⁶ Mike Bone, Evidence to the panel, 26.02.13, Bold my emphasis

A high quality service

2.16 The panel wish to emphasise that this scrutiny review was not carried out because of concerns about the quality of the service. The council has topped the premier league of local authorities in the Toilet of the Year awards for a number of years and an annual questionnaire has shown a high level of public satisfaction with publicly accessible toilets.

There is no single solution

2.17 At the beginning of the scrutiny review, a number of new measures or initiatives were seen as being able to make a significant contribution to securing the future of this service. These included:

- Community Infrastructure Levy (CIL)
- Late Night Levy (LNL)
- Community Toilet Schemes (CTS).

Encouraging others to provide publicly accessible toilets

2.18 While most publicly provided toilets are currently owned and managed by the council, a quarter come from the businesses who participate in our Community Toilet Scheme (known as 'Use our Loos').

2.19 The panel recognise why businesses, especially smaller ones, seem reluctant to participate in 'Use Our Loos'. The evidence did not suggest that a CTS could replace the majority of toilets provided directly by the council. However businesses, particularly in the hospitality, tourism and health sectors could play an invaluable role in contributing to the provision of this service.

2.20 The evidence heard did not leave the panel feeling confident that any of these initiatives could provide a single significant solution. However future changes to these initiatives, such as LNL, may make them more practicable and so should be included in the action plan.

Innovative ways of providing new toilets

2.21 The panel were impressed by the new kinds of toilets which were being developed to meet changing needs and would like to see them included in the action plan. For example:

- 'Pissoirs' or other toilets designed to meet the needs of the night time economy
- Temporary toilets for times of high demand
- Self financing toilets

3. Recommendations from the panel

Recommendations

- 3.1 The panel has produced 14 recommendations to address the issues raised by the evidence they received. These recommendations are listed below grouped by the issue, rather than the order they appear in the report.

An action plan for publicly accessible toilets

1. The panel recommends that Brighton & Hove City Council develops an action plan for publicly accessible toilets in the city. This plan should be led by Cityclean, but draw on contributions from services such as Property & Design, Licensing and Planning where appropriate. While the plan is held by the council it will also be a partnership document which sets out how they will work with public sector partners, the community and businesses to maintain the capacity of this service. The action plan would cover both toilets owned directly by the council and other facilities which are publicly accessible, such as those in our Use Our Loos scheme. The action plan would come under the oversight of the Assistant Chief Executive, to ensure that all the relevant council services contribute to this plan (*see p23 of the report*).
2. The panel recommends that this action plan contains, or is based upon a business plan for the toilets which are directly owned by the council. This business plan would need to:
 - Clarify what revenue and capital expenditure is required per toilet for the next 15 years. This should cover as a minimum the cost of management and day-to-day maintenance (including responsive maintenance and cleaning) and future planned maintenance. This should include in-house costs and contractor costs. This would enable the council to identify the most cost-effective way of managing these assets.
 - Clarify what was the cost of providing publicly accessible toilets in 2012/13, including both the capital and revenue expenditure and which service, and budget heading, is responsible for each key aspect of the service.
 - Ensure a stock condition survey is carried out by Property & Design of all the toilets directly owned by the council to identify a plan of future maintenance.

The information in the action plan would inform the strategic, and budget, decisions about publicly accessible toilets. It would enable decisions to be made in relevant areas such as:

- Investment
- Disposal of sites
- Change of use
- Alternative means of provision.

The action plan would also inform the re-letting of the Wettons contract for public toilets in 2017. It would also enable the council to set targets for increasing publicly accessible toilet provision from the community and business sector (see p34).

The panel would also expect the action plan, where applicable, to include information on the following recommendations 3-14;

Enabling public access to council toilets

3. The panel recommends that this action plan includes a statement of the council's commitment to enabling public access to toilets in its own properties.

The panel believes that providing public access to the toilets in its own buildings should be the default position, where practicable and safe. So the suitability of providing public access to toilets should be assessed when the council either renovates an existing building or opens a new building. Where it is not possible to provide public access in a council building, a clear explanation of the reasons should be incorporated into the action plan.

Where toilets in council buildings are publicly accessible, the panel believe that it is important that they are clearly signposted and advertised so that the public are aware that they can use these facilities (see p45).

Meeting the particular needs

4. The panel welcomes the intention of Cityclean to refocus the Use our Loos scheme in order to link it to the Can't Wait Card. The panel agrees with the service's plan to start by exploring the possibility of re-launching this scheme in partnership with GPs surgeries, then work to spread this scheme out across other suitable outlets in the city (see p56).
5. The panel recommends that effective consultation is carried out with service users before building new toilets. This is especially true when building toilet provision for people with disabilities, for example to ensure that the location and type of toilet will meet their needs (see p40).
6. The panel recognised the importance of the Changing Places provision to provide toilets for those with profound and multiple disabilities. They recognise that the council is not likely to be able to provide any more Changing Places toilets itself, since they have built one of these toilets and are currently building another.

So the panel would like to see Changing Places toilets, or other kinds of wheelchair accessible toilets, included where possible in private developments. The council should work with work with partners such

as Network Rail to identify further funding opportunities to develop these kinds of provision. Examples include European Funds, organisational funds related to Corporate Responsibility and the City Plan. The aim should be, where possible, to situate such toilets in high use areas such as Churchill Square and railway stations (*see p40*).

Building community and business capacity in toilet provision

7. The panel felt that evidence submitted to them highlighted a number of reasons why small businesses in the city, such as independent retail outlets, are not likely to be suitable for inclusion in the Use our Loos scheme.

However the panel feel that it was important to explore whether other businesses, such as cafes and pubs, could be encouraged called upon to contribute to publicly accessible toilet provision (*see p52*).

Meeting the needs of the night time economy

8. Evidence to the panel demonstrated the impact of the night time economy and the potentially unmet needs that arise from it in relation to toilets. The panel understood why traditional publicly accessible toilets were not open 24 hours, for reasons of cost and vulnerability to anti-social behaviour (ASB).

However the action plan should consider what kind of provision is needed after public toilets close and the ways of securing funding for this. Innovative ways of meeting the need could include temporary toilets or 'pissiors' The council should meet with the hospitality and retail sectors to explore if there are any means to grow night time provision. It is also crucial for the council, particularly Regulatory Services, to liaise with the police to assess the potential of the Late Night Levy (*see p65*).

Encouraging additional provision and opening up public access

9. The panel recommend that the City Plan is updated to include a statement of priority regarding publicly accessible toilet provision. This is seen by the panel as a key means of securing new provision of this service. The City Plan could specifically outline the expectation that appropriate developments, such as large tourist developments or supermarkets, enable general public access to their customer toilets. This would not be additional provision, but designing the toilets which were already built so that they are publicly accessible (*see p69*).
10. The panel was pleased that the council had succeeded in leasing a number of park cafes to include either new toilet provision within the café building or to incorporate existing adjoining public toilets into the lease. This then releases funds to be used elsewhere on the toilet service. The panel recommends that the action plan sets out the intention of the council to work towards a situation where all park cafes

take on the responsibility for the toilets, where this is practicable and would not jeopardise the leasing of the café (see p47).

11. The panel welcomed the toilet provision that was to be secured by the Community Interest Company, in the renovation of the Open Market, and expects other innovative, partnership solutions to be sought by the council to either improve, or increase, toilet provision in the city. Any programme of such schemes should be included in the action plan (see p70).

Information about toilets

12. The panel recognises the importance of providing the best and most up-to-date information on the publicly accessible toilets in Brighton & Hove. The panel would like to see resources allocated for providing local data on this service to facilitate the collation of national or international online information. In addition, enabling VisitBrighton and other services to provide up to date information on this service to tourists and residents in a range of formats (for example social media, websites, apps and printed material if practicable).

The panel also recommend that the signage to, and at, toilets is as clear as possible, while at the same time recognising the need to reduce street clutter and utilise existing 'finger signage' (see p71).

Securing additional resources for toilets

13. The panel suggest that the council assesses the practicability of charging for toilets, either across the whole city or identifying any sites where it would be possible and/or worthwhile. This could involve examining areas such as the seafront or Pavilion Gardens where this model could work, rather than just individual sites as this may not prove effective. The assessment could be then be referred to when building new sites or renovating existing sites so that the necessary equipment could be fitted, if it was financially viable (see p73).

Consulting with user groups

14. The panel were impressed by the work of the BHLINK Toilet user group and hope that this kind of consultation with service users can remain under Healthwatch. (see p75).

4. Introduction

Why is this issue being scrutinised?

- 4.1 In summer 2012 Cllr Pete West asked for publicly accessible toilet provision to be considered as part of the annual consultation on potential scrutiny topics. This request was endorsed at the September meeting of the Overview and Scrutiny Committee because:

*'In considering the provision of public toilets, and acknowledging the 2012/2013 budget debate and financial pressures, some Members had concerns about people with health conditions, older people, children and visitors for whom accessible public toilets were particularly important. It was fully agreed that this was a suitable topic for scrutiny.'*⁷

High quality of the current service provision

- 4.2 This scrutiny was not initiated as a result of concerns about the quality of publicly accessible toilets. The annual survey of users shows that there is a consistently high level of satisfaction with council owned toilets. The last survey carried out in 2012, revealed a high level of satisfaction:

- 98% of users *'would be happy to use the toilets again'*
- 92% of respondents assessed the toilets as being either *'very clean'* (41%) or *'clean'* (50%)
- 97% were either *'very happy'* (42%) or *'happy'* (55%) with the facilities that were on offer at the site e.g. family facilities, low sinks and more baby change tables.⁸

- 4.3 The 'Loo of the Year Awards' were set up by the British Toilet Association (BTA) to encourage *'the highest possible standards'* in all types of public and 'away from home' toilets. The awards won by Brighton & Hove include:

- Number one in the BTA Loo of the Year Awards UK Premier League of Local Authority public toilet provision for three years running
- 34 of the council's toilets were entered into the 2012 awards, of which 15 were awarded 'gold' and 19 were awarded 'silver'⁹

⁷ OSC minutes, 10th September 2012 meeting, [http://present.brighton-hove.gov.uk/Published/C00000726/M00004118/\\$\\$\\$Minutes.doc.pdf](http://present.brighton-hove.gov.uk/Published/C00000726/M00004118/$$$Minutes.doc.pdf)

⁸ Brighton & Hove Public Toilets Questionnaire 2012 http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/toilets/Brighton__Hove_Stakeholder_Survey_Questionnaire_Headline_Results_2012.pdf

⁹ http://www.loo.co.uk/externals/downloads/LOY_2012_Results_Brochure.pdf

Relatively high level of provision

4.4 Figures show that Brighton & Hove has a relatively high number of toilets per head of population compared to nearby authorities:

- 6214 people per toilet in Brighton & Hove
- 8,341 people per toilet in Bournemouth
- 23,690 people per toilet in Southampton.¹⁰

4.5 Given the importance of the service, the panel felt strongly that this formed an argument for reducing the level of publicly accessible toilets in the city.

4.6 The panel heard significant evidence about the importance of publicly accessible toilets in the city, but were aware that Brighton & Hove has a relatively high number of facilities in relation to the population. So the panel were concerned that if a statutory minimum number of toilets per population was to be introduced, dwindling resources could mean that this statutory ratio could result in a reduction in the number of publicly accessible toilets in the city.

A service which is constantly adapting

4.7 The panel heard that the newer publicly accessible toilets provided by the council had been changed to ensure they were family friendly and gender neutral. These were designed to be more welcoming to service users and reduce anti-social behaviour.

Different kinds of toilet provision

4.8 The panel were very interested in the information provided via Cityclean about the new developments in the design and new kinds of toilet provision. The panel feel that these may be able to meet some of the challenges facing the service, such as the impact of the night time economy.

The future of publicly accessible toilets?

Providing public toilets is not a statutory requirement

4.9 One of the main reasons this service is vulnerable in times of reducing resources is that the provision and maintenance of toilets in public places is at the **discretion** of local authorities. Under section 87 of the Public Health Act (PHA) 1936, councils have the power to provide public conveniences, but **no statutory duty** to do so. Therefore:

*'Whether or not they choose to provide these facilities is at their discretion, and has to be weighed in the balance against other service demands.'*¹¹

¹⁰ Comparison data provided by Cityclean

¹¹ Improving Public Access to Better Quality Toilets, CLG, 2008

<http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/documents/localgovernment/pdf/713772.pdf>

- 4.10 The panel were briefed that street cleansing and waste management were a higher priority for the council because they are statutory obligations.
- 4.11 The Chairman of the British Toilet Association (BTA) told the panel that their first focus had been on lobbying central government on the need for public toilets, however:

*'...the change of government and the worsening economic climate has meant that ...the focus has moved to local government...including lobbying councils who were shutting services and increasing the amount of advice given to providers.'*¹²

Have the councils who have threatened to close them, actually done so?

- 4.12 The panel heard that some local authorities, such as Southampton, had closed down all their public toilet provision. However the BTA had found that:

*'...those local authorities who have shut public toilets have provoked a large local reaction and very few of these councils have closed all the facilities.'*¹³

- 4.13 For example, in Cornwall a town council has recently stepped in to save two toilets for a year due to their importance both to tourists and residents.¹⁴ This was after Cornwall Council had announced its intention to cease financial support for its 247 toilets after facing £170m cuts in funding.¹⁵

What would be the consequence of shutting down, or reducing, the service?

- 4.14 Given the good performance of the service, one of the key aims of this scrutiny panel was to establish the importance of the service and then recommend how to secure its future. Evidence to the panel led them to conclude that the following consequences would result from shutting down, or significantly reducing, this service:

- Reputational damage
- Lost income to the city
- Environmental Health impacts
- The negative impact on equalities and accessibility in the city
- The impact on those with health issues being able to leave home and go out in the community would be detrimental
- It would indicate a city in decline.

¹² Mike Bone, evidence to the panel, 26.02.13

¹³ Ibid

¹⁴ <http://www.thisiscornwall.co.uk/Year-s-reprieve-public-toilets/story-18342937-detail/story.html#axzz2NWTruqa6>

¹⁵ Ibid

4.15 This view was backed up by the BHLINK Toilet Users Group who outlined to the panel the following *'risks of not investing in toilets:*

- *Possibly fewer visitors to the city*
- *More street cleaning needed*
- *More shops etc put off by opening in the city because of damage by urination/hygiene etc in shop door ways*
- *Increased social isolation as people with bladder and bowel problems might not feel confident and able to access community facilities – more expensive in the longer term as can affect health and well-being.*¹⁶

4.16 **In summary, the panel believe that the city cannot afford to lose its publicly accessible toilets, so in a time of reduced public funding the council needs to find new ways to enable this service to remain in a viable form.**

¹⁶ BHLINK, written evidence to the panel

5. Background: What is the service?

How many publicly accessible toilets are there in Brighton & Hove?

