



Cabinet

12 NOVEMBER 2012

**DEPUTY LEADER (+
RESIDENTS
SERVICES)**
Councillor Greg Smith

NEW COMMUNITY TOILET PROVISION

Wards: All

Recommending removal of all 6 Automated Public Conveniences (APCs) in the borough with customers utilising alternative community toilets such as those in the Mayor for London's Toilet Scheme.

22 publicly accessible facilities will still remain within a 15 minute vicinity of the APC locations, of which 10 provide disabled access and 4 have baby changing facilities.

Under the London Mayor's Open Toilet Scheme, any new public convenience must include facilities for people with disabilities so this would have a positive equality impact. The scheme could also provide additional private facilities as further businesses sign up to the scheme, particularly with additional advertising and promotion.

A separate report regarding the termination of the existing contract is on the exempt Cabinet agenda.

CONTRIBUTORS

EDELRS
EDFCG
DoL

Recommendations:

- 1. That, given the high cost of renting and maintaining the Automatic Public Toilets (APCs) versus the low level of income generated, the Council ceases to operate APCs in the borough.**
- 2. That the current contract is terminated early at the end of Year 7 (March 2013) at a one off cost of £451k, saving the council £134k per annum from 2013/14 meaning an investment payback period of just over 3 years.**

**HAS THE REPORT
CONTENT BEEN RISK
ASSESSED?
YES**

**HAS AN EIA BEEN
COMPLETED?
YES**

- 3. That the Council promotes the London Mayor's OpenToilet Scheme operated at minimal cost to cover advertising by the authority**

1. BACKGROUND

- 1.1 Whilst the Council does not have a statutory duty to provide public conveniences, it does provide a number of toilets across the borough, including 6 Automated Public Conveniences (APCs). These are maintained under a contract with JCDecaux for a 15 year term, from 2006 to 2021 - the annual leasing charge being indexed each year in accordance with a contractual mechanism. For 2012/13, the APC service is budgeted at a net cost of £158k which includes a budget for urinals at Shepherds Bush Green.
- 1.2 This paper requests approval to terminate the existing contract on all 6 APCs in the borough, thereby saving £134k per annum as set out in the Council's MTFs from 2013/14. It should be noted that the toilet at Vanston Place is to be removed due to building works. This should be cost neutral as the building developer is required to cover any additional costs under the associated Section.106 agreement.
- 1.3 A map is provided at Appendix 1 showing the current locations of the APCs and the alternative provisions available to the public.

2. PROPOSED ACTION

- 2.1 That, given the high cost of renting and maintaining the APCs versus the low level of income generated, the Council ceases to operate APCs in the borough. 22 publicly accessible facilities will still remain within a 15 minute vicinity of the APC locations, of which 10 provide disabled access and 4 have baby changing facilities.
- 2.2 That the contract is terminated early at the end of Year 7 (March 2013) at a one off cost of £451k. However, this will save the Council £134k per annum from 2013/14 meaning an investment payback period of just over 3 years.
- 2.3 That the Council promote the London Mayor's Open Toilet Scheme operated at minimal cost to cover advertising by the authority. Any new public convenience is obliged to include facilities for people with disabilities so this would have a positive equality impact. The scheme could also provide additional private facilities as further businesses sign up to the scheme, particularly with additional advertising and promotion.

3. USAGE INCOME

- 3.1 As an alternative to removing the APCs, officers have examined whether the Council could offset the ongoing running costs by making a charge for the use of (some of) its facilities. All of the units with the exception of Shepherds Bush Green are currently free to use and are able to provide disabled access with the use of a RADAR

key. Income is generated from the unit at Shepherds Bush Green where a 10p charge is levied, generating approximately £200 income per year. There are currently no charges for the use of disabled facilities and there would continue to be no charge to disabled customers if a payment mechanism were introduced.

