

This report will be made public on  
26 March 2004

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report Number **C/03/127**

**To: Cabinet**  
**Date: 30 March 2004**  
**Status: Non-Key Decision**  
**Subject: ENDING OF PUBLIC TOILET SERVICE**

**SUMMARY:**

This report considers the ending of the Council's public toilet service.

**REASONS FOR RECOMMENDATIONS:**

The Cabinet is asked to consider the recommendations set out below because:-

- a) The Council decided on 11 March 2004 to withdraw the public toilet service from 2004/05;
- b) There is a need to consider the implications of the decision and steps needed in order to ensure the savings in budget are achieved during 2004/05.

**RECOMMENDATIONS:**

1. To receive and note Report C/03/127.
2. To agree the date for closures as 13 April 2004.
3. To consult with parish and town councils affected, including the possibility of parish and town councils adopting the current toilets in order for them to provide the service.
4. To request officers to continue to explore any opportunity which may exist for alternative service provision.
5. To not close the Coastal Park toilets.
6. To identify other areas within the revenue budget for 2004/05 in order to make up any shortfall in the required saving of £100,000.

*Performance Plan Objective(s) references:- 47.*

*LA21 Links:- Negative*

*Crime and Disorder Impact:- Closing of toilets is not expected to have a significant impact on crime and disorder. Closed toilets will be made secure in order to prevent crime.*

*Financial Implication:- Closing of the toilets should achieve the savings required in order to reduce the revenue budget by £100,000 in 2004/05.*

*Equalities and Diversities Implications:- Any toilet provision will need to be provided equally to all and meet the needs of the Disability Discrimination Act 1995.*

**Background Documents:** *The following unpublished documents have been relied upon in the preparation of this Report:-*

**None**

## **1. INTRODUCTION AND BACKGROUND**

- 1.1 The Council, at its extraordinary meeting held on 11 March 2004, decided to reduce the budget for public conveniences in 2004/05 by £100,000 and £200,000 in subsequent years by ending the service.

## **2. PROGRAMME**

- 2.1 It is proposed to close the public toilets from 13 April 2004.
- 2.2 Buildings will be disposed of by the most cost effective means; buildings will be demolished if disposal has not been successful within six months of closure.
- 2.3 It is proposed to include any other unused former public toilets remaining from previous closures in the disposal and demolition programme.
- 2.4 Alternative uses will be considered, where applicable.
- 2.5 A further report will be prepared for Cabinet in June 2004 regarding the disposal of the assets associated with this service.

## **3. CLOSURE**

- 3.1 It is proposed to permanently close the public toilets from 13 April 2004.
- 3.2 Services will be disconnected and buildings boarded up immediately following closure.
- 3.3 All signs at the toilets and signage to the toilets will be removed.
- 3.4 After the eight-week consultation period, see below, it is proposed to permanently decommission the toilets; this will include removal of fixtures and fittings.

## **4. CONSULTATION WITH PARISH AND TOWN COUNCILS**

- 4.1 All parish and town councils (and Folkestone Chartered Trustees) have been informed in writing of the District Council's intentions and their co-operation has been sought. In particular they have been asked for their views on whether they would be interested in operating a public toilet service and whether they would wish to acquire the existing buildings.
- 4.2 Initial responses from the parish and town Councils will be presented to Cabinet on 30 March 2004.
- 4.3 It is proposed to allow the parish and town councils a period of eight weeks from 1 April 2004 to formally indicate whether they would wish to acquire any of our former public conveniences in order to offer a service.
- 4.4 Information regarding the buildings and service will be provided to parish and town councils, on request, to enable them to make an informed decision.

## **5. BLUE FLAG AWARD BEACH AT DYMCHURCH**

- 5.1 Dymchurch Beach has been awarded an EnCams Beach Award and recommended for a European Blue Flag Award. The criteria for the awards include local well-maintained and regularly cleaned public toilets in suitable number and size for the resort.
- 5.2 Although these public toilets do not have to be provided by the award applicant, Shepway District Council, it seems unlikely that any toilets currently provided by businesses in the area would meet the award criteria.
- 5.3 This issue has been brought to the attention of Dymchurch Parish Council.