5.1 There are currently 81 publicly accessible toilets in the city, which are made up of:

- 44 traditional council owned toilets
- 18 toilets in libraries, museums and leisure centres
- 19 toilets in the 'Use our loo' community toilet scheme.¹⁷

5.2 The panel have adopted the same approach as that used by the London Assembly in 2011, namely that:

*'As well as examining traditional public toilets that are provided and funded directly by local authorities, we have also considered other toilets that are open to the general public. This may include those in other public buildings or on commercial premises that are available to everyone, rather than just employees or paying customers, for instance. This approach to defining public toilets reflects the changing ways that policy-makers have sought to increase access to toilets in recent years.'*¹⁸

5.3 The reason for setting up this panel is similar to the reasons given for adopting a strategy for public toilets in Bath & North East Somerset:

*'The national and local financial position is under increasing pressure and is likely to remain so for a number of years. There is little prospect of the Council being able to allocate any increase in capital or revenue funding to this non-statutory service. **Any substantial development works around public toilets by the Council will therefore need to be self-funding either through efficiencies or income generation (i.e. charging for use or funded by external contributions).***

*This strategy will ...[seek] to relieve ongoing Council budgetary pressure in this area.'*¹⁹

5.4 There are three distinct areas of location, and management, of the city's toilets:

- Brighton

¹⁷ Council website, <http://www.brighton-hove.gov.uk/content/leisure-and-libraries/public-toilets>

¹⁸ Public Toilets in London, London Assembly, 2011

<http://www.london.gov.uk/sites/default/files/FINAL%20HPS%20public%20toilets%20update%20report.pdf>

¹⁹ BANES Cabinet report 2011

<http://democracy.bathnes.gov.uk/documents/s8802/E2312%20Public%20Toilets%20Provision.pdf>, Bold my emphasis

- Hove
- Seafront

5.5 For many years, the new toilets built by the council have been gender neutral and take the form of:

- *Single use cubicles for all*
- *Providing complete privacy and reducing [Anti-Social Behaviour] ASB*
- *Only using symbols on the front of the unit²⁰*

²⁰ Jenny Cooke, Evidence to the panel, 26.02.13

6. Findings & recommendations of the panel

This section of the report outlines the key findings of the panel derived from the evidence given. Where appropriate the recommendation is included which has been made to address that issue.

Finding 1: The importance of publicly accessible toilets

6.1 The panel were struck by how publicly accessible toilets play a key role in enabling the following groups to make use of the city:

- Tourists and other visitors
- Residents
- Employees
- Consumers
- Those enjoying the night time economy.

6.2 A recent survey of the users of our public toilets found that 59% of respondents lived in Brighton & Hove and 41% of our service users come from elsewhere.²¹ This shows the importance both of providing a service which meets both the needs of residents and visitors and that their locations are sufficiently publicised.

6.3 The panel heard from groups who particularly need these facilities, including people:

- With a medical condition
- Living with a disability
- Those with parental and/or caring roles.

6.4 The panel heard from a member of Crohn's and Colitis UK, Brighton & West Sussex Group that:

'Sufferers (of these conditions) experience anxiety, and the need to plan meticulously and know where all the publicly accessible facilities are when going out.

For those who had experience public faecal incontinence, the experience could be devastating and impact on their ability to feel engaged with society. While coping strategies often included learning every public toilet in the whole of the city, many people chose not to engage in activities which would mean they needed to go out.'²²

6.5 So the panel felt that the main focus of this review needed to be on finding new ways to ensure the provision of publicly accessible toilets.

²¹ Wetton Cleaning Services Limited, Brighton and Hove Public Toilets Questionnaire, 2012

²² Andy Player, Evidence to the panel, 11.02.13

Finding 2: The need for a coherent plan for the service

Who manages publicly accessible toilets?

- 7.1 The panel was keen to look at which council teams were involved in delivering this service, how well they work with each other and with external organisations to provide publicly accessible toilets.
- 7.2 The key teams in the council are:
- Cityclean
 - Property & Design
 - Leisure Services.
- 7.3 The council has contracts for toilet provision with Wettons Cleaning Services, as well as Freedom Leisure (for West Pier toilets); this includes cleansing, opening the sites, closing and day to day maintenance of toilets.
- 7.4 In the council, Cityclean manages the Wettons contract for the majority of public toilets in the city, while the contract with Freedom Leisure is managed by Leisure Services.

Cityclean

- 7.5 The panel were impressed by the input, both in terms of commitment and timeliness, from Cityclean into the scrutiny process. They also observed that Cityclean had already begun to address many of the issues relating to the service which were identified during the scrutiny process, such as adapting the Use our Loo scheme, and were working flexibly to improve the service.

Property Services

- 7.6 The utilities and structural items²³ are the responsibility of Property & Design and Leisure Services (who are responsible for toilets located in the Arches and in some seafront sites).

Contract renewal in 2017

- 7.7 The panel were aware that the contract with Wettons was due for renewal in 2017 and that a range of potential options could be considered for delivering this service. These options could include:
- Cityclean investigating joint procurement options with other local authorities
 - Considering the possibility of private management of sites, where appropriate.

²³ Utilities include water and electricity and structural items refer to the buildings

- 7.8 The panel were advised that a certain number of public toilets needed to remain open to make a contract viable.

The contribution of other council services

- 7.9 The panel were also aware that a number of other council services have a stake in maintaining or increasing the number of publicly accessible toilets of this service. These services are listed below with their potential roles in brackets:

- Planning (new developments, City Plan, Community Infrastructure Levy)
- Licensing
- Tourism (information, signage, identifying the potential for commercial toilets)
- Events team (the need for temporary toilets)
- Major Projects (identifying potential tourist and other relevant developments)
- Public Health (enabling access to GPs).

The council has a number of key external stakeholders it needs to work with:

- GPs ('Use our Loos' scheme and the Can't Wait Card)
- Police (Late Night Levy)
- Healthwatch (replacing the BHLink user groups)
- Organisations representing the business sector and hospitality sector
- Organisations representing particular health issues, for example Crohn's and Colitis, Brighton & West Sussex.

Who is responsible for the maintenance of publicly accessible toilets?

- 7.10 The panel were keen to clarify which team, or teams, in the council had financial control over public toilet provision and where responsibility lay for providing particular aspects. For example, the panel had found it problematic to determine where the responsibility lay in the council for the maintenance of toilets which was not covered by either the Wettons or Freedom Leisure contracts. One of the aims of the action plan which forms the basis of Recommendation 1 was to give greater clarity on this issue.

- 7.11 According to information provided by Angela Dymott, Head of Property & Design

'Most routine maintenance work is included in the Wettons contract (replacement of toilet seats, dispensers, lights, locks etc). Property & Design's day to day maintenance budgets cover other maintenance works to Parks and Hove seafront toilets and the maintenance of the public toilets in the civic buildings, including cleaning.'

Major structural planned works would fall to the Property & Design Planned Maintenance programme of works and annual Planned Maintenance Budget (PMB).²⁴

- 7.12 When the issue was raised of planned maintenance expenditure on toilets which were not in civic offices, the panel understood that Property & Design, under the programme known as Corporate Landlord, were responsible for all the expenditure of the provision of publicly accessible toilets which did not relate to either the Wettons or Freedom Leisure Contract. It would be useful to clarify this in the action plan.
- 7.13 ***The evidence to the panel, and further discussions had with officers, raised their concerns as whether the responsibility for publicly accessible toilets being split across council departments had an impact on the ability to coherently plan, then deliver, this service. The panel felt it was beyond their remit to consider whether these services needed to be reconfigured to establish a single delivery point. However, this concern was one of the key reasons why the panel were convinced that there needs to be a single coherent action plan for publicly accessible toilets.***

Why an action plan?

A strategy for public toilets

- 7.14 A Select Committee inquiry set up in 2007/8 to look at the provision of public toilets recommended:

*'...that the Government imposes a duty on each local authority to develop a strategy on the provision of public toilets in their areas, which should include consultation with the local community and which should be reviewed annually. The duty of compiling and reviewing a public toilet strategy is a simple requirement that will go a long way towards achieving the right of people who live in and visit this country to have accessible and clean public toilets, wherever they live, work or visit. The way in which local authorities plan and utilise their own strategic plan is a decision for them; **the fact that they have a plan should be a duty placed on them by the Government.**'²⁵*

- 7.17 Mike Bone, the Chairman of the British Toilet Association emphasised that developing a strategy was the starting point to gain funding for this service. Such a strategy needs to include:
- *'The aims of the service*
 - *Statement of what the organisation wants to achieve*

²⁴ Written Briefing for the panel by Angela Dymott

²⁵

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/636/636.pdf> bold my emphasis

- *Assessment of whether there are the right number of toilets and are they in the right place? This could assess whether some toilets could be shut down in order to maintain some other facilities*
- *The potential for charging for toilets...*²⁶

7.18 This list has formed the basis of many of the suggested components of an action plan for Brighton & Hove outlined in Recommendations 1 and 2 (see pages 8-9).

Other local authorities

7.19 A number of councils have developed a strategy for their publicly accessible toilet service. These include Belfast and Bath & North East Somerset (BANES) who have drawn up a provision strategy for 2011-2026 to give a *'framework for providing toilet facilities where they are wanted and needed.'*²⁷

7.20 However, the panel were not able to identify one single solution to this problematic issue.

An action plan rather than a strategy

7.21 Jan Jonker, Head of Projects and Strategy for Cityclean explained that he was:

*'...cautious about the value of a strategy – due to the amount of time and resources it would absorb at a time when the council had to save £20m. It would be a better use of time to produce **an action plan for the service**. The priority for the service was to maintain the provision and expand where possible.'*²⁸

7.22 **The panel were concerned that if the council cannot afford to expand the service to meet growing needs and replace worn out infrastructure, that there needed to be an assessment of how this could be funded. The panel felt an action plan was needed, which brought together a set of practical recommendations which set out what key actions are needed for next five years and predict need for next 15 years. They accepted that developing an action plan, rather than a strategy, for the service is the most practicable way forward.**

This action plan

7.23 The council last produced a strategy for public toilets in 2003. The panel believed that a new action plan for the service would need to address the following issues:

²⁶ Mike Bone, Evidence to the panel, 26.02.13

²⁷

<http://democracy.bathnes.gov.uk/documents/s8802/E2312%20Public%20Toilets%20Provision.pdf>

²⁸ Bold my emphasis, Jan Jonker, Evidence to the panel, 25.01.13

- How do publically accessible toilets fit with council priorities?
- What are the priorities and key outcomes for this service?
- How can the council services work well together to ensure the delivery of this service
- What are the key aims of this action plan and how will it be managed and resourced?
- How to plan for future needs – for example, population provision in a growing city
- Distance related provision – are there places with gaps in toilet provision or areas with too many?

Challenges facing the service

7.24 The panel were informed that the other key challenges facing the service, included:

- Seasonal variations, for example much higher demand in summer from tourists and other visitors
- Events which lead to high use, such as Pride
- Park provision
- Cost of attended toilets versus the benefits.
- Closing hours, as a 24 hour service is not provided in public toilets due to costs and concerns about anti-social behaviour (ASB)
- Anti-social behaviour in general
- Five toilets had been closed as the result of 2012 budget savings – which meant the service could be seen as a '*political football*', attendance and opening hours were reduced at some other sites.

7.25 For example, in the budget for 2013/14 a Conservative amendment was tabled for:

'£0.031m to extend the opening hours for Norton Road (opposite Hove Town Hall) toilets'.

*However this amendment was defeated.*²⁹

7.26 These challenges listed in 7.24 could also be considered in the action plan.

7.27 In addition it was becoming increasingly clear that community and business provision needs to supplement toilets provided by the council. The action plan could set out how community and business provision could be used to maintain, or increase, the level of service.

Recommendation 1

²⁹ <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=117&MId=4138&Ver=4> draft minutes from Budget Council, 28.02.12

7.28 ***The panel recommends that Brighton & Hove City Council develops an action plan for publicly accessible toilets in the city. This plan should be led by Cityclean, but draw on contributions from services such as Property & Design, Licensing and Planning where appropriate. While the plan is held by the council it will also be a partnership document which sets out how they will work with public sector partners, the community and businesses to maintain the capacity of this service. The action plan would cover both toilets owned directly by the council and other facilities which are publicly accessible, such as those in our Use Our Loos scheme. The action plan would come under the oversight of the Assistant Chief Executive, to ensure that all the relevant council services contribute to this plan.***

Finding 3: A coherent action plan could align the council's priorities with the aims for publicly accessible toilets

8.1 Publicly accessible toilets are referenced in the following council strategies:

- City Plan
- Seafront Strategy
- Corporate Plan
- Tourism Strategy.

The panel could see the hard work that was going into planning and protecting the future of the provision, but they were concerned that this was not always fully recognised in the key strategies for the future growth of the city. This section of the report will now look at some of these council strategies in greater detail.

1. City Plan (expected to be adopted in early 2014)

8.2 The City Plan is the key planning document for the council which will:

*'... provide the overall strategic vision for the future of Brighton & Hove to 2030. It will set out how the council will respond to local priorities, meet the challenges of the future and identify the broad locations, scale and types of development needed together with the supporting infrastructure.'*³⁰

8.3 The submission City Plan does include public toilet provision as an 'important' part of infrastructure needed for the following reasons:

- *In new tourist developments which increase numbers of visitors to the city*
- *To improve health, well-being and quality of life for residents and visitors.*³¹

Appendix 1 outlines this in greater detail.

2. Seafront Strategy

8.4 One of the key themes of this draft strategy being developed by the council is 'Seafront Management'. One of this theme's objectives is:

*'To ensure suitable quantity and quality of toilet facilities along the Seafront.'*³²

³⁰ Council website, <http://www.brighton-hove.gov.uk/content/planning/local-development-framework/city-plan-previously-core-strategy>

³¹ Council website http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/ldf/cp_Annexes_-_Final_version_May_2012.pdf

³² <http://consult.brighton-hove.gov.uk/portal/bhcc/seafront/strategy>

- 8.5 As part of the consultation process, respondents have been asked about the key locations identified in the seafront area and whether there are sufficient toilets in that area. The consultation on the strategy closed on 13/03/13 and a report on the Strategy is planned to go to the council's Policy and Resources Committee later this year.