- 3.2 There is the opportunity to generate further income by charging for all APC's. Appendix 3 sets out usage over a 3 year period and potential income from charging. It can be seen that the chargeable unit is used less frequently than the other units: 2,199 visits annually to Shepherds Bush chargeable toilet versus 9,939 visits to the free APC on King Street and 11,762 visits to Talgarth Road. Therefore it could be expected that usage could reduce by up to 75% if charging were introduced.
- 3.3 Assuming that there will be a 50% reduction in usage across all 6 APCs, the forecast annual income is expected to be in the region of £2k - £7k. A one-off investment of £3k would also be required to convert the 5 units to paid entry, thereby reducing the opportunity for any net cost reduction in the first year. Additionally, given the small contribution this new income stream is expected to make to the overall cost of running the service (3% of net cost), this is not recommended as a viable option in the longer term.

4. OTHER BOROUGHGS

- 4.1 **The Royal Borough of Kensington and Chelsea (RBKC)** - RBKC have various APC contracts with JCDecaux, running to 17 April 2015, 16 June 2015, 31 December 2016, 27 June 2017 and 27 July 2019. Excluding facilities located within parks, they currently have 13 public conveniences of which 9 are APCs (one is located within Earl's Court London Underground station). APCs charge an entrance fee of 20p, except those at Lonsdale Road and Earl's Court London Underground station which are free.
- 4.2 **Westminster City Council (WCC)** - 21 staffed toilets are in operation with significant investment over the last 10 years. The Council has won numerous awards in the annual 'Loo of the Year' competition. In August 2012, operation of the staffed toilets was taken over by Carlisle Cleaning under the brand name Cityloos. All staffed toilets are now charged at 50p per visit. Clear Channel are contracted to operate a series of APCs in Westminster, use of which is charged at 50p per visit. This contract is due to expire in March 2013, and WCC are currently reviewing options for the future of APCs. WCC has an innovative service to locate the nearest toilet through a text message service called SAT LAV. Users can text 'TOILET' to a dedicated number and they will be sent a text by return with the location and opening hours of the nearest toilet. Text costs 25p plus the network standard rate. The overall cost of the WCC offer is being investigated.

- 4.3 **LB Wandsworth** - Wandsworth operates a local community toilet scheme whereby local businesses work with the Council to provide toilets accessible to the public. One hundred businesses are paid £900 per annum (total £90k pa), and there were set-up costs in the form of staff time, advertising, etc. Businesses often find that offering the community toilet facilities generates extra income. This is in addition to the Mayor of London's Open Toilet Scheme which applies to all boroughs (details relevant to LBHF given in Appendix II).

5. RISK MANAGEMENT

Risk	Mitigation Measure
Section 106 money is not received to offset cost.	<ul style="list-style-type: none"> • Only remove Vanston Place APC when S106 position agreed, and payment made
Adverse public reaction	<ul style="list-style-type: none"> • Alternative provision identified in table in Appendix 2 • Equalities Impact Assessment
Exit process from contract with JCDecaux needs to be managed correctly	<ul style="list-style-type: none"> • Flag to JCDecaux and include Legal in discussions

6. EQUALITY IMPLICATIONS

- 6.1 An EIA has been carried out and alternative provisions for customers are available in the local area. Details are included in Appendix 2. Whilst theoretically the withdrawal of service could have a negative impact on disabled users, it should in effect have no impact as there has been no use of RADAR keys at any of the APC's since the units were installed in 2005 and alternative provision of toilets with disabled access are available. If the service is withdrawn, there may be a negative impact on mothers with babies as although there are publicly accessible toilets with baby changing facilities, these are somewhat limited and the majority charge a fee. However, it is not possible to measure current mother and baby usage of APC's, but as with disabled users it is not anticipated to be high.

7. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 7.1 To continue the APC contract will cost significantly more than terminating it in March 2013. Charging for the use of the facilities has been explored but the costs of providing this service far exceed any income that could be expected.

7.2 If S.106 funds for the closure of the toilet at Vanston Place are not forthcoming then alternative options will need to be agreed to fund the removal and termination costs, which have been estimated at £113k and are not included in the figures set out in this report.

7.3 Despite this risk it is recommended that the contract is terminated in March 2013 in order to deliver the £134k saving set out in the Council's MTFs from 2013.

