

**HIGHLAND COUNCIL**

**Committee:** The Highland Council

**Date:** 25 October 2018

**Report Title:** Review of Public Conveniences in the Highlands

**Report By:** Director of Community Services

**1 Purpose/Executive Summary**

- 1.1 The Council's Public Conveniences have been reviewed during the summer to address concerns from Elected Members and communities regarding proposals for the service agreed by the Council when setting its budget in February 2018.
- 1.2 The aim of the review was to identify alternatives to the original proposals that would address these concerns whilst ensuring that the service was sustainable. The review identified that:-
1. There is currently a total of **201 Public Convenience facilities throughout the Highlands** that are available for public use;
  2. 90% of the Highlands' population are within a 15 minute drive of a publicly accessible toilet; and
  3. There are also considerable opportunities for the Council to work in partnership with communities and other alternative service providers to deliver strategic facilities that would:-
    - a. support tourism across the Highlands, and
    - b. address the increase in visitor numbers on smaller local facilities. Services that could be offered at such facilities include:-
      - i. Toilets
      - ii. Showers
      - iii. Cassette emptying, electric charging and water for camper vans
      - iv. Waste disposal facilities
- 1.3 Amenity Services are currently investigating how these facilities could be provided, operated and funded. This work is being undertaken in partnership with the North Coast 500 and the North Highland Initiative and private sector service providers.
- 1.4 The Highland Council operates 94 Public Conveniences and 28 Highland Comfort Schemes across the Highlands. The operating budget for Financial Year 2017/18 was £0.809m.

- 1.5 The service was in-sourced in July 2017 at extremely short notice. A budget pressure of £0.463m developed during Financial Year 2017/18, and as a result the total expenditure by the service last year was £1.272 million.
- 1.6 Proposals to reduce the budget by £0.301 million, and reduce overall expenditure by £0.704 million, were approved by the Council at its budget meeting on 15 February 2018. This was to be achieved by:-
1. Reviewing the payment structure for premises operating the Highland Comfort Scheme;
  2. Reviewing provision of facilities, including the rationalisation of 29 existing facilities; and
  3. Introducing:-
    - a. a charging system of 50p per visit at high use facilities, and
    - b. increasing charges at existing payable facilities to 50p
- 1.7 In order to allow for additional time for consultation with Elected Members and communities, it was subsequently agreed by the Council's Administration that no closures of Council facilities would take place until 31 October 2018 (unless there was prior agreement with local Members and communities). If no alternative solution is found for the 29 sites identified for rationalisation then it was proposed that these sites would close on 31 October 2018.
- 1.8 The purpose of this report is to update Members on the outcome of the Review conducted over the summer and obtain agreement on implementing its recommendations.

## **2 Recommendations from the Review**

### **2.1 Members are invited to:-**

- i. Note that:-
  - a. There is currently a total of 201 facilities throughout the Highlands that are available for public use,
  - b. 90% of the Highlands' population are within a 15 minute drive of a publicly accessible toilet, and
  - c. There are considerable opportunities for the Council, through working in partnership with communities and other alternative service providers, to deliver strategic facilities that would support tourism across the Highlands and address the increase in visitor numbers on smaller local facilities.
- ii. Note the progress on implementation of the savings agreed at the Council meeting on 15 February 2018;
- iii. Note the outcome of the Strategic Review of Public Conveniences in the Highlands;
- iv. Agree that officers continue to work with third parties regarding transfer of facilities where this will deliver best value to the Council; and
- v. Agree that, due to the lack of expressions of interest from alternative service providers, and the availability of alternative service provision nearby, the facilities identified in Appendix 2d of the report should close at the earliest opportunity after 31 October 2018 and that the Service continues to work with Elected Members and communities over the winter to seek alternative non Council-run provision at these locations. No full-time facility will close where negotiations are ongoing with

communities regarding alternative provision. Overall, this will result in 191 Public Convenience facilities being available to the public across the Highlands.