## **6. FOLKESTONE TOWN CENTRE**

- 6.1 Folkestone town centre should benefit from public toilets being constructed as part of the proposed shopping development.
- 6.2 The developer has agreed to install temporary toilets whilst construction takes place.
- 6.3 Temporary toilets could be provided by the Council until such time as the developer provides such facilities. The estimated cost of supply and service of these facilities is £1,400 per month.

## **7. DISABILITY DISCRIMINATION ACT 1995**

- 7.1 The Disability Discrimination Act 1995 (DDA) requires that disabled people are not treated less favourably. Further, the act requires that problems regarding accessibility to services are resolved, where reasonable by 1 October 2004. Where accessibility remains an issue then the service can be provided by an alternative means.
- 7.2 The majority of the Council's public toilets need some improvement in order to meet the requirements of the Act. Of the Council's 26 toilets, 8 have no disabled facilities available, the remaining 18 have disabled facilities that do not fully comply with the DDA (refer to [appendix 1](#)).
- 7.3 The Quality Improvement Project clearly identified this as one issue that needed to be addressed and it was proposed to introduce a number of new automatic public toilets that were fully compliant. Other issues concerned the suitability, quality and location of facilities.
- 7.4 Other authorities in Kent are aware of the issues surrounding DDA in relation to public toilets, most have some form of refurbishment programme in progress, but are willing to accept that not all toilets will meet the standard required by the 1 October 2004 deadline.

## **8. COASTAL PARK**

- 8.1 Concern has been expressed regarding the proposed lack of facilities at the Coastal Park. The Council would not comply with the Local Government (Miscellaneous Provisions) Act 1976, if public toilets were not provided at events held at the amphitheatre.
- 8.2 There is a risk that the Heritage Lottery Fund (HLF) would withdraw funding from the next phase of the Coastal Park; it is not possible to assess how great this risk is without raising the issue with the HLF.
- 8.3 Additionally, as the current toilets were partly funded from grants by SRB, Interreg, Lord Folkestone and the Home Office, there is a risk that one or more of these bodies would seek to claw back funding provided.
- 8.4 It may be possible to keep the existing toilets open and cleaned by existing staff employed for other duties within the Park. The toilets are considered to substantially comply with the requirements of the DDA, but may require minor improvements. The existing staff do not support the proposal.
- 8.5 The estimated cost of keeping the existing toilets open would be £8,000 in 2004/05.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 Closing of the public toilets in accordance with the programme is expected to provide the savings required in order to meet the reduction in revenue budget for 2004/05 and subsequent years.
- 9.2 The identified budget savings could still be achieved if the Coastal Park toilets were to remain open, by using the staff employed to carry out other duties within the park.
- 9.3 It is anticipated that the initial closure of the toilets, including removal of signs, making secure and disconnection of services will cost in the region of £25,000. This will be met from the revenue budget for 2004/05.
- 9.4 The report being prepared for Cabinet in June 2004 will include financial implications associated with the disposal of the assets.
- 9.5 There is a sum of £140,000 in the capital programme for 2004/05.
- 9.6 Table 1, below, outlines the estimated savings that should be achievable.
- 9.7 In addition to those savings shown, it is likely that a reduction in administration costs (Environment and Street Scene and Other Business Units) should be achievable by 2005/06; although no decisions about how this would be achieved have yet been taken. It would be necessary to carry out a review of staffing across the whole organisation in order to achieve a reduction in support costs.

TABLE 1

BUDGET ESTIMATES			
	Budget 2004/05	Savings 2004/05	Savings 2005/06
Employees	61,240	61,240	61,240
Premises and Grounds	107,910	69,000	107,910
Supplies and Services	21,670	19,000	21,670
Transport	17,660	5,000	17,660
Capital Charges	32,500	0	0
Environment and Street Scene	71,490	0	0
Other Business Units	11,430	0	0
Rents and rights	(4,150)	(4,150)	(4,150)
Closing costs (not including disposal/demolition)		(25,000)	
Sub-total	319,750	125,115	204,330
Temporary town centre toilets		(17,000)	
Coastal Park toilets		(8,000)	(10,000)
<b>Net Saving (rounded)</b>		<b>£100,000</b>	<b>£194,000</b>

## 10. POSTPONING CLOSURE OF ALL TOILETS UNTIL 30 SEPTEMBER 2004

- 10.1 It would be feasible to postpone the closure of all toilets until 30 September 2004, in order to gain more time to seek alternative provision and partnership arrangements.
- 10.2 Figures outlined in table 2, below, include cost of closure from 1 October 2004, the Coastal Park toilets remaining open for the whole year and temporary toilets being provided in Folkestone town centre from 1 October 2004 for the remaining of the financial year.
- 10.3 It should be noted that it is likely to prove difficult to keep the staff involved with this service motivated under this arrangement and therefore the standard of service may suffer.
- 10.4 The staff employed on this service have already been issued redundancy notices.
- 10.5 The figures in table 2, below, include the cost of closure; the closure costs would reduce by approximately £1,000 per toilet if any of the toilets remained open indefinitely or were transferred to another party without being closed.