3. Corporate plan (2012/3 update)

- 8.6 The following priorities in the Corporate Plan are relevant to the provision of public sector toilets.

Priority 1 – Tackling Inequality (improving health and well-being)

- 8.7 *'We will work in a more joined up and creative way, so that our resources have the greatest impact possible and give the best value for money. We are keen to explore different ways to tackle these issues, which could be through co-operatives, mutuals or social enterprises.'*³³

The council is committed to ensuring that

*'All council services should be contributing to a healthier city...[including] a healthier environment. This will include...improving public spaces and firm but fair enforcement of environmental health and licensing standards.'*³⁴

Priority 2 – Creating a more sustainable city.

- 8.8 One of the outcomes for 2011-15 sought is 'A healthier and higher quality built environment'.

*'We are responsible for maintaining and developing the 'public realm' ensuring it is safe, clean and accessible for all users... [including] public toilets...Working with businesses and residents we will explore how to improve the quality and cleanliness of the public realm, the environmental impact of these services, while reducing costs.'*³⁵

4. Tourism Strategy (2008-2018)

- 8.9 The Tourism Strategy highlights the need to provide, improve and maintain public toilet facilities in key tourist areas, such as the seafront. However unlike the Corporate Plan which emphasises the quality of provision and working in innovative ways, the Tourism Strategy only looks at council provision and uses terms such as 'basic', 'adequate' and 'short term'.³⁶

³³ Corporate plan <http://corporateplan.brighton-hove.gov.uk/priority/tackling-inequality>

³⁴ Ibid <http://corporateplan.brighton-hove.gov.uk/priority/tackling-inequality>

³⁵ Corporate plan http://corporateplan.brighton-hove.gov.uk/sites/default/files/BHCC_Corporate_Plan_2011-15%20Full%20Text%202012-13.pdf

³⁶ Tourism Strategy http://www.brighton-hove.gov.uk/downloads/bhcc/tourism/tourism_strategy_final.pdf

- 8.10 The panel was concerned by this as there are direct benefits to local authorities providing public toilets, of which tourism is one. Clara Greed, Professor of Inclusive Urban Planning at the University of the West of England, who has researched and written extensively on the provision of public toilets, states:

“It is important to argue ‘the business case’ that investment in good toilet provision has been shown to increase retail turnover, tourist numbers, and economic growth.”³⁷

- 8.11 The panel were concerned whether the relevant council strategies can be seen as linking together to provide a coherent plan for the future of publicly accessible toilets and in some instances they contain conflicting information about the service. So a specific action plan for publicly accessible toilets could provide this coherence and link all the issues together, including those identified by this panel. This action plan could be a reference document for when new strategies are being developed by the council, or key stakeholders which involve the issue of publicly accessible toilets.

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<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/636/636.pdf>

Finding 4: An adaptable service

Attended or unattended toilets?

9.1 The panel heard that attended toilets benefit from full-time replenishing and cleaning. The priorities for choosing which toilets to make attended mean that:

*'...all seafront toilets are attended and toilets affected by specific events, or such a high footfall like the Pavilion Gardens.'*³⁸

9.2 The Pavilion Gardens site has:

*'...around 1,000 visits per day, so it would not be possible to visit enough to restock and there would be too much vandalism if not attended.'*³⁹

9.3 These facilities may only have attendants during the summer or at other busy times, or on a part-time basis depending on need. Although the majority of the council's public toilets are unattended, they are serviced between three to six times a day.

9.4 If a toilet is attended, or visited frequently enough, this can:

- Reduce vandalism and ASB
- Ensure a good standard of cleanliness
- Enable prompt repairs

Fluctuations in usage

9.5 Regular monitoring of the use of facilities is an important part of monitoring the contract. Each site is monitored for risk and the need for an attendant is assessed.

9.6 For example, at the Hove Lagoon playground there is an attendant in summer to deal with the number of accidents which could be caused by water on the floor. However in winter this site is dealt with by a mobile service visiting three to four times a day, because of the lower level of usage.

Opening hours

9.7 The panel heard that the service *'was constantly reviewing opening hours because there were a lot of comments about early closing hours in parks.'*⁴⁰

9.8 While this had to be balanced with issues of safety, now the majority of toilets are open by 8am and shut at 10pm(summer) and 8pm(winter).

³⁸ Jenny Cooke, Evidence to the panel, 19.12.12

³⁹ Ibid

⁴⁰ Ibid

Managing resources

9.9 The contract enables the council to renegotiate the service provided on each toilet, such as reducing the number of daily visits to that site. As the result of the close working between Cityclean and Wettons:

‘Significant reductions in annual costs have been achieved [an example]...was the 50% savings...achieved at the Esplanade by reducing attendance time.’⁴¹

⁴¹ Jan Jonker, Evidence to the panel, 19.12.12

Finding 5: Reducing resources are available to the council for publicly accessible toilets

10.1 The panel believe that the council has been placed in the situation of having to 'manage the decline' of publicly accessible toilets due to dwindling resources for the public sector. This section of the report looks in greater detail at the resources currently needed to provide these toilets.

The cost of running the service on a day to day basis

Wettons contract

10.2 According to figures provided by Cityclean the total cost of this contract, as well as the utilities costs and non-domestic rates, is close to a million pounds.

Freedom Leisure

10.3 The direct costs of providing the seafront publicly accessible toilets under the Freedom Leisure contract are not possible to pinpoint. This is because the maintenance and cleaning of these units is combined with the costs of maintaining and cleaning the paddling pool site as a whole. The metred cost of the electricity is approximately £450 per annum.

Variations in cost per toilet unit.

10.4 The panel heard that there is a significant variation in cost per toilet unit across the city. This depends on the size of the unit, frequency of cleansing, usage, level of anti-social behaviour and whether attended or not. Given the significant range of costs, one of the benefits of the action plan would be to set out more information on achieving savings and where it is possible to put those savings back into the service.

The panel heard that extensive work by Wettons and Cityclean has achieved 'significant reductions in annual costs', the key ways were:

- Significantly changing opening times
- Reducing the number of units
- Moving from attended to unattended unit
- Negotiating on RPIX⁴²⁴³

Type of new toilets and cost of providing them

10.5 The regional Director of Wettons explained that new units provided are:

'...gender neutral, single units with street entry for all. They are completely enclosed to DDA standards e.g. alarm cord. The visibility of

⁴² RPIX is a measure of inflation in the United Kingdom, equivalent to the all items Retail Price Index (RPI) excluding mortgage interest payments

⁴³ Jenny Cooke, Evidence to the panel, 26.11.12

*entry obviates against the possible increase in ASB, as well as the number of daily visits by Wettons.*⁴⁴

- 10.6 The panel welcomed this form of provision and feel this type of provision should be the standard which is encouraged in developments across the city. There is no need to maintain separate quotas for male and female toilets.
- 10.7 An example of the resources needed for a new site is the toilets at Blakers Park which cost approximately £125,000 including the sewage connections and a tailor made roof: but as Jenny Cooke from Cityclean told the panel '*...each site had different costs.*'⁴⁵

Concerns about using resources to encourage community provision

- 10.8 The panel heard that LB Richmond use £600 per annum to reimburse each business which participates in their community toilet scheme (CTS). If the council decided to reimburse our participants, there is currently no allocated money for this so the funding would have to come out of existing budget. The panel heard that there was a concern that if funding was diverted to the CTS scheme, it would be paying a business for access to a facility which could not be guaranteed on a long term basis, as the businesses can opt in and out of the scheme. In the current climate businesses are closing down more often than opening.

Budget and reductions in funds for this service

- 10.9 There had been considerable debate regarding the provision of public toilets during the budget setting process for 2012/13, after it had been proposed to reduce this service by £163,000⁴⁶. However public consultation resulted in the suggested savings being reduced by £25,000 to enable the toilets in Saunders Park and Vale Park to remain open. Therefore, at Full Council it was agreed that £138,000 savings would be achieved in this service by the:

*'Rationalisation of public toilet provision to reflect public use and prioritise resources where demand is most evident.'*⁴⁷

- 10.10 This would involve the following changes:

'Hove Cemetery North Side to close and Hove Cemetery Southside accessible toilet to remain open. Hove Recreation ground toilets to close but Rugby Club have own toilets for fixtures. Aldrington

⁴⁴ Clive Robinson,

⁴⁵ Jenny Cooke, Evidence to the panel, 25.01.13

⁴⁶ [http://present.brighton-hove.gov.uk/Published/C00000120/M00003227/AI00023295/\\$20111201104648_001346_0003382_Appendix4e2PlaceOtherServices.xls.pdf](http://present.brighton-hove.gov.uk/Published/C00000120/M00003227/AI00023295/$20111201104648_001346_0003382_Appendix4e2PlaceOtherServices.xls.pdf)

⁴⁷ Agenda for meeting of Council on 23.02.12 [http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/\\$ADocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/$ADocPackPublic.pdf)

Recreation Ground toilets to close and an accessible toilet on Saxon Road nearby kept opened. Aldrington Rec closed toilets to be incorporated into a lease for the building and a new café. Norton Road to close during the week and toilet in Hove Town Hall to be used as an alternative. Victoria Recreation Ground to close and toilets in the pavilion to be used for fixtures and public toilets on Victoria Road opposite the playground to be used. Adjustments in attendants at other toilets. Attendant levels will be adjusted at some of the other toilets which remain open.⁴⁸

10.11 It was then agreed that:

'We will prioritise the maintenance and management of public toilets and close or reduce opening hours of poorly used toilets where alternative arrangements cannot be found'⁴⁹

10.12 There is now a concern that the service could receive unsustainable cuts in future years. Therefore the key focus of this panel is to consider the range of ways which can be used to bring publicly accessible toilets into use, at a reduced, or no extra cost, to the council.

Is the contract sustainable?

10.13 Officers expressed their concern to the panel that if the costs were constantly being cut back:

'...there will come a time when Wettons could call it a day on the contract.'⁵⁰

10.14 This issue is of such concern to the panel, it was felt that the key focus of the action plan needs to be to identify additional resources for publicly accessible toilets or partners which could contribute to future toilet provision.

⁴⁸ Agenda for meeting of Council on 23.02.12 [http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/\\$ADocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/$ADocPackPublic.pdf)

⁴⁹ [http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/\\$ADocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/$ADocPackPublic.pdf)

⁵⁰ Evidence to the panel in scoping meeting

Finding 6: Resources are needed to maintain the infrastructure of public toilets

11.1 The panel asked Cityclean what level of improvements needed to be made to public toilets, given that much of the infrastructure is Victorian. However, it was not known how much it would cost to refurbish the toilets in need:

*'...[the service] did not have a ball park figure. While ten sites had been decorated internally at no cost each year as part of the contract, the old buildings would cost a major amount to refurbish.'*⁵¹

11.2 The panel were reminded by Jenny Cooke, the Contracts and Project Manager for Cityclean⁵² that:

*'...our toilet provision has been there a long time and is experiencing deterioration and also [we are] expecting existing provision to cope with increasing numbers of businesses and visitors.'*⁵³

11.3 This was backed up by the British Toilet Association who felt that while facilities here were *'...quite well maintained and inclusive, ...there were maintenance issues.'*⁵⁴

11.4 Angela Dymott, the Head of Property & Design explained that:

*'Investment was recently made in the seafront toilets. Each year services bid for improvements and Leisure is one of the main clients.'*⁵⁵

The panel felt that there was a need to find out more information about the condition and the cost of maintaining council owned toilets, which could be remedied by carrying out a stock condition survey.

11.5 A stock condition survey should enable the council to review its toilets to establish:

- Which sites remain viable to remain in council ownership
- Which sites could be transferred to leaseholders, such as park cafes
- Whether there are any facilities where it is no longer viable for the council to keep it open

11.6 Any savings which are achieved by this review should be fed back into the service for use where a need has been established, for example to better meet the demands of the night time economy (see

⁵¹ Jenny Cooke, Evidence to the Panel, 25.01.13

⁵² Jenny Cooke has subsequently left BHCC

⁵³ Ibid

⁵⁴ Mike Bone, Evidence to the Panel, 26.02.13

⁵⁵ Angela Dymott, Evidence to the Panel, 19.12.13

recommendation 8). This information would form a key part of the action plan.

Recommendation 2:

11.7 ***The panel recommends that this action plan contains, or is based upon a business plan for the toilets which are directly owned by the council. This business plan would need to:***

- ***Clarify what revenue and capital expenditure is required per toilet for the next 15 years. This should cover as a minimum the cost of management and day-to-day maintenance (including responsive maintenance and cleaning) and future planned maintenance. This should include in-house costs and contractor costs. This would enable the council to identify the most cost-effective way of managing these assets.***
- ***Clarify what was the cost of providing publicly accessible toilets in 2012/13, including both the capital and revenue expenditure and which service, and budget heading, is responsible for each key aspect of the service.***
- ***Ensure a stock condition survey is carried out by Property & Design of all the toilets directly owned by the council to identify a plan of future maintenance.***

The information in the action plan would inform the strategic, and budget, decisions about publicly accessible toilets. It would enable decisions to be made in relevant areas such as:

- ***Investment***
- ***Disposal of sites***
- ***Change of use***
- ***Alternative means of provision.***

The action plan would also inform the re-letting of the Wettons contract for public toilets in 2017. It would also enable the council to set targets for increasing publicly accessible toilet provision from the community and business sector.

Finding 7: The importance of accessible toilet facilities

12.1 A priority for the panel was to consider the needs of groups which are significantly affected by the provision of publicly accessible toilets. A whole meeting of the panel focussed on the particular needs of people:

- Who have a medical condition
- Who need to use the toilet frequently
- With a disability who need to use accessible toilets.

12.2 This section of the report will look at different issues facing the provision of accessible facilities for these groups.

People living with a disability

12.3 According to a briefing by BHLINK,⁵⁶ 16% of the city's population has a disability which is higher than the national average of 11%.⁵⁷

12.4 In addition the Equality Act 2010 imposes the duty to make 'reasonable adjustments' to improve access for people with disabilities, which might include the provision of wheelchair accessible toilets.

Are there enough wheelchair accessible toilets?

12.5 Of the 81 publicly accessible toilets in Brighton & Hove, 65 of them are wheelchair accessible. According to Cityclean this '*compared well*'⁵⁸ to the number of general accessible toilets in relation to the city's population. Of these toilets, two have an adult changing bench and one is a Changing Places toilet.

