

## ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY

<b>Date of Meeting</b>	Tuesday, 7 <sup>th</sup> March 2023
<b>Report Subject</b>	Local Toilet Strategy Review
<b>Cabinet Member</b>	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy
<b>Report Author</b>	Chief Officer, Streetscene and Transportation
<b>Type of Report</b>	Strategic

### EXECUTIVE SUMMARY

In July 2017, the Public Health (Wales) Act 2017 received Royal Assent, bringing together a range of practical actions for improving and protecting health. Part 8 of the Act includes Provision of Toilets and introduces new responsibilities for Local Authorities to provide local toilet strategies.

To deliver a strategic approach to the provision of toilets across Wales, the Public Health (Wales) Act 2017 requires Local Authorities to assess local needs and facilities, and to publish a local toilets strategy for its area.

Since 2012, Flintshire County Council has undertaken two separate reviews of toilet provision across the County. These reviews highlighted that isolated facilities regularly attract antisocial behaviour, which puts people off using them. As a result, Flintshire adopted a more enabling approach by promoting the use of existing toilets in Council buildings, such as libraries and Connects Centres, which people feel more confident and comfortable using.

Flintshire's current local toilet strategy was approved and published in May 2019. National guidelines state that the policy should be reviewed every two years from when the local authority last published or last reviewed its strategy, and within one year of every ordinary local government election.

Flintshire County Council is required to review and provide an 'end of period' progress statement for the local toilet strategy within a year of each ordinary election for its area. The local government election date in Wales was on Thursday 5 May 2022, which means that the latest date for review is due by Thursday, 4 May 2023. The purpose of this report is to provide an overview of the legislative background and set out how the Council intends to review the current strategy.

### RECOMMENDATIONS

1	That Scrutiny supports the proposed review of the local toilet strategy and approves the intended approach and timescales set out in this report.
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## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE BACKGROUND TO THE LOCAL TOILET STRATEGY REVIEW</b>
1.01	<p>The Public Health (Wales) Act 2017 ('the Act') received Royal Assent on the 3 July 2017. The Act brings together a range of practical actions for improving and protecting health. Part 8 of the Act introduces provision of toilets and specifically local toilets strategies. The aim of Part 8 is to ensure each local authority (LA) in Wales assesses the needs of its community in relation to toilets, and then takes a strategic and transparent approach to best meet that need.</p>
1.02	<p>To achieve this, the Act places a duty on each LA in Wales to prepare and publish a local toilets strategy for its area. The Act provides that a strategy must include an assessment of the community's need for toilets, including changing facilities for babies and changing places facilities for people with disabilities. The strategy must also provide details of how the LA proposes to meet the identified need. There is no requirement for the strategies to be presented to the Welsh Government for approval, as the strategies should be subject to LAs' existing scrutiny structures and public scrutiny.</p>
1.03	<p>The duty to prepare a local toilet strategy does not require LAs to provide and maintain public toilets directly nor are they required to provide additional dedicated facilities. Local authorities must, however, take a strategic view on how facilities can be provided and accessed by the local population, taking account of such things as location, accessibility, facilities, frequency of use and quality of existing sites, as well as determining whether additional or fewer sites are required by their local population.</p> <p>The legislation published by Welsh Government has no funding for additional provisions attached to it. The aim of Part 8 of the Public Health (Wales) Act 2017 is to encourage a broader consideration of options available for providing toilets for public use including traditional stand-alone toilets as well as those in private ownership. It is intended to help address the current challenges faced by Local Authorities in continuing to sustain provision during times of substantial financial pressures.</p>
1.04	<p>It was agreed in the Streetscene &amp; Transportation Programme Board in October 2022 that this review should show more ambition towards the standard of facilities that we provide and it was agreed that the Environment &amp; Economy Overview &amp; Scrutiny Committee should be part of the consultation process.</p> <p>It was also agreed that public consultation should be undertaken through public questionnaire and Equalities and Environmental Impact Assessments should be undertaken. Subsequently, it is the intention that a full review of the strategy will be presented to Cabinet in April/May 2023 prior to a statutory 12-week consultation period of the final draft.</p>
1.05	<p>Flintshire County Council may review its strategy at any time, following which it must publish a statement of the steps that it has taken in accordance with the strategy. If, following a review, the council decided to revise the strategy, it is required publish the revised strategy and then prepare an interim progress report covering the two-year period commencing from the date of publication.</p>