8. COMMENTS OF THE DIRECTOR OF LAW

8.1 The Council has a power, under section 87 of the Public Health Act 1936, to provide and maintain toilets in public places at its discretion as opposed to a duty to do so.

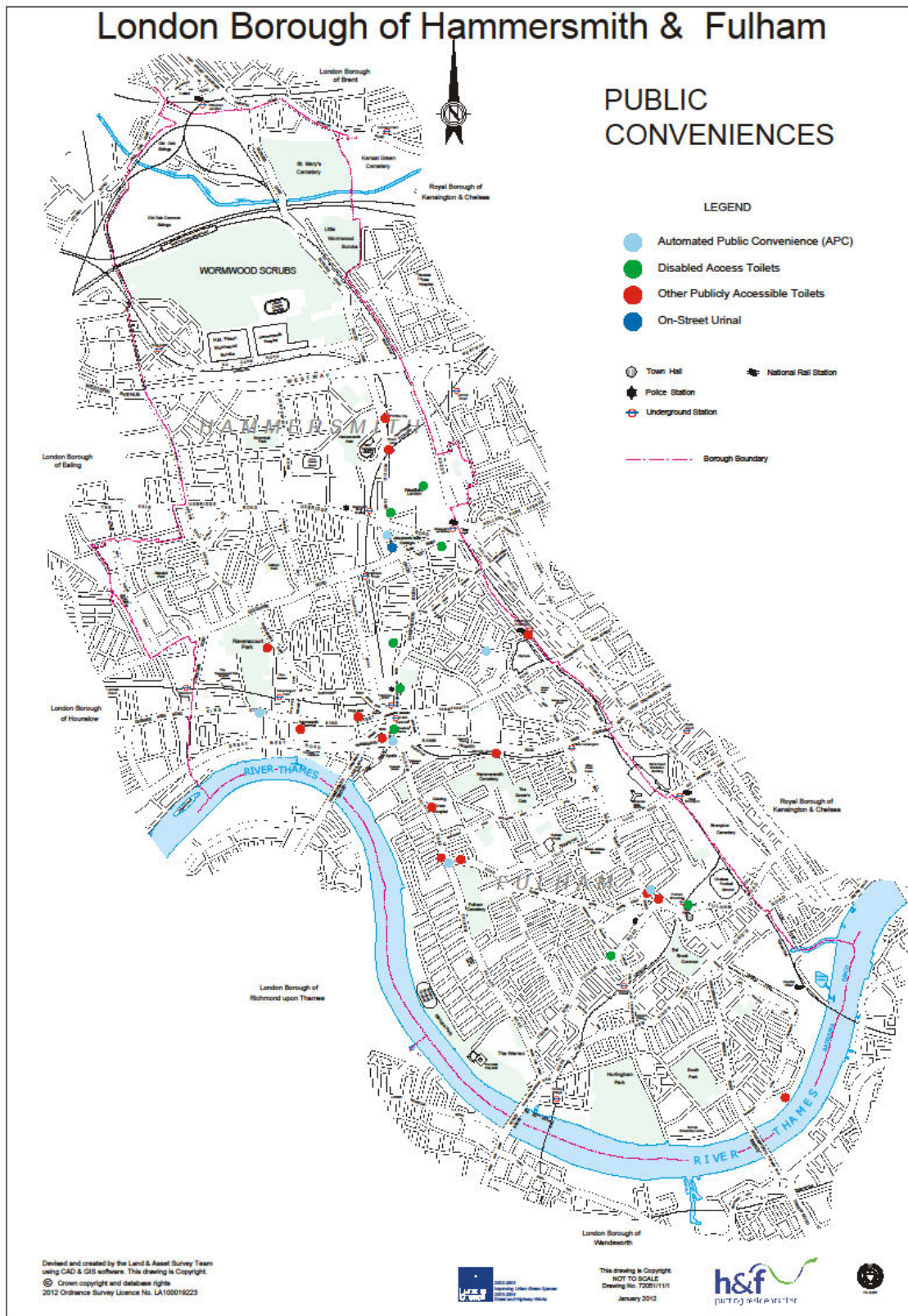
8.2 The Council also has powers under section 20 of the Local Government (Miscellaneous Provisions) Act 1976 to require toilets to be provided and maintained for public use in any place providing entertainment, exhibitions or sporting events, and places serving food and drink for consumption on the premises.