12.6 Dr John Hastie, from The Fed Centre for Independent Living told the panel that there was a higher need in the disabled population for toilets. Therefore his key concerns about current provision were:

- *'where there are accessible toilets, these tended not to be open or hard to find in the evening*
- *A lot of pubs and restaurants do not have accessible toilets, which mean that public toilets are needed to fill that gap and enable people with disabilities to go out in the city'.⁵⁹*

He believed that the key things the council could do were:

- *'Keep accessible facilities clean*
- *Provision here was generally good, but not closing any more facilities*
- *Keep facilities open in the evening*

⁵⁶ BHLINK was the statutory body for public engagement on health and social care, now being replaced by Healthwatch

⁵⁷ Written evidence submitted to the panel by BHLINK

⁵⁸ Jo Jones, Evidence to the panel, 11.02.13

⁵⁹ Dr John Hastie, Evidence to the panel, 11.02.13

- *The Use our Loos scheme seems good.*⁶⁰

12.7 The benefit of providing such facilities in businesses was shown by Dr John Hastie who '*chose venues to go to on the basis of their accessibility.*'⁶¹ Although he did express concern that often disabled facilities were not maintained to the same standard as general use toilets.

12.8 Jenny Cooke, the Contracts and Project Manager for Cityclean, replied to this concern by saying that:

*'...the accessible toilets are open to the same time as the rest of the sites. Those on the public highway are often open until 10pm in the summer and only closed earlier in parks and other areas, where the sites are in darkness. Also they are cleaned to the same high standards.'*⁶²

Are accessible toilets in the right location?

12.9 Ruby Kearns of the Parent Carers Council (PaCC) told the panel that:

*'...she felt more facilities were needed...it would be good to have facilities in well populated areas to reduce the level of ASB, for instance parents might find Madeira Drive [the location of the Changing Places toilet] isolated and intimidating on an evening.'*⁶³

12.10 Crohn's and Colitis UK, the Brighton & West Sussex Group had undertaken a survey of local members who said that publicly accessible toilets were needed across the city, but '*...particularly where people:*

- *Travel*
- *Socialise*
- *Shop.*⁶⁴

12.13 The action plan could look at whether there enough toilets where people want them. Locations could be identified where there are gaps in provision, for example Kemp Town was an area suggested as lacking in sufficient provision.

Are they open at the right time?

12.14 This survey of local members of Crohn's and Colitis UK also asked '**when**' respondents needed to use publicly accessible toilets:

'an emphasis was placed on evenings because:

⁶⁰ Dr John Hastie, Evidence to the panel, 11.02.13

⁶¹ Ibid

⁶² Jenny Cooke, Evidence to the panel, 11.02.13

⁶³ Ruby Kearns, Evidence to the panel, 11.02.13

⁶⁴ Andy Player, Evidence to the panel, 11.02.13

- *People were commuting home, returning late from work or attending lectures*
- *To enable socialising.*⁶⁵

12.15 Therefore one of the changes they would most like to see was *‘facilities open in the evening.’*⁶⁶ The panel felt that it would be useful for the council to work with pubs and restaurants to see if they would be willing to provide access in the evening. This would also depend on whether their toilet provision was accessible.

12.16 The opening hours of accessible toilets is discussed further in the section below on RADAR toilets and in also in section 17 on Anti-Social Behaviour (ASB).

RADAR toilets

12.17 RADAR is a national scheme which offers specialised toilet facilities for those who are disabled. There are 54 of these accessible toilets in Brighton & Hove, which are locked and can only be opened with a RADAR key.⁶⁷

12.18 According to Andy Player from Crohn’s and Colitis UK, Brighton & West Sussex Group:

*‘...it was a big issue that doors [of RADAR toilets] were locked after dark, which is a particular problem in winter.’*⁶⁸

12.19 The panel heard that the key reasons for double locking RADAR toilets at night were due to:

- *Rough sleepers using the amenities, ‘which posed difficulties for cleaning staff attempting to close the site, including abuse and threats to personal safety’*⁶⁹
- ASB

12.20 The panel would like to see this issue considered further in the action plan for publicly accessible toilets, drawing on the experiences of how other local authorities have tackled this dilemma.

⁶⁵ Andy Player, Evidence to the panel, 11.02.13

⁶⁶ Andy Player, Evidence to the panel, 11.02.13

⁶⁷ VisitBrighton website, <http://www.visitbrighton.com/plan-your-visit/accessibility/accessible-toilets>

⁶⁸ Andy Player, Evidence to the panel, 11.02.13

⁶⁹ Jo Jones, Evidence to the panel

Toilets which are suitable for children with disabilities

12.21 According to Amaze⁷⁰ there are currently 97 children on the Compass register with severe mobility problems across the City. Currently 128 children on the register are incontinent at night and 169 are incontinent all the time. Amaze believe the Compass register holds details of about 55% of the total population of significantly disabled children in the city.⁷¹

12.22 The panel heard from Ruby Kearns of the PaCC that when using standard disabled toilets:

‘...they were not big enough for power chairs and did not provide sufficient space for two carers. Due to lack of changing benches, parent carers were forced to change their children on dirty floors.’⁷²

12.23 Because her disabled son:

‘...cannot hold himself safely on a toilet, she had to sit behind him and hold him and him on the toilet, but when he grows bigger she will not be able to fit.’⁷³

12.24 Ruby Kearns also highlighted the importance of having larger units which enabled you to take a pushchair or buggy into the facility.

12.25 The importance of good public toilets to families with disabled children was also emphasised by the BHLINK Toilet Users Group.⁷⁴

12.26 Cityclean acknowledged that where such facilities are gained from converting old buildings, they were restricted by the structure and cannot always provide enough space for two carers. However this is covered in all new sites. Parent carers were placed in the position of it *being* ‘...always necessary to plan where they were going’ in order to access toilet facilities.⁷⁵

Changing Places

12.27 The Changing Places Consortium is a group of organisations working to support the rights of people with profound and multiple learning disabilities to access their community. The Consortium is campaigning for Changing Places toilets to be installed in big public places. Mike

⁷⁰ Amaze provides information, advice and support to children with special needs and disabilities in Brighton & Hove

⁷¹ Evidence from Amaze

⁷² Ruby Kearns, Evidence to the panel, 11.02.13

⁷³ Ibid

⁷⁴ Written evidence to the panel

⁷⁵ Ibid

Bone, the Chairman of the British Toilet Association explained that the cost of setting up a Changing Places toilet involved three elements:

- *'[a site of] significant size to enable 2-3 people to use the facility with a wheelchair and sufficient room for a hoist and a load bearing surface*
- *£10,000 - £15,000 of equipment and maintenance costs*
- *Ongoing maintenance costs.*⁷⁶

12.28 Their aim was for a Changing Places toilet to be built in every large scale building such as arts venues and shopping centres because:

*'There were nearly 250,000 people in the country who cannot use standard accessible toilets, because access was needed for the person and their carer and the provision of an adjustable bench.'*⁷⁷

12.29 No specific funding was available for this kind of toilet but it could be obtained from grants. For the Changing Places facility built in Madeira Drive, the £25,000 construction costs had been met by Wettons. It was a fully attended site to ensure that the people using the facility were able to use the hoist and users were expected to sign a declaration to say they knew how to use a hoist. This was the first Changing Places facility in the South of England and included provision of a disabled parking bay directly outside the facility and additional signposting.

12.30 A second facility was being built at the Level which:

'...would be more accessible and had been sited there due to the funding opportunity at that location.'

12.31 While Mencap were pleased to see that one such facility had already been built here, with another on the way, it was felt that up to four of these toilets were needed in the city at the following locations:

- Brighton station
- The pier
- Churchill Square shopping centre.⁷⁸

12.32 This was backed up by the Parent Carer's Council who felt that Churchill Square would be *'...the ideal location'*.⁷⁹

12.33 Although the panel heard that the toilet being built at the Level was likely to be the final Changing Places facility opened here, they felt it would be worth exploring the potential for future funding. Some options to achieve this included:

⁷⁶ Mike Bone, Evidence to the panel, 26.02.13

⁷⁷ Jason Carlisle, evidence to the panel, 11.02.13

⁷⁸ Jason Carlisle, evidence to the panel, 11.02.13

⁷⁹ Ruby Kearns, evidence to the panel, 11.02.13

- Bidding for funding, for example the toilet built at the Barbican in London was funded by the Lottery with Action for Children⁸⁰
- In some local authorities, Social Services had opened up to public access Changing Places facilities in day centres⁸¹
- Partnering with other organisations, such as supermarkets, to cover ongoing maintenance costs
- Encouraging private sites to bid for funding, for example Churchill Square
- In some other locations private toilets have been developed, for example Blackpool.

12.34 It is not possible to charge for accessible toilets, so this form of funding cannot be sought to pay for future provision. It was also emphasised by Dr John Hastie from the Fed Centre for Independent Living that charging for accessible toilets would seem unfair:

*'...because this group are more likely to need the toilet and would feel that they were being penalised.'*⁸²

12.35 Jason Carlisle of Mencap voiced his concern that the Changing Places toilet in the city *'was not in a very accessible location'*.⁸³

12.36 Cityclean did explain that the Colonnade had been chosen as it was one of the few sites of sufficient size and the Changing Places toilet being installed at the Level was possible because it was included at the beginning of the development.

12.37 However the panel felt that it was important for the council to remember the advice provided by Mike Bone, the Chairman of the British Toilet Association that:

12.38 *'It was essential for providers to understand what users want and ensure that the service meet their needs.'*⁸⁴

Recommendation 5:

12.39 ***The panel recommends that effective consultation is carried out with service users before building new toilets. This is especially true when building toilet provision for people with disabilities, for example to ensure that the type and location of the toilet will meet their needs.***

⁸⁰ Jason Carlisle, Evidence to the panel, 11.02.13

⁸¹ Mike Bone, Evidence to the panel, 26.02.13

⁸² Dr John Hastie, Evidence to the panel, 11.02.13

⁸³ Jason Carlisle, Evidence to the panel, 11.02.13

⁸⁴ Mike Bone, Evidence to the panel, 26.02.13

Recommendation 6:

12.40 ***The panel recognised the importance of the Changing Places provision to provide toilets for those with profound and multiple disabilities. They recognise that the council is not likely to be able to provide any more Changing Places toilets itself, since they have built one of these toilets and are currently building another.***

So the panel would like to see Changing Places toilets, or other kinds of wheelchair accessible toilets, included where possible in private developments. The council should work with work with partners such as Network Rail to identify further funding opportunities to develop these kinds of provision. Examples include European Funds, organisational funds related to Corporate Responsibility and the City Plan. The aim should be, where possible, to situate such toilets in high use areas such as Churchill Square and railway stations.

Older people

12.41 BHLINK informed the panel that this service became even more important as the aging population grows:

*'Up to 35% of people over 65 have some form of incontinence...If there were not sufficient facilities, then increasing numbers of older people would remain indoors. This would lead to an increased need for social care and reduced exercise rates in this age group.'*⁸⁵

12.42 The key concerns of older people had been reported to them as being:

- Gaps in locations, for example not enough toilets between Churchill Square and the Open Market
- Opening hours
- Safety
- Concerns about using certain facilities, such as pubs, if not a customer.⁸⁶

12.43 Brighton & Hove has been officially accepted into the World Health Organisation (WHO) network of age friendly cities. This is an international effort to help cities prepare for two demographic trends:

*'...the rapid ageing of populations and increasing urbanization...[which] targets the environmental, social and economic factors that influence the health and well-being of older adults.'*⁸⁷

⁸⁵ David Watkins, evidence to the panel, 11.02.13

⁸⁶ Ibid

⁸⁷ OPC Website http://www.olderpeoplescouncil.org/age_friendly_city.html

12.44 The checklist will act as a prompt for the cities to assess themselves and measure their progress towards becoming more age friendly. One of the features of the checklist is:

*'Public toilets outdoors and indoors are sufficient in number, clean, well-maintained and accessible.'*⁸⁸

12.45 This will enable the council to take this into account when making relevant future bids for funding.

Younger people

12.46 Research has found that the provision of toilets would encourage 94% of 16-19 year olds to use urban green spaces more frequently.⁸⁹

Meeting the needs of pregnant women and family friendly toilets

12.47 The Chair of the British Toilet Association, Mike Bone, identified both pregnant women and babies as two of the groups which had the most immediate need for toilets when they were away from home.⁹⁰

12.48 A briefing on the toilet service emphasised the changes which have been made to make public facilities family friendly:

12.49 *'Brighton & Hove was the first authority to introduce [two] Nursing Rooms...Many of the site also include toddler seats in addition to baby changing units to provide a safe place for toddlers to be seated whilst parents or carers change their babies. Wherever baby changing facilities are in place either stickers or murals are used to make the environment as welcoming as possible.'*⁹¹

12.50 The BHLINK Toilet User Group also raised the following key issues of concern in relation to families:

- More toilets that are easy to use for those with children in buggies
- Clean toilets and baby changing facilities are important for pregnant women and new parents
- Children being frightened by seeing drug use in public toilets.⁹²

Gender neutral facilities

12.51 The panel heard that the toilet service is changing the kind of units provided to gender neutral, family friendly units. Now eight units are gender neutral and 35 are gender specific. The majority of accessible toilets are also gender neutral, unless they are specifically positioned within a traditional male or female facility.

⁸⁸ Age Friendly City Checklist,

<http://www.olderpeoplescouncil.org/docs/afc/afcchecklist.pdf>

⁸⁹ http://www.ocs.polito.it/biblioteca/verde/improving_full.pdf

⁹⁰ Mike Bone, Evidence to the Panel, 26.02.13

⁹¹ Briefing note on public toilet provision provided by Cityclean

⁹² Written evidence collated by BHLINK Toilet User Group for the scrutiny panel

12.52 A scrutiny review was recently approved by the council's Policy & Resources Committee⁹³, which:

'...was set up to highlight the challenges and inequalities facing transgender people in Brighton & Hove and to make some recommendations for change'⁹⁴

12.53 A number of trans people told this panel that:

'...one of the main things that prevented them attending activities in the city's sports and leisure centres, was the lack of changing areas and toilets where they felt safe.'⁹⁵

12.54 This evidence led the Trans scrutiny panel to make the following recommendation:

'Recommendation 22: There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people (p51).'⁹⁶

12.55 The panel expect the action plan for publicly accessible toilets to take into account the findings (and relevant recommendation) of the Trans Equality Scrutiny Panel.