### **3 Background**

- 3.1 In February 2018, the Council agreed to a number of proposals that were developed to reduce expenditure on its Public Conveniences by £0.704 million.
- 3.2 Concerns have been expressed, particularly by some communities in more rural areas, that the impact of the proposals on tourism and vulnerable groups was not fully taken into account.
- 3.3 In addition, a petition (signed by 14,641 signatories) was received from Kinlochbervie Community Council at the Council meeting on 6 September 2018 requesting that the Council reverse its decision to close up to 29 public toilets as set out in the budget approved on 15 February 2018. The front page of this petition can be viewed at **Appendix 1**. The reasons for the request included:-
- a. Lack of assessment of costs and benefits;
  - b. Lack of consultation with affected communities;
  - c. The effect of the proposed closures on women, the elderly and those with medical issues; and
  - d. The adverse impact that the proposals would have on tourism.
- 3.4 In order to allow for additional time for consultation with Elected Members and affected communities, including Kinlochbervie, it was agreed that no closures of Council facilities would take place until 31 October 2018 (unless there was prior agreement with local Members and communities). It was also agreed that no full-time facility would close when discussions were ongoing with communities.
- 3.5 A programme of engagement with Elected Members and communities took place over the summer. Officers from Amenity Services have thus far attended over fifty meetings (Ward Business Meetings, Community Councils, and numerous public meetings with community representatives). Common concerns identified include:-
- Lack of consultation on the proposals;
  - Unavailability of detailed financial and usage information for each facility;
  - The impact of the proposals on tourism, especially with regards to the North Coast 500; and
  - The impact of the proposals on groups with protected characteristics such as gender, race, disability or age
- 3.6 A review of the original savings proposals has been completed to address these concerns, and the outcome of the review is detailed in section 5.5 and **Appendix 2**

### **4 Update on Implementation of Agreed Savings and Budget Pressure Reduction**

- 4.1 Over the past eight months, significant progress has been made in delivering an expenditure reduction of £0.704 million.
- 4.2 Detailed financial information is now available for almost all of our facilities, and this has identified that savings in property costs (rates, water and electricity charges), primarily through the closure of facilities, of £0.104m can be achieved during this Financial Year.

- 4.3 The introduction of charging at eleven facilities in the Highlands, together with the increase of charges to 50p and changes to the sums awarded to deliver Highland Comfort Schemes, can achieve an income for this Financial Year of £0.275m. This is despite a delay in the installation of the new charging mechanisms, which did not take place until August of this year.
- 4.4 The proposed rationalisation of facilities, either through the sale, asset transfer or closure of facilities, as detailed in **Appendix 2**, can deliver savings in staff costs for this Financial Year of £0.155m. The overall target agreed in February for this part of the savings was £0.338m but this has not been achieved due to the decision to delay any rationalisation until the review was complete.
- 4.5 A key component of this saving will be the creation of 10 mobile teams that will service over 40 facilities that are located nearby one another. This approach will lead to the creation of up to 18 full-time posts, reducing the number of full-time equivalents required to provide the service by 11. The proposals will deliver significant benefits to both the Council and the employees involved as it will:-
1. Increase the efficiency and cost effectiveness of the service;
  2. Improve control and management arrangements; and
  3. Provide opportunities for full-time employment
- 4.6 The remaining facilities not serviced by these teams are in more remote areas where travel times would make these arrangements inefficient
- 4.7 Implementation of the new teams is at an early stage, and full engagement with employees affected by the proposals has yet to begin. A pilot of new mobile working practices and operational structures within the service was launched in Lochaber during the summer, and is being rolled out to Badenoch and Strathspey in October. It is proposed to have all new mobile teams operational by early 2019.
- 4.8 Castle Wynd is owned and operated by Inverness Common Good fund; Dornoch Beach by the community in Dornoch; and Grantown Burnfield has closed.
- 4.9 The review of the payment structure for premises operating the Highland Comfort Scheme has been completed and implemented. Three new payment levels have been introduced which relate to the standard of facilities provided (for example location, hours of opening, signage, dedicated facilities for male and female users, baby changing facilities). The current agreements started in April of this year and will run until March 2020.
- 4.10 Redundancy costs of £43,000 for the early release of employees affected by these proposals have been identified.
- 4.11 As a result the net value of the savings that can be delivered is £0.491m.

## **5 The Review of Public Conveniences**

- 5.1 A review of the savings proposals agreed at the Council meeting on 15 February 2018 has been conducted over the summer. The review examined:
1. Current provision, i.e. all 94 existing facilities either run by the Council or through a Service Level Agreement (SLA) with local Community Groups (Kyle of Lochalsh, Dornie and Invermorriston);

2. The 28 existing Highland Comfort Schemes (HCS);
3. Facilities provided to the public by third parties, out with direct Council operation or partnership schemes. These include facilities provided by High Life Highland, National Trust for Scotland, the Forestry Commission, Scottish Natural Heritage (SNH), Royal Society for the Protection of Birds (RSPB) and supermarkets;
4. Which of the 29 facilities originally included in the rationalisation programme:-
  - a. could or should be retained?
  - b. could be operated as Highland Comfort Schemes (HCS) following Community Asset Transfer?
  - c. could be sold on the open market with retention of a public convenience as a condition of sale?
  - d. could be considered for closure?
5. How many facilities (Council operated, HCS, or provided by third parties) will still be available once the recommendations in the review have been implemented?
6. Travel times by car from any location in the Highlands to the nearest public convenience before and after the implementation of the recommendations within the review to ensure that the network is available to as many people as possible.