8.3 For the justifications mentioned in the body of this report, the Director of Law endorses the recommendation in this report.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		
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Appendix 1 - Map



Appendix 2 - EIA A.	Currently Accessible Toilets (alternative provision to APC's)	Walking time	Cost	Disabled Facilities	Baby Changing Facilities	Impact arising from removal
Vanston Place, SW6 Awaiting removal RADAR key for disabled access	Marks & Spencer, Jerdan Place, (Part of Mayor's Open London scheme) Fulham Broadway Shopping Centre Fulham Library, Fulham Road Sainsbury's Townmead Rd (Part of Mayor's Open London scheme) St John's Church	1min 2mins 8mins 21mins 1 min	Free 30p Free Free Free	Y Y Y Y N	Y Y Y Y N	none increase in cost for all users except disabled users with a RADAR key none none
	Tesco, Esso Express King's Road	15 mins	Free	Y	Y	none
	Tesco Express, Fulham Road	15mins	Free	Y	N	
Lillie Road / Fulham Palace Road, SW6 RADAR key for disabled access , baby changing facilities	Bishop Creighton House Shell Garage Charing Cross Hospital Hammersmith Broadway Fulham Palace Road Express	1 min 2 min 5 min 15mins 15mins	Free Free Free 50p Free	N N Y Y Y	N N N Y N	Facilities available for mothers with babies, however, at a cost of 50p
Shepherds Bush Green, W12 RADAR key, baby changing facilities 10p charge	On street urinal (1900-0700) Shepherds Bush Library Westfield Wood Lane Tube White City Tube West 12 Centre Wood Lane Tube Station	2mins 3mins 10mins 10mins 11mins 12 mins 15 mins	Free Free Free Free Free 20p free	N Y Y N N Y Y	N Y Y N N Y Y	Restricted times and only suitable for males None none none none
King Street, W6 RADAR key, baby changing facilities	Hammersmith Town Hall Ravenscourt Park Kings Mall	4mins 6mins 10mins	Free Free Free	Y N N	Y N N	none

	Hammersmith Broadway	15mins	50p	Y	Y	none
	Stanford Brook	15mins	Free	N	N	none
	Hammersmith Library	15mins	Free	Y	Y	none
Talgarth Road, W6 RADAR key, baby changing facilities	Barons Court Tube	6mins	Free	N	N	none
	St Paul's Church	3 mins	Free	N	N	
	Hammersmith Broadway	3 mins	50p	Y	Y	
	Kings Mall	10mins	Free	N	N	none
	Tesco, Shepherd's Bush Road	10 mins	Free	Y	Y	
	BP, Talgarth Road	10 mins	Free	Y	Y	
	Hammersmith Library	16mins	Free	Y	Y	None
Blythe Road, W14	Tesco's Shepherds Bush Road (Part of Mayor's Open London scheme)	16mins	Free	Y	Y	None
RADAR key, baby changing facilities	Tesco's Talgarth Road	5mins	Free	Y	N	None
	Kensington Olympia Tube	6mins	Free	Y	Y	
	Hammersmith Library	11mins	Free	Y	Y	

Sources

<http://legacy.london.gov.uk/mayor/priorities/open-london/>

<http://www.tfl.gov.uk/assets/downloads/toilets-map.pdf>



Equality Impact Analysis Initial Screening Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one – with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you determine whether you may need to do a Full EIA. If you already know that your decision is likely to be of high relevance to equality, and/or be of high public interest, you should contact the Opportunities Manager, as s/he may recommend moving directly to a Full EIA.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Initial Screening Equality Impact Analysis Tool