⁹³ <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=689&MId=4090&Ver=4>

⁹⁴ Ibid

⁹⁵ Trans scrutiny panel http://www.brighton-hove.gov.uk/downloads/bhcc/democracy/Trans_Equality_Report_final_pdf.pdf

⁹⁶ Trans scrutiny panel http://www.brighton-hove.gov.uk/downloads/bhcc/democracy/Trans_Equality_Report_final_pdf.pdf

Finding 8: The need to make the best use of existing public stock

13.1 This section considers one of the key ways in which the level of provision can be maintained or increased. While focussing on opening up existing toilet provision to public access, building new stock can also be an important way of meeting particular needs (such as Changing Places toilets). The focus on making the best use of existing stock, fits with the trend of reducing council resources for this service.

Opening up access to council toilets

13.2 The panel heard from Angela Dymott, the Head of Property & Design, that the renovation of council buildings involves providing publicly accessible toilets where ever possible. This is done where the facilities and space exists and where the nature of the activity allows for general public access. However, the key issues relating to making toilets in council buildings publicly available were:

- Security of staff
- Cleaning
- There is a commitment when redesigning public access points, such as Hove Town Hall, to make toilets publicly accessible when practicable and the costs are sustainable

13.3 In her written statement to the panel meeting, Angela Dymott stated:

'It is difficult to use office and administration buildings for public toilet facilities due to the problems regarding the security of staff and of the building in general.

Decreasing resources have meant that public toilet provision in our civic buildings has to be assessed with regard to general need and provision in the area. Civic buildings can be used but security and cleaning aspects need to be considered particularly in Town Halls and costed into the business plan to ensure that they are sustainable.'

13.4 **The panel were given the following update on the progress of opening up council toilet facilities to the public.**

- Hove Town Hall Customer Centre: There is no specific requirement for a publicly accessible toilet in the customer centre, as there is already four accessible toilets in the Town Hall.
- Bartholomew House: The new customer service centre has accessible public toilet provision.
- Housing Centre Moulsecoomb: While there are no current plans for a publicly accessible toilet, the feasibility of building one, along with a cycle store and or a re-cycling centre, is currently being examined

by the repairs partnership on the vacant land adjacent to the Housing Centre.⁹⁷

Increasing the number of accessible toilets in council buildings

- 13.5 Between 2007/8 and 2010/11, the council has spent over £127,000⁹⁸ creating seven accessible toilets through the annual capital access improvement programme funded through the annual Asset Management Fund. This comprises four accessible units where no toilet provision had existed before, or had been closed for a number of years, and three units where wheelchair accessible provision had not existed before.
- 13.6 In addition, at St Luke's Swimming Pool a new accessible toilet was provided as part of the refurbishment of the wet changing facility. This accessible toilet cubicle, accessible changing and showering facilities were part of a major refurbishment costing over £300k which was funded by a grant from Sport England with contributions from the Asset Management Fund.⁹⁹
- 13.7 The panel also heard that in the proposals 2012/13 it was hoped to use the Access Improvement Budget to provide a new accessible toilet at Rottingdean Grange Library. There had not been an accessible toilet there previously and it will be available to non-library users.¹⁰⁰

Recommendation 3

- 13.8 ***The panel recommends that this action plan includes a statement of the council's commitment to enabling public access to toilets in its own properties.***

The panel believes that providing public access to the toilets in its own buildings should be the default position, where practicable and safe. So the suitability of providing public access to toilets should be assessed when the council either renovates an existing building or opens a new building. Where it is not possible to provide public access in a council building, a clear explanation of the reasons should be incorporated into the action plan.

Where toilets in council buildings are publicly accessible, the panel believe that it is important that they are clearly signposted and advertised so that the public are aware that they can use these facilities.

⁹⁷ Information provided by Property & Design

⁹⁸ Figures provided by Property and Design

⁹⁹ Ibid

¹⁰⁰ Ibid

Leases in park cafes

13.09 A national report on how to improve the use of urban green spaces, found that the provision of toilets were a key factor in encouraging groups ‘a lot’ to use such spaces more frequently:¹⁰¹

‘...in terms of facilities that would encourage more use if they were provided, non- and infrequent users particularly chose the provision of a café and toilets.’¹⁰²

13.10 The extract below shows that across the different groups, toilet provision was identified as a key facility to encourage people to use urban green spaces ‘a lot’. This seemed especially true for younger people, older people and people with disabilities¹⁰³

Facilities that would encourage people ‘a lot’ to use urban green spaces more frequently, across different types of non-users and infrequent users							
Group	Women %	12-15 year olds %	16-19 year olds %	Non-Europeans %	56-65 year olds %	76+ %	Disabled people %
Toilets %	78%	77%	94%	78%	81%	70%	87%

13.11 Evidence collated by BHLINK reinforced this:

‘Closures of such toilets threatens to reduce the attractiveness and accessibility of parks to many users, while others will resort to defecating and urinating in flowerbeds...raising additional concerns for park users.

Parks and playgrounds are excellent ‘free’ resources which, across the city, help to strengthen communities and support better health outcomes...Toilets in parks may be expensive to maintain, but this should be seen as an investment in the wider social and health benefits.’¹⁰⁴

13.12 One of the park locations where it was highlighted that there was no toilet provision was Hollingdean Park¹⁰⁵

¹⁰¹ Improving Urban Parks, Play Areas and Green Spaces, DTLR, 2002, http://www.ocs.polito.it/biblioteca/verde/improving_full.pdf

¹⁰² Improving Urban Parks, Play Areas and Green Spaces, DTLR, 2002, http://www.ocs.polito.it/biblioteca/verde/improving_full.pdf

¹⁰³ Improving Urban Parks, Play Areas and Green Spaces, DTLR, 2002, http://www.ocs.polito.it/biblioteca/verde/improving_full.pdf

¹⁰⁴ Written evidence submitted to the panel from BHLINK

¹⁰⁵ Ibid

13.13 One example of how future provision can be secured was provided to the panel. After the closure of the male and female toilets at Aldington Recreation Ground, the unit was leased by a café. Within the terms of this lease, the café had taken on the responsibility for reopening and maintaining this toilet provision. To repeat this success, the council is ensuring that:

*'This requirement is also being included wherever possible in new leases for parks buildings.'*¹⁰⁶

13.14 Given that the approximate costs of an unattended toilet is £9,000 per annum, ensuring that a park café takes on this responsibility can either free up significant resources or mitigate against the impact of closures forced by budget cuts. According to Cityclean:

*'...this could free up funding for provision where it was needed in another location in the city.'*¹⁰⁷

13.15 While this is welcomed by the panel, concern was expressed about not deterring people from taking on those leases and the importance of ensuring that it was financially viable for these lessees to take on toilet responsibilities. Therefore the panel believe that taking on responsibility for any toilets should become a standard part of the renegotiation of leases for cafes in park, unless there is a reason why it would prevent the leasing of that site.

Recommendation 10

13.6 *The panel was pleased that the council had succeeded in leasing a number of park cafes to include either new toilet provision within the café building or to incorporate existing public toilets adjoining into the lease. This then releases funds to be used elsewhere on the toilet service. The panel recommends that the action plan sets out the intention of the council to work towards a situation where all park cafes take on the responsibility for the toilets, where this is practicable and would not jeopardise the leasing of the café.*

¹⁰⁶ Evidence to the panel in scoping meeting

¹⁰⁷ Jenny Cooke, Evidence to the panel, 26.02.13

Finding 9: Can a Community Toilet scheme plug the gaps in provision?

What is a Community Toilet Scheme?

14.1 A significant number of local authorities have sought to increase the level of publicly accessible toilet provision by introducing a Community Toilet Scheme (CTS). This involves working in partnership with local businesses to provide access for the public to clean, safe toilets. Some councils make a payment to participants. One of the reasons this panel was established was to consider other CTS's and whether lessons from them could be used to increase the membership of the city's scheme.

14.2 The 2008 Community and Local Government (CLG) Select Committee on the provision of public toilets stated that the advantages of this kind of scheme included:

- More toilets operating at less cost to the authority
- Lower incidents of ASB in the toilets
- It can increase the popularity and profitability of businesses who participate.

*'We support the Community Toilet Scheme initiatives in local authorities, although they are not appropriate everywhere and may provide only a partial solution to the adequate provision of public toilets...[and] cannot cover the needs of every local member of the community.'*¹⁰⁸

14.3 Some of 'problems' associated with such a scheme included:

- *'Not suitable for large numbers wishing to use the facility at the same time*
- *The toilet is only open for as long as the business, but if pubs were included in the scheme could mean longer opening hours than council facilities*
- *These facilities are only open to the public 'provided that the service provider is prepared to accept them.'*¹⁰⁹

14.4 This Select Committee then went on to state that if a CTS is set up, it:

*'...must cover a variety of outlets to ensure that toilet facilities are available for a wide range of users, over a substantial part of the day and night.'*¹¹⁰

¹⁰⁸

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/636/636.pdf>

¹⁰⁹ Ibid

¹¹⁰ Ibid

Brighton & Hove was a forerunner in setting up a CTS scheme.

Can CTS work?

14.5 Mike Bone, the Chairman of the British Toilet Association (BTA) recognised that while Brighton & Hove had been a 'forerunner' he:

'...did not feel that any local authority had succeeded fully with such a scheme, and the problems they had encountered included:

- *Not an inclusive scheme in that the majority of participants might be pubs, which were premises that many may not wish to use for cultural reasons, religious beliefs or when are out with young children*
- *Shops spend a lot of money on facilities and do not want to open them up to the public for the fear of ...ASB and abuse.¹¹¹*

14.6 He also expressed his concern as to whether CTS schemes had:

'...facilities [that] were inspected, maintained to a specific standard or accessible.'¹¹²

14.7 Mike Bone emphasised his belief that:

'...you needed to spend sufficient money on setting up such a scheme, including:

- *Publicity*
- *Strategy*
- *Signage*
- *Entering into an agreement with each business*
- *Monitoring standards¹¹³*

14.8 In his opinion:

'This scheme could only work as a business proposition, rather than expecting organisations to help you out because local authorities could not afford to pay for toilets.'¹¹⁴

Due to both the limited resources available and the number of participants in the scheme, the panel felt that targeting this project to those with particular needs was *'a tangible and sensible way forward'*.¹¹⁵

Use our Loo

¹¹¹ Mike Bone, Evidence to the panel, 26.02.13

¹¹² Ibid

¹¹³ Ibid

¹¹⁴ Ibid

¹¹⁵ Minutes of the meeting on 11.02.13

14.9 The 'Use our Loo' is a voluntary CTS scheme set up by the council which;

*'...started in 2000 as the 'You're Welcome' scheme and was designed to encourage businesses to open up their toilets to the public. They are asked to display a sticker and their details are displayed in tourist information, the city map and on line.'*¹¹⁶

Do businesses want to participate?

14.10 There were currently 19 businesses involved in the scheme. It had been difficult to attract a higher number of businesses because they were concerned about:

- *'Anti social behaviour*
- *Opening up their premises to 'all and sundry'*
- *Costs incurred such as water metering, cleaning and supplies*
- *Insurance implications.*¹¹⁷

14.11 Brighton & Hove City Council had tried to encourage other businesses to join but did not offer any financial incentives unlike some other authorities. Even with the offer of free equipment or consumables, businesses were reluctant to take part. According to Mike Bone from the BTA where schemes did remunerate businesses, the amount involved ranged from £600 to £1,000 a year

Is the scheme suitable for smaller business?

14.12 The panel heard that:

'... it has been difficult to persuade businesses, except large ones such as Debenhams and M&S. This scheme is less suitable for smaller/independent business because:

- *Less likely to be accessible toilets*
- *Lack of supervision of facilities*
- *Location of toilets within small businesses can be inaccessible and present security issues*
- *Less resources for cleaners*
- *The rate at which these businesses were going under, there was no guarantee that they would still be there in 6 months*
- *Impact on insurance.*¹¹⁸

14.13 According to a briefing produced by Cityclean for the panel:

*'It has continued to be a struggle to encourage smaller businesses to join the scheme because they want to keep their toilets for their customers.'*¹¹⁹

¹¹⁶Briefing on public toilet provision in Brighton & Hove by Cityclean June 27th 2011

¹¹⁷ Jo Jones, Evidence to the panel, 11.02.13

¹¹⁸ Jo Jones, Evidence to the panel, 11.02.13

14.14 Further feedback from businesses was that:

*'...many do not wish to volunteer to be part of the scheme. Although there is the possibility of increasing the number of customers, there is no other real incentive for them and they run the risk of decreasing their standards of cleanliness by having external non-customers using their toilet provision.'*¹²⁰

14.15 The panel heard that for the reasons above it had also been difficult to attract businesses to participate in certain locations; including Kemp Town, Woodingdean and Western Road.

Could a CTS meet the needs of the whole community?

14.16 A 2011 report by the London Assembly raised the following concerns about community toilet schemes:

- Reliability
- Accessibility
- Coverage.¹²¹

The London Assembly warned that:

*'We have to be aware of the limitations of community toilet schemes. If boroughs are going to depend increasingly on others to provide public toilets – moving away from traditional, borough-maintained toilet provision – then issues such as opening hours and disabled access need to be addressed. To do this, it is necessary for community toilet schemes to be of sufficient scale to guarantee widespread coverage. There is also a need for participants that offer extended opening hours, disabled access, and baby changing facilities. This requires a firm commitment from boroughs to recruit member companies and to continue monitoring provision.'*¹²²

Café culture in Brighton

14.17 Despite the concerns raised about the ability of businesses to provide a significant alternative to public provision of toilets, the significant number of cafes in the city led the panel to believe this kind of sector could make a contribution. According to national statistics, there are 838 food and beverage service establishments in the city.¹²³ These are made up of:

¹¹⁹ Written briefing for the panel meeting on 11.02.13

¹²⁰ Scoping meeting with Cityclean on 24.10.12

¹²¹

<http://www.london.gov.uk/sites/default/files/FINAL%20HPS%20public%20toilets%20update%20report.pdf>

¹²² ibid

¹²³ 2008 figures supplied by the Economic Development Team from national figures

- 536 restaurants and mobile food service activities
- 301 beverage serving activities
- 11 other food serving activities.

14.18 **The panel would like to see the action plan specifically address how the council would work to encourage these businesses to participate. For example, there is a scheme in Paris whereby a number of cafes provide their customers with a token to use the toilets, but then ask non-customers to pay a small charge to use the facilities too.**

Recommendation 7

14.19 ***The panel felt that evidence submitted to them highlighted a number of reasons why small businesses in the city, such as independent retail outlets, are not likely to be suitable for inclusion in the Use our Loos scheme.***

However the panel feel that it was important to explore whether other businesses, such as cafes and pubs, could be encouraged called upon to contribute to publicly accessible toilet provision.

Finding 10: The ‘Use our Loos’ scheme could be made more effective by targeting it at meeting particular needs

15.1 Given the concerns about our current CTS scheme, the next section of this report discusses a possible way of re-launching the scheme to make it more effective.