TABLE 2

<b>BUDGET ESTIMATES</b>		
	<b>Budget 2004/05</b>	<b>Savings 2004/05</b>
Employees	61,240	22,000
Premises and Grounds	107,910	31,000
Supplies and services	21,670	6,000
Transport	17,660	1,600
Capital Charges	32,500	0
Environment and Street Scene	71,490	0
Other Business Units	11,430	0
Rents and Rights	(4,150)	(2,700)
Closing costs (not including disposal/demolition)		(25,000)
<b>Sub total</b>	<b>319,750</b>	<b>32,900</b>
Temporary Folkestone town centre toilets from 1 October 2004		(9,000)
Coastal Park Toilets from 1 October 04		(4,000)
<b>Net Saving (rounded)</b>		<b>£20,000</b>

## 11. POSTPONING CLOSURE OF NINE TOILETS ONLY UNTIL 30 SEPTEMBER 2004

11.1 Officers have been approached by Cllr John Playford of Burmarsh Parish Council who is interested in personally purchasing and operating a number of toilets in Hythe, St Mary's Bay, Dymchurch and New Romney.

11.2 Toilets included are at

Chapel Street, Hythe  
 Prospect Road, Hythe  
 Cinque Ports Avenue, Hythe  
 Dymchurch Central  
 Dymchurch sea wall  
 High Knocke, St Mary's Bay  
 Church Street, New Romney

11.3 Therefore, the Council could consider leaving these seven toilets, plus the Coastal Park, open until 30 September 2004 to allow time for these avenues to be explored further.

11.4 In addition, Clear Channel, the company managing the Leas Cliff Hall, have been approached regarding the public toilet attached to the Hall and have indicated they may be willing to take over it's management. In order to achieve the savings indicated these toilets would need to close from 13 April 2004 if no

agreement was reached before that date. However, services would be left connected until such times as it is clear whether or not such an agreement could be reached, in order that the toilet could be easily re-opened if negotiations are successful.

- 11.5 It should be noted that it is likely to prove difficult to keep the staff involved with this service motivated under this arrangement and therefore the standard of service may suffer.
- 11.6 The staff employed on this service have already been issued redundancy notices.
- 11.7 The figures in table 3, below include the cost of closure as the Council may still incur this cost on 1 October 2004 if negotiations were unsuccessful. The closure costs would reduce by approximately £1,000 per toilet if any of the toilets remained open indefinitely or were transferred to another party without being closed.
- 11.8 It should also be noted that any costs associated with disposal and demolition may increase if not all the toilets are closed at the same time.
- 11.9 Costs associated with the option of providing temporary toilets in Folkestone Town Centre are not included in Table 3.

TABLE 3

<b>BUDGET ESTIMATES</b>		
	<b>Budget 2004/05</b>	<b>Savings 2004/05</b>
Employees	61,240	39,000
Premises and Grounds	107,910	61,000
Supplies and services	21,670	13,000
Transport	17,660	3,000
Capital Charges	32,500	0
Environment and Street Scene	71,490	0
Other Business Units	11,430	0
Rents and Rights	(4,150)	(2,700)
Closing costs (not including disposal/demolition)		(25,000)
<b>Sub total</b>	<b>319,750</b>	<b>88,000</b>
Coastal Park Toilets from 1 October 04		(5,000)
<b>Net Saving</b>		<b>£83,000</b>