Section 01	Details of Initial Equality Impact Screening Analysis
Financial Year and Quarter	12/13 Q2
Name of policy, strategy, function, project, activity, or programme	Existing provision of Automatic Public Conveniences (APC).
<p>Q1 What are you looking to achieve?</p>	<p>To identify the impacts of the withdrawal of six APCs in the borough and how they can be mitigated against.</p> <p>There are currently there are 6 APC's across the borough. These are located in:</p> <ul style="list-style-type: none"> • Vanston Place, SW6 • Lillie Road junction Fulham Palace Road, SW6 • Hammersmith Broadway, W6 • Blythe Road, W6 • King Street (Ravenscourt), W6 • Shepherd's Bush Green, W12 <p>The contract with JCDecaux to provide the APCs commenced in April 2006 and was set for a period of 15 years, terminating in 2021. The length of the contract is to cover the contractor's asset costs over the life of the units. 8½ years remain on the contract and it is estimated as a net saving of £702k</p> <p>The aim is to remove all 6 APC's whilst ensuring that there is adequate provision of alternative toilets in the rest of the borough.</p>
<p>Q2 Who in the main will benefit?</p>	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may be in more than one protected characteristic). You should use this to determine whether the policy will have a positive/neutral/negative impact and whether it is of low/medium/high relevance to equality.</p> <p>You should also use this section when your policy may not be relevant to one or more protected characteristics. If this applies, case law has established that you must give your reasoning. It is not sufficient to state 'N/A' without saying why.</p>

Information: protected characteristics and PSED

The public sector equality duty (PSED) states that in the exercise of our functions, we must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

Age	Older people and small children may have greater need for toilets when out and about. The impact on older people and small children (and their carers and parents) will be negative as five free APCs are to be removed under Option One. 22 alternative provisions, of which three charge a fee, has been identified in the table in Appendix 2. Each is within 5minutes walking distance of the APCs to be removed and so the journey time will be short but for three of those locations there will be a cost (20p to 50p).	H	negative
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	Disability	The impact on disability is likely to be minimal as alternative provision has been sourced which are within 5 minutes walking distance. The current APCs are accessible for disabled customers. The alternative provision sourced includes facilities that are accessible for disabled customers and these will remain free of charge to customers with RADAR keys. No RADAR keys have been used for any of the APC's since the start of the contract in 2005.	L	/
	Gender reassignment	The impact on people going through gender reassignment is has a low impact but is negative as the current APC's are unisex and therefore do not discriminate between genders whereas separate public male and female toilets may be uncomfortable for those undergoing gender reassignment. The alternative toilets make provision for both men and women with the exception of Shepherd's Bush where there is an additional urinal.	L	negative
	Marriage and Civil Partnership	Not relevant in this case	N/A	N/A
	Pregnancy and maternity	The impact on pregnancy and maternity is negative, however, alternative provision has been sourced which is within 5 minutes walking distance. Where baby changing facilities are required, three of the four alternative provision requirements cost between 20p and 50p, so there will be a negative impact on parents with babies as there are currently 10 baby changing locations available.	H	negative
	Race	There is no impact on race as alternative provision has been sourced which are within 5minutes walking distance.	L	/

	Religion/belief (including non-belief)	There is no impact on religion or beliefs as alternative provision has been sourced which are within 5minutes walking distance.	L	/
	Sex	The impact on people going through gender reassignment has a low impact but is negative at Shepherd's Bush Green. There is a street urinal which makes provision for males but not females, however, there are 4 other alternatives within 12 minutes walking distance, with the nearest being 3 mins away. The alternative toilets make provision for both men and women.	L	negative
	Sexual Orientation	There is no impact on sexual orientation as alternative provision has been sourced which are within 5minutes walking distance.	L	/
<p>Human Rights and Children's Rights Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? No</p>				
Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?	No: the overall outcome will be neutral as there is alternative provision.			
Q4 Does the policy, strategy, function, project, activity, or programme actually or	No, as alternative provision has been sourced which are within 5 to 15 minutes walking distance.			

potentially contribute to or hinder equality of opportunity, and/or adversely impact human rights?