Using the scheme to help meet medical needs

15.2 It has been suggested by Cityclean that a way to make the ‘Use our Loos’ scheme more attractive to potential businesses is to aim the scheme at people with specific medical needs who need access to toilets. For example, it has been estimated that at least 1,000 people in Brighton & Hove have either Crohn’s or Colitis. These are bowel conditions which:¹²⁴

‘...have a significant impact on people and can result in hospitalisation when at its most serious...Even when the condition was stable, it would still involve frequent and urgent diarrhoea, acute abdominal pain, the sudden urge to use the toilet and severe fatigue: making it difficult to run to the toilet.’¹²⁵

15.3 Andy Player, a representative of Crohn’s & Colitis UK, Brighton & West Sussex Group, told the panel that:

15.4 *‘For those who had experienced public faecal incontinence the experience could be devastating and impact on their ability to feel engaged with society. While coping strategies often included learning every public toilet in the whole of the city, many people chose not to engage in activities which would mean they needed to go out.’¹²⁶*

15.5 A survey by local members in Sussex found that:

‘...most members needed to use publicly accessible toilets nearly every day, especially when travelling. 75% flagged up the need to have public toilets next to transport hubs and 66% had used public toilets to clean themselves up after experiencing faecal incontinence. The majority carried clean clothes with them, in case they were needed.’¹²⁷

What is the Can’t Wait Card?

15.6 The panel heard that Cityclean were currently developing a proposal to adapt the CTS to enable access to toilets in participating businesses to those who held a Can’t Wait Card, rather than the general public. This card is available from the following organisations:

- Bladder and Bowel Foundation

¹²⁴ Andy Player, Evidence to the panel, 11.02.13

¹²⁵ Ibid

¹²⁶ Andy Player, Evidence to the panel, 11.02.13

¹²⁷ Ibid

- The IBS network
- Crohn's and Colitis UK¹²⁸

15.7 The purpose of the Card is that it:

*'...clearly states that the holder has a medical condition and needs to use a toilet quickly. Although it does not guarantee you access to a toilet, most places you visit will be willing to help you.'*¹²⁹



15.8 According to Andy Player of Crohn's & Colitis UK, Brighton & West Sussex Group:

*'The benefit of the card was that it cuts out what can be a very embarrassing discussion with the person working in the premises which has the toilet...It was important to give people confidence and then the card could be a lifesaver. If the council was to back this scheme and communicated this, it would increase the confidence of card holders. This would raise the awareness of businesses and employers and getting them to understand that people could be in genuine need.'*¹³⁰

Why link it to the Use Our Loo scheme

15.9 Linking this Card to the Use Our Loo Scheme was perceived to have the following advantages:

- It would not require any publicity to be made visible on the premises as those who had the card would know where the locations were publicised
- The council could both advertise the card and list the businesses who were participating
- Businesses may be more inclined to join the scheme as it was *'discreet and would likely involve minimal numbers'*¹³¹

15.10 Cityclean told the panel that the:

*'...showing of a card could reassure the business that the person had a specific medical need to use the toilet and did not wish to damage the facility or behave inappropriately there.'*¹³²

¹²⁸ <http://www.bladderandbowelfoundation.org/resources/toilet-card.asp>

¹²⁹ <http://www.bladderandbowelfoundation.org/resources/toilet-card.asp>

¹³⁰ Andy Player, Evidence to the Panel, 11.02.13

¹³¹ Jo Jones, Evidence to the Panel, 11.02.13

¹³² Jo Jones, Evidence to the Panel, 11.02.13

- 15.11 Written evidence to the panel from someone with Crohn's disease, showed how valuable this change to the scheme could be:

*'I have used the toilet in BHS but over the last few weeks, they have put a keypad on the door, and you have the number on a receipt. I went to see a manager there... and explained that our members needed to use the facilities if they are in the shop... His reply was 'you don't have to buy anything, but ask an assistant for the code'. To be honest if we all did this, it would be too late, and accidents happen, which is really degrading.'*¹³³

- 15.12 The refocus of the scheme would also mean that

*'...we would be the first local authority to promote the Can't Wait Card.'*¹³⁴

- 15.13 The panel heard that Cityclean hoped first to move existing participants in the scheme to this arrangement. It then hoped to extend participation to a wider group of organisations.

GP surgeries

- 15.14 Cityclean felt that GPs would be a good place to start recruiting extra participants. This is because they have already opened up their toilets to patients and would have these premises already designed and insured for public use. If the scheme did secure the involvement of GPs surgeries, this would be significant as there are currently about 47 in the city.¹³⁵

Could this change encourage more businesses to participate?

- 15.15 Evidence to the panel suggested that some of the issues raised by small businesses may not be allayed by the change to the scheme. Janet Woodjetts, a Retail Ambassador for Hove Business Association told the panel of her concern:

*'...that one could apply for the Can't Wait Card online, which could open up the possibility of fraud to gain access to the back end of a shop. There was a huge amount of internal theft in retail which would detract from people in need. For this reason, [she] could see why retailers did not want to participate. Many were alone and would have to leave the shop unattended or allow the person to go in the facility by themselves.'*¹³⁶

- 15.16 **Despite these outstanding concerns, the panel felt that it would be showing civic leadership and offered support to these proposals and would encourage the leadership of the council and the**

¹³³ Written evidence to the panel

¹³⁴ Jo Jones, Evidence to the panel, 11.02.13

¹³⁵ Ibid

¹³⁶ Janet Woodjetts, Evidence to the panel, 26.02.13

Clinical Commissioning Group leaders to work with local GPs to ensure that this happened. The scheme could give businesses confidence that opening up their facilities would not be a ‘free for all’.¹³⁷

Recommendation 4

15.17 *The panel welcomes the intention of Cityclean to refocus the Use our Loos scheme in order to link it to the Can't Wait Card. The panel agrees with the service's plan to start by exploring the possibility of re-launching this scheme in partnership with GPs surgeries, then work to spread this scheme out across other suitable outlets in the city.*

¹³⁷ Minutes of the panel meeting on 11.02.13

Finding 11: Meeting the needs of tourists and other visitors

16.1 The Head of Tourism and Leisure, Adam Bates, told the panel that

*'...there were around 8m visitors to the city each year. They contribute £722m to the local economy, and 14% to local employment, but were not always considered when planning services. This was why public toilets are critical to the local economy.'*¹³⁸

16.2 The city was a year round destination which sought to meet the needs of people visiting for the following reasons:

- Business and conferences
- Leisure
- Events.¹³⁹

16.3 The panel heard that a report by the Department for Communities and Local Government (CLG) had found;

*'...tourists and visitors ranked toilets high in their lists of needs when visiting British resorts and destinations. Because most journeys begin and end with visiting toilets, it can have a high impact on tourists' assessments of a destination.'*¹⁴⁰

16.4 The City Plan describes Brighton & Hove's seafront as the:

*'...shopfront' of the city acting as a focus for entertainment, recreation and leisure activities. Substantial public and private investment has transformed the seafront between the two Piers.'*¹⁴¹

16.5 It follows that looking at the seafront toilet provision is a vital component of meeting visitor needs in relation to publicly accessible toilets. Issues highlighted as important according to the Seafront Service included:

- Very high variations in usage, at weekends there can be 200,000 users of toilets there
- Many seafront businesses do not have own toilets
- There are 460 beach huts and 105 chalets with no toilets
- So the seafront area was very dependent on public toilet provision

¹³⁸ Adam Bates, Evidence to the panel, 25.01.13

¹³⁹ Ibid

¹⁴⁰ Ibid

¹⁴¹ City Plan, <http://www.brighton-hove.gov.uk/content/planning/local-development-framework/city-plan-previously-core-strategy>

- Seasonal opening times, can make it difficult to respond to variations, for example the high attendance levels on New Years Day
- An area which one was looking for improvement was Madeira Drive, which if realised could put additional demands on the service¹⁴²

16.6 Research by VisitBrighton (from over 1,000 on-street visitors during 2007) found that visitors rated 'availability of public toilets' as 6.27 (using a scale of 1-10 with 10 representing 'totally satisfied'.)¹⁴³ This shows that visitor perception of our toilet facilities could be improved. The panel would like to see the importance of publicly accessible toilets to tourists and visitors reflected in the proposed action plan.

¹⁴² Adam Bates, Evidence to the panel meeting, 25.01.13

¹⁴³ Tourism Strategy, http://www.brighton-hove.gov.uk/downloads/bhcc/tourism/tourism_strategy_final.pdf

Finding 12: Tackling anti-social behaviour

17.1 The 2012 toilet survey found that 36% of service users felt 'very safe' when using that public toilets and 57% felt 'fairly safe' and only 1% felt 'very unsafe'.¹⁴⁴ However, the panel heard that anti-social behaviour (ASB) was a key issue for the service. This can take the form of:

- Alcohol and drug use
- Sexual behaviour
- Arson
- General vandalism

17.2 Daytime ASB is primarily made up of alcohol and drugs misuse and took place mainly in the city centre. Night time disorder begins around 10pm and tended to include sexual behaviour, such as 'cottaging' which involves men seeking sex with men.¹⁴⁵

Attended or unattended toilets?

17.3 The panel heard from Wettons that a key factor in the level of ASB is whether the toilet is attended or unattended, particularly depending on the location of the toilet:

*'For example the Open Market did have a FT attendant as it is a difficult site, the attendant was removed in April and the level of ASB has rocketed especially drug use and needles. There is no provision to deal with this and the level of complaints has dramatically rocketed... This demonstrates what happens if an attendant is removed from a needed site.'*¹⁴⁶

17.4 Information was collected about all public toilets on day-to-day vandalism, collated monthly and then discussed with the police and community safety. Where appropriate, the number of visits to unattended sites were increased to deter vandals. The panel heard that the fully automatic toilets and those with RADAR keys had experienced 'very significant drugs use'¹⁴⁷ in the facility.

The design of toilets

17.5 According to Peter Castleton, the council's Community Safety Manager:

'The standard of toilets and its design had a big impact on how safe people feel when using facilities and the likelihood of offending taking place there. If the facility was damaged it was more likely to attract

¹⁴⁴ Brighton & Hove Public Toilets Questionnaire 2012 http://www.brighton-hove.gov.uk/downloads/bhcc/toilets/Brighton_Hove_Stakeholder_Survey_Questionnaire_Headline_Results_2012.pdf

¹⁴⁵ Peter Castleton, Evidence at panel meeting, 25.01.13

¹⁴⁶ Clive Robinson, Evidence at scoping meeting, 19.12.12

¹⁴⁷ Jenny Cooke, Evidence at panel meeting, 25.01.13

*offenders. This issue could be addressed by minimising common areas and increasing the natural surveillance.*¹⁴⁸

17.6 The panel heard that significant changes have been made to the design and layout of public toilets to address ASB, including:

- Improved lighting and décor
- Family friendly, bright and welcoming
- Low level sinks
- Improved maintenance which reduces vandalism
- Cutting door heights
- Moving away from stainless steel
- Quick response times to incidents
- Enabling natural surveillance.¹⁴⁹

¹⁴⁸ Peter Castleton, Evidence to the panel, 25.01.13

¹⁴⁹ Clive Robinson, Evidence at scoping meeting, 19.12.12

Finding 13: The night time economy places demands on public toilets

18.1 The council's Corporate Plan states it's commitment to:

*'...seek to strike the right balance between recognising the economic value of our night-time economy with the need to protect the health and safety of visitors and residents.'*¹⁵⁰

18.2 City centre Councillors were all written to as part of the scrutiny process regarding the night time economy and public sanitation. The responses indicated that:

- These were specific areas where night time urination is more likely to occur. Described by the councillors as 'hot spots'
- This was a problem which was more likely to be caused by men
- There were varying views on the value of temporary toilet facilities, for example at the weekends, and concern about whether it is setting a good example
- After pub closing times was a key time.¹⁵¹

18.3 The panel heard that:

*'...now the majority of toilets are open by 8am and shut at 10pm (summer) and 8pm (winter)'*¹⁵²

18.4 Jan Jonker, Head of Strategy & Projects, City Clean highlighted that despite these long opening hours, with no 24 hour toilets in the city, there is a gap in provision:

'Given the city's night time economy, all our public toilets are closed at night, so when the pubs are closed there are no toilets open'

When there had been 24 hour facilities *'...this had not removed late night urination but helped the situation.'*¹⁵³

18.5 This was reinforced by Peter Castleton, Community Safety Manager, who felt

*'...there was insufficient publicly accessible toilet provision to meet the needs of the night time economy.'*¹⁵⁴

¹⁵⁰ <http://corporateplan.brighton-hove.gov.uk/priority/tackling-inequality>

¹⁵¹ Written evidence gathered from councillors, see Volume 2

¹⁵² Jenny Cooke, evidence to the panel, 25.01.13

¹⁵³ Jenny Cooke, evidence to the panel, 26.02.13

¹⁵⁴ Peter Castleton, Evidence to the panel, 25.01.13

18.6 Night time on-street urination often arose where people were queuing or competing for services and did not wish to lose their place in the queue, such as at kebab shops and taxi ranks. Any plan to provide toilets to meet the needs of the night time economy would need to take into account the most popular locations for on-street urination.

Police

18.7 Operation Marble¹⁵⁵ was concerned with tone setting in the city at night and:

*'...minor ASB such as discreet urination was seen as part of tone setting and dealt with robustly, so think there is an appetite for the police to deal with this issue. Officers will do something about this behaviour where it is found.'*¹⁵⁶

18.8 If there was the provision of 'temporary' facilities or pisseoirs, then the police could direct people to them, even if it was felt that younger men may not use such facilities 'of their own volition'¹⁵⁷.

18.9 However Tim Nichols, The Head of Regulatory Services, was of the opinion that:

*'...the people who were fouling highways were not doing this because there were insufficient toilets.'*¹⁵⁸

Closure of public toilets in the evening

18.10 It was not felt to be practicable to keep public toilets open later than done so currently, due to issues of cost and the likelihood of attracting ASB. One of the solutions to night time provision could be to encourage organisations to open up access to their toilets; if they are located in premises which have people present at that time such as pubs, cafes and restaurants. The panel felt that specialist provision, such as pisseoirs, could then play a useful role at the times when all or most of the city's businesses have closed.