## **12. POSTPONING CLOSURE OF COASTAL PUBLIC TOILETS ONLY UNTIL END OF SEPTEMBER 2004**

- 12.1 Public toilets along the coast serving the needs of visitors are perceived locally as a high priority. Therefore, the Council could consider leaving nine toilets open until 30 September 2004 to allow time for alternative provision to be explored further.
- 12.2 Nine toilets have been identified for consideration to retain–
- Jolly Fisherman, Greatstone  
Lade Car Park, Lydd on Sea  
High Knocke, St Mary's Bay  
Cinque Ports Avenue, Hythe  
Saltwood Gardens, Hythe  
Dymchurch Central  
Coastal Park, Folkestone  
Sunny Sands, Folkestone  
The Stade, Folkestone
- 12.3 It should be noted that it is likely to prove difficult to keep the staff involved with this service motivated under this arrangement and therefore the standard of service may suffer.
- 12.4 The staff employed on this service have already been issued redundancy notices.
- 12.5 In addition, Clear Channel, the company managing the Leas Cliff Hall, has been approached regarding the public toilet attached to the hall and have indicated they may be willing to take over it's management. In order to achieve the savings indicated these toilets would need to close from 13 April 2004 if no agreement was reached before that date. However, services would be left connected until such time as it is clear whether or not such an agreement could be reached in order that the toilet could be easily re-opened if negotiations are successful.
- 12.6 Revenue costs for operating the toilets to the current standards for these nine toilets are outlined in Table 4, below. These revenue costs would not meet the increased standard of cleansing recommended in the Best Value Review of Public Conveniences and Public Space QIP.
- 12.7 Clearly, all of the toilets would require some alteration and improvement to ensure the facilities comply with the DDA and in order to improve the standard of service provided if they were to remain open beyond 1 October 2004.
- 12.8 It would be necessary to commission a survey of these toilets in order to determine the detailed works required to bring the toilets up to the Council's recommended standard. The cost of the survey, including preparation of cost estimates, would be in the region of £5,000, and take a month to complete. This could be charged to the Capital budget and therefore is not included in Table 4.

- 12.9 The figures in Table 4 below, include the cost of closure as the Council may still incur this cost on 1 October 2004. The closure costs would reduce by approximately £1,000 per toilet if any of the toilets remained open indefinitely or were transferred to another party without being closed.
- 12.10 It should also be noted that any costs associated with disposal and demolition may increase if not all the toilets are closed at the same time.
- 12.11 Costs associated with the option of providing temporary toilets in Folkestone Town Centre are not included in Table 4.

TABLE 4

<b>BUDGET ESTIMATES</b>		
	<b>Budget 2004/05</b>	<b>Savings 2004/05</b>
Employees	61,240	39,000
Premises and Grounds	107,910	60,000
Supplies and services	21,670	12,000
Transport	17,660	3,000
Capital Charges	32,500	0
Environment and Street Scene	71,490	0
Other Business Units	11,430	0
Rents and Rights	(4,150)	(2,700)
Closing costs (not including disposal/demolition)		(25,000)
Sub total	319,750	86,000
Coastal Park Toilets from 1 October 2004		(5,000)
<b>Net Saving (rounded)</b>		<b>£81,000</b>

- 12.12 The costs in Table 4 are based upon these toilets being closed in accordance with paragraph 3.2 and 3.3 of the report from 1<sup>st</sup> October 2004.

### **13. FOLKESTONE TOWN CENTRE MANAGEMENT**

- 13.1 Folkestone Town Centre Management Ltd has also indicated their interest in toilets within the town, but it has not been possible to explore this avenue any further as yet.

### **14. RISK MANAGEMENT**

- 14.1 A summary of the perceived risks is as follows:

<b>Perceived risk</b>	<b>Seriousness</b>	<b>Likelihood</b>	<b>Preventative Action</b>
Claw back of Coastal Park Phase one grants	Medium – possibly up to the value of £36,000	Medium (uncertain)	Difficult to prevent without leaving toilets open
Withdrawing of HLF funding for Phase two of the Coastal Park	High – next phase could not be completed without HLF funding	Medium (uncertain)	Difficult to prevent without leaving toilets open
Loss of Blue Flag Award at Dymchurch	Medium – poor image for the Council	High	Consultation with Dymchurch Parish Council

## **15. CONCLUSIONS**

- 15.1 The required budget savings are achievable through the closure of public toilets in accordance with the proposed programme.
- 15.2 The Coastal Park toilets should remain open for the reasons identified in Section 8 of the report.
- 15.3 Should the Cabinet wish to postpone closure of the public toilets, or close less than those proposed under Section 9 of the report, this will require the shortfall in net savings to be found from elsewhere within the Council's 2004/05 budgets.