5.2 The review has identified that there is currently a total of 201 facilities throughout the Highlands that are available for public use. Although this will be reduced to 191 if the recommendations in this report are accepted, no facility will be more than a 15 minute drive for 90% of the Highlands' population.

5.3 The review has also identified that there are considerable opportunities for further partnership working to deliver strategic hub facilities that would support tourism across the Highlands and reduce the impact of increasing visitor numbers on smaller local facilities. Services that could be offered at such facilities include:-

- Toilets;
- Showers;
- Cassette emptying, electric charging and water for camper vans; and
- Waste disposal facilities

5.4 Amenity Services are currently investigating how such hub facilities could be funded, provided and operated. This work is being undertaken in partnership with the North Highland Initiative and North Coast 500 and will result in a bid to the Rural Tourism Infrastructure fund. There have also been expressions of interest from private sector service providers.

5.5 Of the 29 facilities originally identified for rationalisation on 15 February 2018, proposals have been developed that will result in the following (details in **Appendix 2**):-

- a. 9 facilities will stay open and will be operated by the Council;
- b. There is potential for 5 facilities to transfer to communities;
- c. Some facilities could be sold on the open market, with retention of public conveniences being a condition of sale; and
- d. A small number of Council-run facilities have been identified at this time for closure. Many of these are seasonal facilities, and Amenity Services will continue to work with Elected Members and communities over the winter to identify whether alternative service provision, out with the Council, can be delivered from these locations

5.6 **191 facilities** will still be available throughout the Highlands for use by the public. These have now all been mapped (see detail in **Appendix 3**).

[www.highland.gov.uk/downloads/download/1548/public\\_toilets\\_in\\_highland](http://www.highland.gov.uk/downloads/download/1548/public_toilets_in_highland)

- 5.7 It is our intention to develop an App which will enable the public to hover over an area and identify a range of local facilities, including public conveniences. Apps already exist, e.g. 'Flush', that requires further research.
- 5.8 It is essential that we develop a positive corporate message that majors on what we have available in the Highlands (most public conveniences of any Local Authority in the UK). When we add in the other publicly available facilities the picture becomes even more positive.
- 5.9 Amenity Services continue to receive requests to engage with both the Private and Third Sectors, and will continue to work with stakeholders to maximise opportunities for retention and enhancement of facilities where an appropriate business case can be made

## **6 Implications**

### **6.1 Resources –**

- a. Due largely to delays in implementing the savings agreed by Council in February 2018 (where it was agreed that a full year saving of £338k would be achieved through the rationalisation of 29 PCs), an overall gap of £213k currently exists.
- b. Employees affected by the original proposals to rationalise 29 facilities have been formally advised of our proposals, along with the Trade Unions. These employees will be released from the Council's employment pending approval by the Employment Release sub-committee.
- c. As identified in paragraphs 4.5 – 4.7, a further 34 employees will be affected by the proposals to introduce mobile teams. Trade Unions have been consulted on these proposals, and one to one meetings have been held with a number of these employees to inform them of our proposals. One to one meetings with the remainder of these employees are scheduled to be held next month.

### **6.2 Legal –**

- a. The Council does not have a statutory responsibility to provide or operate Public Conveniences.
- b. There are legal implications surrounding the conveyancing of facilities following any sale of facilities, and Amenity Services will liaise with Legal Services to address this.

### **6.3 Community (Equality, Poverty and Rural) –**

- a. An initial Equality Impact Assessment was completed to accompany the original proposals in February 2018.
- b. This identified that there could be negative impact for service users and this may disproportionately impact on some groups including older people, expectant mothers, families with small children, and disabled people.
- c. The decision to rationalise facilities was considered in the context of a requirement for significant savings to be found by the Council.
- d. Concerns have also been expressed about the disproportionate impact of the proposals on rural communities

### **6.4 Climate Change / Carbon Clever –**

There are no known Climate Change/Carbon Clever implications at this time

### **6.5 Risk –**

It has been acknowledged that insufficient time was available to fully develop the

proposals. The proposals were also poorly received by communities, particularly in more rural areas, and concerns were expressed that the impact of the proposals on tourism was not fully taken into account. As a result, a programme of engagement with Elected Members and communities took place over the summer. Officers from Amenity Services attended Ward Business Meetings, Community Councils, and numerous public meetings across the Highlands with community representatives, which identified common concerns with the proposals.

6.6 Gaelic –  
There are no known Gaelic implications at this time

Designation: Director of Community Services

Date: 8 October 2018

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## Appendix 1 – Front Page of Petition from Kinlochbervie Community Council

### **Petition Statement**

#### **Kinlochbervie Community Council**

We are petitioning the Highland Council to reverse its decision to close up to 29 rural public toilets as set out in the budget approved on 15 February 2018. Almost one-third (9 toilets) are in Ward 1 –more than in any other Ward.