Automatic toilets

18.11 Automatic toilets had been introduced in the city, which did provide 24 hour access to this service. But they had been removed after being seen as being unsuccessful for the following reasons:

- A lack of public confidence in these toilets, including worry over being trapped in them
- Easily vandalised

¹⁵⁵ Operation Marble sees Police & Police Community Support Officers (PCSOs) in high visibility jackets in city centre hotspots from 8 pm (from Council website <http://www.brighton-hove.gov.uk/index.cfm?request=c120719>)

¹⁵⁶ Peter Castleton, Evidence to the panel, 25.01.13

¹⁵⁷ Ibid

¹⁵⁸ Tim Nichols, evidence to the panel, 26.02.13

- Attracted misuse.

How to choose which kind of temporary toilet provision and who will pay for it?

18.12 The panel were keen for the action plan to consider new methods for dealing with the urination which is associated with the night time economy. These could include some of the types of provision listed below.

Portaloos and other kinds of temporary provision

18.13 The panel heard that Newquay placed portaloos in popular places and then collected them at the end of the weekend.¹⁵⁹ The Head of Tourism, Adam Bates, told the panel that in Brighton & Hove:

*'...temporary toilets were usually arranged by the organiser of the event. Pride was the only occasion where they were directly provided by the council. In West Street this would be a year round issue at least three nights a week, which needed a permanent situation.'*¹⁶⁰

Pop up toilets

18.14 The panel went on to consider more permanent forms of toilet provision to meet this need. They heard that:

*'There were pop-up toilets to address this issue in Leicester Square, but these type were prohibitively expensive.'*¹⁶¹

18.15 One of the forms of pop-up toilets which the panel received information on is the Urilift. This describes itself as a *'...discreet and economic urination device solution'* designed to eliminate street urination.¹⁶²

18.16 Roy Pickard, an Environmental Health Manager, did warn that this may not be an effective solution because:

*'In Westminster where there are pop-up urinals there are increasing numbers of complaints about people urinating in the street.'*¹⁶³

Pissoirs

18.17 These are a very public form of men's urinals which are seen in cities such as Paris, and the open nature of their design reduces the incidents of *'cottaging'* or other forms of ASB.

18.18 The British Toilet Association told the panel that these facilities can be used by up to four men at a time and present a *'...significant alternative to people urinating in shop windows'*.¹⁶⁴

¹⁵⁹ Peter Castleton, Evidence to the panel, 25.01.13

¹⁶⁰ Adam Bates, Evidence to the panel, 25.01.13

¹⁶¹ Peter Castleton, evidence to the panel, 25.01.13

¹⁶² Urilift, website <http://www.healthmatic.com/index.php/ourtoilets/toilettypes/urilift>

¹⁶³ Roy Pickard, Evidence to the panel, 19.12.12

¹⁶⁴ Mike Bone, Evidence to the panel, 26.02.13

18.19 *'Hackney Council put out 12 'pissoirs' every weekend. Each facility could collect 1,200 litres and they are full up each time they are collected at the end of the weekend.'*¹⁶⁵

18.20 Peter Castleton, The Community Safety Manager, believed that:

*'If a pissoir was well-designed it could become part of the street furniture. Such facilities send a clear message and provided more places to go...and have lower maintenance costs [than Portaloo's].'*¹⁶⁶

18.21 The panel heard that Edinburgh was installing this type of provision.¹⁶⁷

18.22 The next section of the report considers whether the Late Night Levy could provide any funding for meeting the needs of the night time economy.

What is the Late Night Levy?

18.23 According to a briefing from Tim Nichols, the Head of Regulatory Services:

*'The Police Reform and Social Responsibility Act 2011 allows local councils to charge a Late Night Levy (LNL) on premises open after midnight to help to pay for late night policing and other services, such as taxi marshals or street wardens.'*¹⁶⁸

18.24 The income would be split between the police (at least 70%) and the local authority, and the potential costs and likely income were currently being researched. However Tim Nichols felt:

*'...it was unlikely that this levy could be used for this purpose as it was meant for police and councils to use for extra enforcement costs. Therefore I am concerned that this could be subject to challenge if the levy was used to fund publicly accessible toilets.'*¹⁶⁹

18.25 He also warned that there could be unfortunate consequences for imposing the Levy, namely that:

18.26 *'40% of city residents worked in the hospitality sector and what would be the impact of taxing this sector.'*¹⁷⁰

Encouraging the help of city businesses

¹⁶⁵ Mike Bone, evidence to the panel, 26.02.12

¹⁶⁶ Peter Castleton, evidence to the panel, 25.01.13

¹⁶⁷ <http://www.dailyrecord.co.uk/news/scottish-news/french-style-open-air-toilets-coming-1586363>

¹⁶⁸ Written evidence submitted by Head of Regulatory Services for the public meeting of the panel on 25.01.13

¹⁶⁹ Tim Nichols, evidence to the panel, 26.02.13

¹⁷⁰ Ibid

18.27 The panel then went on to consider if businesses who play a role in the night time economy could be encouraged to help provide publicly accessible toilets outside the LNL process. According to Peter Castleton, the Community Safety Manager:

*'...the council and the police have found it very difficult to secure any resources or assistance from big pub, club chains and supermarket chains. It would seem to be a non-starter as these businesses did not appear to have any interest in re-investing in the local community. This did not mean one should not try it again.'*¹⁷¹

18.28 This view was echoed by Tim Nichols, the Head of Regulatory Services who felt:

*'The council had a partnership with a number of organisations relating to the night time economy, but felt it was unlikely that we could persuade them to open up their premises to the general public as the organisation would be already engaged in controlling their capacity and ensuring that they did not pose a fire risk. The people who were fouling highways were not doing this because there were insufficient toilets.'*¹⁷²

18.29 It was suggested by Peter Castleton, the Community Safety Manager, that city centre businesses, such as supermarkets, should open up their toilets if they are contributing to the problems of on-street urination.¹⁷³

18.30 The panel would like to see the action plan for toilets look in further detail at the potential for using this Levy and other possible solutions to the issues raised relating to the night time economy.

Recommendation 8.

18.31 ***Evidence to the panel demonstrated the impact of the night time economy and the potentially unmet needs that arise from it in relation to toilets. The panel understood why traditional publicly accessible toilets were not open 24 hours, for reasons of cost and vulnerability to anti-social behaviour (ASB).***

However the action plan should consider what kind of provision is needed after public toilets close and the ways of securing funding for this. Innovative ways of meeting the need could include temporary toilets or 'pissoirs' The council should meet with the hospitality and retail sectors to decide if there are any means to grow night time provision. It is also crucial for the council, particularly Regulatory Services, to liaise with the police to assess the potential of the Late Night Levy.

¹⁷¹ Peter Castleton, Evidence to the panel, 25.01.13

¹⁷² Tim Nichols, Evidence to the panel, 26.02.13

¹⁷³ Peter Castleton, Evidence to the panel, 25.01.13

Finding 14: The Planning Service could play a key role in securing additional toilet provision

19.1 Given the dwindling resources for public toilets, the panel were keen to look at the powers that the council's Planning Service could deploy to encourage future provision.

19.2 The panel were told that there were two means:

- Developer contributions
- Including publicly accessible toilets within new developments that attracted a lot of people.

Developer contributions

19.3 The report will now consider the two key ways of gaining developer contributions.

Section 106

19.4 The main aim of existing developer contributions (known as Section 106) according to Mike Holford, Strategic Planning and Monitoring Manager:

*'...was to mitigate the impact of a new development, but it should not be used to mitigate existing deficiencies.'*¹⁷⁴

19.5 The money secured under Section 106 agreements is typically spent on:

*'...highways; transport improvements and travel initiatives; community or recreation facilities; education; health; or affordable housing.'*¹⁷⁵

19.6 Mike Holford told the panel that:

*'In the time of prosperity, developers may not have been so concerned what this money was spent on. However the economic downturn and reduced funds have led to the government tidying up the planning process.'*¹⁷⁶

CIL

19.7 This desire to make the developer contribution process more transparent has led to the introduction of the Community Infrastructure Levy (CIL). The CIL is calculated in relation to the amount of per

¹⁷⁴ Mike Holford, Evidence to the panel, 25.01.13

¹⁷⁵ BHCC website, <http://www.brighton-hove.gov.uk/content/planning/planning-policy/developer-contributions>

¹⁷⁶ Mike Holford, Evidence to the panel, 25.01.13

square meter of additional floor space and is levied on all eligible development to enable growth. Unlike Section 106 agreements where there needed to be a link to the development, so the money is spent on or close to the site, the money raised by CIL could be spent anywhere in the city *'in accord with a list of requirements produced by the council'*.¹⁷⁷

19.8 It was a form of:

*'... development tax which will be transparent with developers, council and the public all know what amount will be raised.'*¹⁷⁸

19.9 Examples of funding that could be given would be to pay towards school places or to offset the effect on transport. Bath & North East Somerset was an example of a local authority which was investigating the possibility of using CIL to gain funding towards publicly accessible toilets.¹⁷⁹

The CIL in Brighton & Hove

19.10 One of the specific tasks of the panel was to investigate how CIL could be used to gain funding for future toilet provision in the city. The Planning Service told the panel that:

'It would be very useful to have a statement of need for this service, for example, including the demands from tourists for public toilets rather than making the request without any evidence.'

19.11 This statement of need could be a useful component of the proposed action plan for publicly accessible toilets. The panel were keen to see toilets to be seen as one of the areas recognised by the council which could receive funding from CIL. However, evidence to the panel indicated there would be a *'significant amount of competing demands'*¹⁸⁰ for resources gained by CIL and so it:

*'...would not be the panacea, as it would not raise as much money as some expected and it was more than likely that there would be more demands that CIL could meet.'*¹⁸¹

19.12 While the CIL is being progressed here, it is subject to a formal process and stages of consultation and will not be adopted until 2015 at the earliest.

¹⁷⁷ Mike Holford, Evidence to the panel, 25.01.13

¹⁷⁸ Mike Holford, Evidence to the panel, 25.01.13

¹⁷⁹

<http://democracy.bathnes.gov.uk/documents/s8802/E2312%20Public%20Toilets%20Provision.pdf>

¹⁸⁰ Mike Holford, Evidence to the panel, 25.01.13

¹⁸¹ Mike Holford, Evidence to the Panel, 25.01.13

*'How income from a future CIL is to be proportioned out to meet essential infrastructure needs and priorities such as schools, highways or other necessary provision as identified in the IDP [Infrastructure Delivery Plan Annex Documents to the City Plan] will need to be decided at a later stage through the process of adopting a CIL.'*¹⁸²

Encouraging the inclusion of publicly accessible toilets in new developments

19.13 The Planning Service suggested to the panel:

*'...that a more positive approach could be to require the provision of publicly accessible toilets in new developments as a policy requirement ...[which would] be more likely to secure publicly accessible toilet provision, than the use of CIL.'*¹⁸³

19.14 This view was backed up by Cityclean, because:

*'..the aim would be for large tourist developments to allow general access to the customer toilets they would be providing anyway. They would already have a budget in place for cleansing and maintenance.'*¹⁸⁴

19.15 According to Richard Davies, Project Manager, Major Projects and Regeneration, this approach would also:

*'...work well in a scheme where there was public use such as a supermarket. However if it was office accommodation, this would be creating private space and would increase the costs of the development.'*¹⁸⁵

19.16 The panel heard that there were variations in how enthusiastic supermarkets were to such proposals.¹⁸⁶ As a result, the City Plan may be a more successful route and the details of this are discussed in the next section of the report.

What is the City Plan?

19.17 This is the council's key planning document and its purpose is:

'To provide the overall strategic and spatial vision for the future of Brighton & Hove through to 2030...It sets out how the council will respond to local priorities; how it will meet the social, economic and

¹⁸² Written Evidence from Debra May dated 27.06.13

¹⁸³ Mike Holford, Evidence to the Panel, 25.01.13

¹⁸⁴ Jenny Cooke, Evidence to the Panel, 25.01.13

¹⁸⁵ Richard Davies, Evidence to the Panel, 26.02.13

¹⁸⁶ Jenny Cooke, Evidence to the Panel, 26.02.13

*environmental challenges that face the city; and how it will work with partners to reduce inequalities.*¹⁸⁷

How the Plan is taking account of public toilets

19.18 The panel was pleased to hear from Debra May, Planning Contributions (Section 106 Officer) that:

*'Reference to provision of public toilets into key tourist and sea front developments has now been included in the submission City Plan – Infrastructure Delivery Plan Annexe documents (IDP). Following a Public Inquiry it is anticipated that the City Plan will be adopted early 2014 and **at this point the requirements for including public toilet provision can be taken into consideration.***¹⁸⁸

19.19 This reference to public toilets in the City Plan meant that:

*'...the Council is now a step closer in recognising the need.'*¹⁸⁹

19.20 The panel heard from the Planning Service that in relation to the City Plan and CIL:

*'There is a strong case for increasing numbers of toilets but they may be for visitors. It would help if there was a toilet strategy...which could then be transferred to the City Plan too, e.g. needs as a tourist destination.'*¹⁹⁰

Recommendation 9

19.21 ***The panel recommend that the City Plan is updated to include a statement of priority regarding publicly accessible toilet provision. This is seen by the panel as a key means of securing new provision of this service. The City Plan could specifically outline the expectation that appropriate developments, such as large tourist developments or supermarkets, enable general public access to their customer toilets. This would not be additional provision, but designing the toilets which were already built so that they are publicly accessible.***

¹⁸⁷ City Plan Submission Part One, http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/ldf/Feb13_Submission_City_Plan_Part_One.pdf

¹⁸⁸ Debra May, Written Evidence to the Panel, bold my emphasis

¹⁸⁹ Debra May, Written Evidence to the Panel

¹⁹⁰ Mike Holford, Evidence to the panel, 19.12.12

Finding15: Innovative models can be used to secure funding

20.1 This section looks at an example of a new way of providing a publicly accessible toilet in Brighton & Hove.

Open Market

20.2 The panel welcomed the news regarding the Open Market redevelopment that:

*'A community interest company (CIC) has been created to take on the market and manage it. The company... wanted public toilets there for visitors rather than none, if the Marshalls Row toilets were shutting. The site where the toilets had been going to be built...was now going to be used to build an extra market site. The income generated from this site was then to be used to build and run the toilet.'*¹⁹¹

20.3 This was going to represent improved provision, as the previous toilets at this site had the following problems:

- Small in size
- Subject to very high levels of ASB
- Inaccessible
- Unattended, whereas the new toilets would be monitored by market staff.¹⁹²

20.4 The aim of this new arrangement was *'...to provide a toilet not at the cost of the council.'*¹⁹³

20.5 The redevelopment of the Open Market is expected to be completed in September 2013. When the new market opens, the CIC will allow the public to use the toilets within the market. At the time of writing this report, this change was awaiting planning approval.