1.06	<p>It is envisaged that the new action plan within the Local Toilet Strategy will set out the following ambitions:</p> <ul style="list-style-type: none"> <li>• Capital investment to improve facilities offered</li> <li>• Improved availability of changing places across the county</li> <li>• Consideration of water usage/rainwater harvesting, in line with the climate change action plan and strategy for the council</li> <li>• Review of the existing contractual arrangements / procurement</li> <li>• Consideration of community asset transfer, where appropriate and feasible</li> </ul>																					
1.07	<p>Below is an indicative timetable for the review: -</p> <table border="1" data-bbox="288 568 1422 999"> <thead> <tr> <th><b>Timetable for implementation</b></th> <th><b>Report to be prepared by</b></th> <th><b>Date of the Meeting</b></th> </tr> </thead> <tbody> <tr> <td>Informal Cabinet report</td> <td>10 Feb 2023</td> <td>28 Feb 2023</td> </tr> <tr> <td>E&amp;E Overview &amp; Scrutiny report</td> <td>17 Feb 2023</td> <td>07 Mar 2023</td> </tr> <tr> <td>Start consultation questionnaire – 21 days <i>Analyse results - write draft strategy</i></td> <td>08 Feb 2023</td> <td></td> </tr> <tr> <td>Cabinet <i>Open 12-week consultation on new strategy To be closed around 16th Aug 2023</i></td> <td>21 April 2023</td> <td>23 May 2023</td> </tr> <tr> <td>Take findings back to Cabinet</td> <td colspan="2">TBC - following 16th Aug 2023</td> </tr> <tr> <td colspan="3">Adoption of new strategy around Sept/Oct 2023</td> </tr> </tbody> </table>	<b>Timetable for implementation</b>	<b>Report to be prepared by</b>	<b>Date of the Meeting</b>	Informal Cabinet report	10 Feb 2023	28 Feb 2023	E&E Overview & Scrutiny report	17 Feb 2023	07 Mar 2023	Start consultation questionnaire – 21 days <i>Analyse results - write draft strategy</i>	08 Feb 2023		Cabinet <i>Open 12-week consultation on new strategy To be closed around 16th Aug 2023</i>	21 April 2023	23 May 2023	Take findings back to Cabinet	TBC - following 16th Aug 2023		Adoption of new strategy around Sept/Oct 2023		
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1.08	<p>The previous 2019 strategy had a 12-point action plan, many of the intentions were adversely affected through the pandemic period. It should also be noted that the structural condition of the facilities provided in both Talacre and Holywell (as was the case with the Mold, New Street Facilities) have deteriorated considerably recently and are in dire need of capital investment to repair and upgrade them.</p> <p>Recent repairs and maintenance to damage caused by flooding and vandalism have incurred additional costs, which has created a pressure of £23k on the existing revenue budget over and above the £89k available budget.</p>																					
1.09	<p>The provision of local toilets for public use is not a statutory requirement of LAs in Wales. Therefore, due to unprecedented financial cutbacks within local government, Flintshire, like many other LAs, has closed down its traditional standalone public toilet blocks. This strategy aims to mitigate potential impacts by making toilets in more council facilities available for public use and to work with the private sector to help promote their facilities.</p> <p>It is recognised that the previous strategy did not necessarily live up to the priorities and values of the council, as well as those of a number of public interest groups, who are aware of the requirements expected of the council to have a public toilet strategy. These groups have contacted the council’s leadership several times to challenge the current provision and support improved facilities.</p> <p>Recently upgraded facilities provided in Mold resulted in significant local criticism following their introduction and are seen as insufficient on the grounds of DDA 1995 and “Changing Places” specification.</p>																					