We feel that the Council should reverse this decision for the following reasons:

1. There was no credible professional review of existing provision nor an assessment of the costs and benefits;
2. There was no consultation with affected communities even though the Council's stated policy is that "the planning and delivery of services across Highland must be done in a collaborative and inclusive way";
3. The closures cause real hardship to rural residents particularly women, the elderly and those with medical issues;
4. The closures will have a negative impact on tourism; in view of the economic importance of tourism to the Highlands and the Highland Council's stated policy of supporting "the development of tourism" through a number of services including "public toilets", the Council should not be closing toilets;
5. The closures will have an unacceptable impact on environmental health; it will worsen significantly the already existing problem of human faeces and toilet paper being dumped throughout the area – on beaches, on paths, beside the roads, at picnic spots, etc.



## Appendix 2 - Proposals for the 29 Public Conveniences Originally Identified for Rationalisation

- a. Proposed retention of the facilities at:-
  - i. Achmelvich
  - ii. Station Brae, Fort William
  - iii. Lairg
  - iv. West Beach, Nairn
  - v. Rhiconich
  - vi. Scourie
  - vii. Smoo Cave
  - viii. Tarbet
  - ix. Dingwall
  
- b. Following engagement with stakeholders, there is potential for Asset Transfers of the facilities at:-
  - i. Avoch
  - ii. Elgol
  - iii. Helmsdale
  - iv. Rosemarkie
  - v. Portmahomack (it is proposed that this will be operated by the community in the winter)
  
- c. Preparations are made for the sale of (i-iv below) on the open market, with retention of a public convenience as a condition of sale. Castle Wynd is owned and operated by Inverness Common Good Fund:-
  - i. Kinlochewe
  - ii. Kylesku
  - iii. Harbour Road, Nairn
  - iv. Talmine
  - v. Castle Wynd, Inverness
  
- d. Work to continue over the winter engaging Members and communities to see if alternative non-Council run provision can be found:-
  - i. Fortrose.  
This is a seasonal facility, and is due to close for the winter on 31 October 2018. There is potential for an Asset Transfer of this facility, and Amenity Services will continue to work with stakeholders over the winter to retain this facility if an appropriate business case can be made.
  - ii. Grantown, Burnfield.  
There is alternative provision at the Council-run facility on the High Street in Grantown. Local Members have already agreed that the Burnfield facility should close and this closure took place on 17 September.
  - iii. Mealmarket Close, Inverness.  
There is alternative provision at numerous commercial premises in Inverness City Centre.
  - iv. North Kessock.  
There is potential for an Asset Transfer or sale of this facility, and Amenity Services will continue to work with partners to retain this facility if an appropriate business case can be made.

- v. Kinlochbervie.  
Alternative facilities have been retained at Rhiconnich, Scourie and Tarbet.  
Also facilities can be made available at Kinlochbervie Harbour.
- vi. Seasonal facilities in Caithness which are subject to further discussion with local Elected Members

### **Appendix 3: Detailed Description of Maps 1 – 9**

- Map One: shows all 94 Council-run facilities in green, including 3 sites which are operated with a Service Level Agreement (SLA) with local Community groups (Kyle of Lochalsh, Dornie Hall and Invermorriston Hall).
- Map Two: shows all 94 Council-run facilities in green and 28 Highland Comfort Schemes in blue, a total of 124 facilities available.
- Map Three: shows all 94 Council-run facilities in green, 28 Comfort Schemes in blue and 79 facilities in yellow which are offered by third parties:-
  - 38 libraries
  - 23 supermarkets
  - 2 harbours
  - 2 alternative providers at Castle Wynd (operated by Inverness Common Good Fund) and Dornoch Beach (operated by the community)
  - 14 facilities (operated by either National Trust for Scotland, Forestry Commission, Scottish Natural Heritage and Royal Society for Protection of Birds)

This provides a total of 201 facilities available throughout the Highlands.

- Map Four: shows all 94 Council-run facilities in green and 28 Comfort Schemes in blue, and the 29 facilities which were identified for rationalisation in red.
- Map Five: shows the breakdown of the 29 facilities following the strategic review.
- Map Six: shows a total of 191 facilities available in Highland following the rationalisation programme
- Map Seven: shows the travel times throughout the Highlands to nearest facility based on the original 201 sites, showing 15 minutes in green, 30 minutes in amber and 45 minutes in blue.
- Map Eight: shows the travel times throughout the Highlands to nearest facility based on the proposed 191 sites, showing 15 minutes in green, 30 minutes in amber and 45 minutes in blue.
- Map Nine: shows the travel times throughout the Highlands to nearest facility based on the proposed 191 sites, showing 15 minutes in green, 30 minutes in amber and 45 minutes in blue and the locations of the 191 facilities available in Highland following the rationalisation programme as detailed in Map Six.