Recommendation 11

20.6 ***The panel welcomed the toilet provision that was to be secured by the Community Interest Company, in the renovation of the Open Market, and expects other innovative, partnership solutions to be sought by the council to either improve, or increase, toilet provision in the city. Any programme of such schemes should be included in the action plan.***

¹⁹¹ Richard Davies, evidence to the panel, 26.02.13

¹⁹² Jenny Cooke, evidence to the panel, 26.02.13

¹⁹³ Richard Davies, evidence to the panel, 26.02.13

Finding 16: The need to publicise and promote our public toilets

21.1 According to our 2012 user survey: 76% found public toilets in the city 'very easy to find', 18% 'fairly easy', 5% 'fairly difficult' and 1% 'difficult to find'.¹⁹⁴

21.2 A number of people, including a resident who suffered from Irritable Bowel Syndrome (IBS) who submitted written evidence to the panel, mentioned a pamphlet which used to be produced:

*'When I first came to B&H I used an extremely useful pamphlet issued by the Council called "Where to go Guide". But it is no longer available in paper form and now only available on line, it is useful, if you have access to a computer and it is 48 pages long.'*¹⁹⁵

21.3 The panel heard about a range of ways to increase the level of information about our publicly accessible toilets including:

- Contributing information on our toilets to Apps which people can download onto their phones or computers. These provide directions to our facilities and other relevant information
- Leaflets, for example for tourists and visitors
- Ensuring our public realm information is up to date, such as signage
- Some users had expressed their concern that the spreadsheet of information on publicly accessible toilets contained only basic information about the location of facilities -for example Marks and Spencer, Western Road

Recommendation 12

21.4 ***The panel recognises the importance of providing the best and most up-to-date information on the publicly accessible toilets in Brighton & Hove. The panel would like to see resources allocated for providing local data on this service to facilitate the collation of national or international online information. In addition, enabling VisitBrighton and other services to provide up to date information on this service to tourists and residents in a range of formats (for example social media, websites, apps and printed material if practicable).***

The panel also recommend that the signage to, and at, toilets is as clear as possible, while at the same time recognising the need to reduce street clutter and utilise existing 'finger signage'.

¹⁹⁴ Brighton & Hove Public Toilets Questionnaire 2012 http://www.brighton-hove.gov.uk/downloads/bhcc/toilets/Brighton_Hove_Stakeholder_Survey_Questionnaire_Headline_Results_2012.pdf

¹⁹⁵ Written evidence to the panel

Finding 17: Charging for toilet provision

22.1 Under the Public Health Act 1936, councils are also allowed to charge for the use of all public conveniences (and for urinals following the Sex Discrimination Act 2008).

22.2 The 2011 survey of toilet users in Brighton & Hove also found that if charging were introduced, only 2% said they would not use a facility if charging were introduced, the amount people were willing to pay 'if the income raised were to go back to improving service varied:

- 73% would be happy to pay 20p¹⁹⁶
- 7% - 30p (now 30p at the station toilets)
- 6% - 40p
- 1% - 50p
- 0% - over 50p

22.3 According to a survey conducted by BHLINK:

*'...the majority of people said...they would not mind paying to use a toilet, but [BHLINK recognised] it can be expensive to implement. Although with the high number of visits to the city it might be cost effective.'*¹⁹⁷

22.4 However the panel heard that Cityclean

*'... used to charge for toilets in summer for 20p [at certain locations] which did not cover costs. They had discussed charging for a premise with Wettons, who felt it was not economically viable [because]....there would be significant costs in installing the charging infrastructure and then the facilities would need to be attended to make them accessible for all e.g. those with buggies.'*¹⁹⁸

22.5 There would also be the cost of collecting monies, for example employing an attendant. Charging is likely to be most practicable in new developments when put in correct infrastructure from the start.

Tourism

22.6 The Head of Tourism & Leisure told the panel that he believed:

'...the majority of tourists would choose not to pay...but the majority would accept charges if the facilities we provided were of an acceptable standard. The important factors ...would be:

¹⁹⁶ Brighton & Hove Public Toilets Questionnaire 2011 http://www.brighton-hove.gov.uk/downloads/bhcc/toilets/Brighton_Hove_Stakeholder_Survey_Questionnaire_results_2011_headlines_final.pdf

¹⁹⁷ BHLINK, written evidence to the panel

¹⁹⁸ Cityclean evidence to the panel

- *Availability*
- *Cleanliness*
- *Good maintenance*¹⁹⁹

22.7 The feasibility of this needs to be explored, either for particular locations or as a way of securing funding for new kinds of provision such as pissoirs.

Recommendation 13

22.8 ***The panel suggest that the council assesses the practicability of charging for toilets, either across the whole city or identifying any sites where it would be possible and/or worthwhile. This could involve examining areas such as the seafront or Pavilion Gardens where this model could work, rather than just individual sites as this may not prove effective. The assessment could be then be referred to when building new sites or renovating existing sites so that the necessary equipment could be fitted, if it was financially viable.***

¹⁹⁹ Adam Bates, Evidence to the panel, 25.01.13

Finding 18: Sustainability of provision

23.1 Cityclean informed the panel that the following measures had been put in place to increase the sustainability of the service:

- There are energy saving light bulbs in place throughout the toilet sites. Some sites still have strip lighting in place, but all new sites are energy efficient bulbs and we have replaced wherever feasible. There is also sensor lighting at some sites.
- All new sites have smaller capacity cisterns. At older sites water saving devices (such as hippo bags) have been installed and these are periodically checked and replaced. The water is turned off at sites at night to ensure that the urinals do not flush throughout the night. (These are set to flush when the cistern becomes full at most sites rather than based on sensors and usage.)
- All the taps are percussion taps, the types that you press down to switch on and they also turn off after a set time. These are maintained on a quarterly schedule to ensure the timer is still right. These types of taps are not in the accessible toilets as they are not Disability Discrimination Act (DDA) compliant. The feasibility of sensor taps has been looked at, but at present the cost is exorbitant.²⁰⁰

23.2 In addition, the contractor takes monthly meter readings for water and electricity. This allows Cityclean to check for leaks and address these promptly.

²⁰⁰ Written evidence

Finding 19: The need to consult service users

BHLink Toilet User Group

24.1 This group met regularly and provided a forum for those who both use and provide publicly accessible toilets. A representative of the BHLink Toilet User Group told the panel that:

*'There was a unanimous feeling that the group should continue as the functions went to Healthwatch.'*²⁰¹

24.2 According to the group, the outcomes they have achieved include:

- Suggested improved signage on toilets on the sea front which has been implemented by the council
- A member of the group joining as an advisor on Planning Committee to act as a champion of public toilets
- Providing feedback on individual toilets and the council investigating their areas of concern

24.3 The group feel this is '*...a good example of [the council] working in partnership with those interested in toilets*'.²⁰²

Recommendation 14

24.4 ***The panel were impressed by the work of the BHLink Toilet user group and hope that this kind of consultation with service users can remain under Healthwatch.***

²⁰¹ David Watkins, Evidence to the panel, 11.02.13

²⁰² BHLink, Written evidence to the panel

7. Conclusion

- 25.1 The panel heard significant evidence about the importance of publicly accessible toilets in the city.
- 25.2 The panel were impressed by the standards of the publicly accessible toilets in the city and the management of the contracts to deliver these services. However, the panel were concerned that the contracts seemed to be operating in the context of a managed decline of this provision. This is because publicly accessible toilets face increasing financial pressures as a non-statutory service, at a time when there are declining resources.
- 25.3 The panel agree that developing and implementing a coherent action plan for publicly accessible toilets is the key means of securing their future. This plan could:
- Document the current good practice, which is important as a key service provider has recently left the organisation
 - Contain an business plan which enables decisions and priorities to be set for publicly accessible toilets
 - Make clear the costs, and responsibilities, involved in providing publicly accessible toilets
 - Enable informed decisions to be made individual toilets if needed in relation to; investment, disposal, change of use and alternative management arrangements
- 25.4 The panel were disappointed that a number of the ways that had been suggest could be used to find extra revenue for publicly accessible toilets, such as the LNL and CIL, did not appear to provide a significant solution to the funding gap.
- 25.6 However the panel were pleased to hear about the successful methods which were being used to increase or maintain provision: including the City Plan, the CIC at the Open Market, park café leases including toilets and wanted to emphasise the need to build on these positive examples.
- 25.7 There are areas which the panel felt more work was needed to resolve issues and would like the following concerns be addressed in the action plan relating to publicly accessible toilets:
- Approaching sectors, such as the hospitality sector and others to get them to understand importance of service and role they could play in maintaining levels of provision
 - Resolving issues raised about the accessibility of toilets such as; RADAR toilets being locked at night, do we need more Changing Places and are there locations in the city which lack sufficient accessible toilets?

- Learning from the good practice of other authorities.

25.8 The panel think the action plan will place the council in the best position to secure the future of publicly accessible toilets. While the council may not necessarily be able to be the main provider of publicly accessible toilets in the future, the plan will ensure that it will take a civic lead in ensuring the provision of toilets at current, or improved, levels.

8. The way forward

26.1 The panel recommend that the progress achieved in relation to their recommendations is reported to the relevant committee annually.

9. Glossary

ASB	Anti-Social Behaviour
BHCC	Brighton & Hove City Council
BTA	British Toilet Association
CIL	Community Infrastructure Levy
CTS	Community Toilet Scheme
DDA	Disability Discrimination Act
OSC	Overview & Scrutiny Committee
PaCC	Parent Carers' Council
PHA	Public Health Act

Appendix 1

About the Panel

27.1 The terms of reference (TOR) for the panel were agreed as:

To consider the future provision of publicly accessible toilets in Brighton and Hove in the following key areas:

A: The future of the service

- The need for an action plan for publicly accessible toilets in the city
- To consider the impacts of the closure of publicly accessible toilets and how to minimise these impacts

B: Future funding

- To inform future budget decisions about this service
- To look at how to prioritise future resources and direct them to where greatest need/demand
- The possibility of raising income from this service e.g. charging to use toilets

C. Types of provision

- How to encourage/incentivise other organisations to provide and maintain publicly accessible toilets e.g. using City Plan, Community Infrastructure Levy (CIL), S.106, Licensing and Planning
- To encourage community ownership of public toilets as part of a broader move to involve communities in running their own parks and green spaces
- To look at other the community toilet schemes in other local authority areas and suggest whether they are applicable to the 'Use your loo' scheme in Brighton & Hove

D. Improving general access to the service

- Evaluate the current provision and look at ways to improve public access to toilets and kinds of toilets which are accessible e.g. gender neutral toilets
- Signage and information about the service
- To consider the kind of service provision which would best suit the needs of users e.g. attended or not, opening hours, accessibility, location

E. Improving access to this service for particular need groups

- Consider how to encourage groups to open up their toilet facilities to specific need groups e.g. GPs to allow access to toilets for holders of Can't Wait Cards. Look at this issue in relation to the Use our Loo scheme
- Enabling/ensuring DDA compliance

- Methods of gaining funding for Changing Places toilets and attendants.²⁰³

How the panel evidenced this report

27.2 The panel initially held a capacity building meeting where it heard evidence from key council officers and its main current contractor, Wettons Cleaning Service. Then the panel held three formal evidence gathering sessions in public and the full list of witnesses are in the table below.

Name	Title/role	Service/Organisation
Jenny Cooke	Contracts & Projects Manager, City Clean	Brighton & Hove City Council (BHCC)
Clive Robinson	Regional Director	Wettons Cleaning Service
Angela Dymott	Head of Property & Design	BHCC
Roy Pickard	Environmental Health Manager	BHCC
Mike Holford	Strategic Planning and Monitoring Manager	BHCC
Peter Castleton	Community Safety Manager	BHCC
Jan Jonker	Head of Strategy & Projects, City Clean	BHCC
Adam Bates	Head of Tourism & Leisure	BHCC
Jo Jones	Projects Officer, City Clean	BHCC
Jason Carlisle	Regional Campaigns Officer	Mencap
Ruby Kearns		Parent Carers' Council (PaCC)
Dr John Hastie	Involvement Officer	The Fed Centre for Independent Living
Andy Player		Crohn's and Colitis UK, Brighton & West Sussex Group
David Watkins		BHLink
Mike Bone	Chairman	British Toilet Association
Tim Nichols	Head of Regulatory Services	BHCC
Richard Davies	Project Manager, Major Projects & Regeneration, City Regeneration	BHCC

²⁰³ Scoping report of the panel

Martin Lawrence	Retail Ambassador	Hove Business Association
Janet Woodjetts	Retail Ambassador	Hove Business Association

Attending BHLINK Toilet User Group meetings

27.3 In order to canvass the views of service users, the scrutiny officer supporting the panel attended two meetings of this group which was established *‘to facilitate an open dialogue with the Local Authority and key stakeholders’*²⁰⁴.

Written evidence

27.4 The panel also received written evidence from the following sources

- Individual residents
- Councillors in city centre wards
- Crohn’s and Colitis UK, Brighton and West Sussex Group: who re-submitted their response to proposed closures of public toilets in 2012
- The chair of the panel invited city centre ward councillors to provide written evidence
- BHLINK Toilet User group

²⁰⁴ <http://www.bhlink.org/your-issues/public-toilets.phuse>

**Appendix 2: Extract from DRAFT Infrastructure Delivery Plan (subject to Annual revision)
Requirements as at May 2012**

Categories identifying new or revised infrastructure provision as:
Essential: Identifies infrastructure provision that is vital to meet strategic objectives OR to enable delivery of new development;
Important: Items are necessary but alternative infrastructure capacity may be able to accommodate incremental impacts from new development;
Desirable: Items to meet other strategic or community aspirations that may add to the quality, functionally or attractiveness of an area

Infrastructure type and site address where known	Provision - Essential / Important / Desirable	Infrastructure Needs/Requirement	Area and/or scale	Responsibilities for Delivery / Partners & Funding Sources	Short, Medium or Long Term Phasing & Costs
Public toilet facilities	Important	WC/toilet facilities provision from new tourism developments that increase numbers of visitors to the city; to improve health, well-being and quality of life for residents and visitors.	Where new developments increase numbers of visitors to the city additional toilet facilities will be required. Requirement for development to allow access to customer toilets to the general public via participation in BHCC "Use our Loo" community toilet scheme. Specific priority for Development Areas DA1 Brighton Centre and	Developers, City Council	Throughout plan period – Costs dependent on scale and nature of development

			Churchill Square Area, DA2 Brighton Marina, Gas Work and Black Rock Area, and DA4 New England Quarter and London Road Area		
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