Appendix 3 - Usage over the last 3 years and potential income from charging (Shepherds Bush already a chargeable unit)

2010/11	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Annual Totals
Vanston Place	388	707	1,100	Data Not Available	Data Not Available	Data Not Available	974	1,205	899	997	1,195	1,157	8,622
Lillie Road / FPR	716	713	703	Data Not Available	Data Not Available	Data Not Available	765	632	593	559	578	677	5,936
Shepherds Bush Grn	165	229	250	Data Not Available	Data Not Available	Data Not Available	335	298	254	178	194	296	2,199
King Street	738	1,261	1,539	Data Not Available	Data Not Available	Data Not Available	1,265	1,190	1,112	889	742	1,203	9,939
Talgarth Road	879	1,476	1,553	Data Not Available	Data Not Available	Data Not Available	1,722	1,295	1,180	1,191	1,241	1,225	11,762
Blythe Road	868	793	655	Data Not Available	Data Not Available	Data Not Available	936	1,142	893	906	983	1,032	8,208
Total Visits	3,754	5,179	5,800	0	0	0	5,997	5,762	4,931	4,720	4,933	5,590	46,666
Income @ 10 pence / use	£375	£518	£580	£0	£0	£0	£600	£576	£493	£472	£493	£559	£4,667
Income @ 20 pence / use	£751	£1,036	£1,160	£0	£0	£0	£1,199	£1,152	£986	£944	£987	£1,118	£9,333
Income @ 30 pence / use	£1,126	£1,554	£1,740	£0	£0	£0	£1,799	£1,729	£1,479	£1,416	£1,480	£1,677	£14,000

2009/10	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Annual Totals
Vanston Place	171	800	0	174	950	592	1106	729	920	400	741	101	6,684
Lillie Road / FPR	438	810	657	403	618	604	620	477	584	470	425	493	6,599
Shepherds Bush Grn	0	0	261	445	232	335	361	54	113	137	113	139	2,190
King Street	1198	1085	1180	1408	1300	902	1143	294	730	749	992	834	11,815
Talgarth Road	761	582	828	1552	1270	482	697	850	507	792	1012	806	10,139
Blythe Road	363	642	573	1229	383	498	836	941	510	434	741	907	8,057
Total Visits	2,931	3,919	3,499	5,211	4,753	3,413	4,763	3,345	3,364	2,982	4,024	3,280	45,484
Income @ 10 pence / use	£293	£392	£350	£521	£475	£341	£476	£335	£336	£298	£402	£328	£4,548
Income @ 20 pence / use	£586	£784	£700	£1,042	£951	£683	£953	£669	£673	£596	£805	£656	£9,097
Income @ 30 pence / use	£879	£1,176	£1,050	£1,563	£1,426	£1,024	£1,429	£1,004	£1,009	£895	£1,207	£984	£13,645

2008/09	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Annual Totals
Vanston Place	464	798	508	329	311	376	272	206	786	658	711	818	6,237
Lillie Road / FPR	358	727	492	806	556	619	401	50	468	304	180	378	5,339
Shepherds Bush Grn	66	0	0	0	238	252	364	250	0	0	0	0	1,170
King Street	608	607	560	1030	778	903	861	927	628	645	546	679	8,772

Talgarth Road	435	1062	1338	1291	1136	1335	1596	1476	860	1004	863	1083	13,479
Blythe Road	445	556	819	954	905	1187	1231	959	749	778	610	470	9,663
Total Visits	2,376	3,750	3,717	4,410	3,924	4,672	4,725	3,868	3,491	3,389	2,910	3,428	44,660
Income @ 10 pence / use	£238	£375	£372	£441	£392	£467	£473	£387	£349	£339	£291	£343	£4,466
Income @ 20 pence / use	£475	£750	£743	£882	£785	£934	£945	£774	£698	£678	£582	£686	£8,932
Income @ 30 pence / use	£713	£1,125	£1,115	£1,323	£1,177	£1,402	£1,418	£1,160	£1,047	£1,017	£873	£1,028	£13,398