	<p>The new strategy will therefore look to raise the standard of the facilities across the county over the next 4-5 years. Through this strategy, we aim to provide accessible, clean toilets in the most appropriate locations. We also aim to secure the future of current provision as well as looking at ways to increase the number of public toilets available and improving access to all groups of people.</p>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
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2.01	<p>Flintshire County Council is committed to sustainability in its own operations as well as across the county more widely through climate change and carbon reduction.</p> <p><b>Revenue:</b> The portfolio is currently carrying a pressure of £23k over and above the £89k revenue budget available for maintaining the existing public conveniences and any additional provision will need to take into account the impact on future revenue budgets for the ongoing cleaning, maintenance and repairs. The current national and local financial position is under increasing pressure and there is little prospect of the portfolio being able to allocate any substantial increase in revenue funding to this non-statutory service provision; consequently, the ongoing impacts of budget reductions will continue to impose a downward pressure on revenue budgets. When planning the future provision of local toilets, we have to consider the current financial constraints on the service area as well as ongoing future budget reductions. Cleaning and maintenance operations and standards will need to be reviewed on a periodic basis to ensure the most efficient and effective provision within allocated resources.</p> <p><b>Capital:</b> There may be implications for the approved capital programme for 2023-2024 and future financial years. The existing toilet facilities are in old structures or standalone facilities, which can make them difficult to maintain and they are in need of significant capital investment, which is limited. Additionally, the Public Health (Wales) Act 2017 as published by Welsh Government has no funding opportunities for LAs to utilise or additional provisions attached to it.</p> <p>Unfortunately, public toilets can also become a magnet for anti-social behaviour such as drug taking and vandalism, which can impact the provision and cause significant damage. Any capital or revenue commitment will need to be supported through a business case approach, taking account of full costs and possible income sources.</p> <p><b>Human Resources:</b> there are no implications for additional capacity or for any change to current workforce structures or roles at the present time.</p>
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<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
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3.01	<p>A full integrated impact assessment will be required as part of the review of the local toilet strategy. An impact assessment is not provided with this report as this report provides an overview of the legislative requirements and sets out the purpose and timescales for the forthcoming review. This strategy and the outcome of the review is expected to have a positive differential impact on all protected characteristics.</p>
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Toilets for public use matter to everybody outside the home environment, whatever the reason, and they remain a sensitive and high-profile concern. Toilets are, however, even more important to certain groups within society, including older people, people with disabilities, people with particular needs (including certain medical problems), women, children and young people and their families.

These groups can be disproportionately affected by poor provision of toilets; for example, poor provision is understood to have particular negative impacts on older people, as some may be less likely to leave their homes without having confidence that adequate facilities will be available to them. This can contribute to increased social isolation and inactivity, as well as affecting people's ability to maintain independence and dignity in later life. When considering toilet provision in Flintshire, we also need to consider local people and visitors alike.

The strategy is aimed to increase the identifiable / publically available toilet facilities across the city; meaning, a reduction in individuals needing to travel extensive distances to public conveniences and identify accessible and age permissible / suitable facilities.

#### **Ways of Working (Sustainable Development) Principles Impact**

Long-term	Positive - The strategy aims to mitigate potential impacts by making toilets in more facilities identifiable and available for public use, and to work with the private sector to help promote their facilities.
Prevention	Positive – The provision of and access to toilets is an issue that affects public health. Accessible, clean toilets that are well located in places such as town centres, parks and near public transport hubs or active travel routes (for cycling and walking) can help encourage people to socialise take exercise and stay more physically active. This has clear health and economic benefits. Conversely, a lack of adequate toilet facilities can impact on a person's physical and mental health, as well as affecting the wider environmental health of the population.
Integration	Positive - The review of the strategy will need to integrate with other existing strategies, policies and plans of the Council, such as the Place Making Plans, the Integrated Transport Strategy, Climate Change Strategy and the Council's Well-Being Objectives.
Collaboration	Positive – The review of the strategy will explore options for partnership working with establishments that have high quality toilet provision and collaborate to find share sustainable solutions.
Involvement	Positive – The provision of toilets can make a significant impact upon the comfort of individuals and families who visit public spaces and their perception of the area as a desirable place to visit. The consultation aims to involve a diversity of population in the decisions affecting them.

## Well-being Goals Impact

The review of the local toilet strategy will need to have due regard for the Well Being of Future Generations (Wales) Act 2015. The provision of toilet facilities and the strategic way forward helps to achieve all seven of the well-being goals as set out below.

Prosperous Wales	The review will need to consider the impact of the strategy on the economy and in particular the importance of tourism. The availability of clean, accessible public toilets can make a positive difference and improve the quality of the visitor experience, thereby growing the local economy and tourism.
Resilient Wales	The provision of public toilet facilities will need to minimise the impact on the environment. Opportunities for more eco-friendly toilets will be explored as part of the review e.g. rain-water harvesting.
Healthier Wales	The provision of and access to toilets is an issue that affects public health. Accessible, clean toilets that are well located in places such as town centres, parks and near public transport hubs or active travel routes (for cycling and walking) can help encourage people to socialise, take exercise and stay more physically active, which helps to maximise physical and mental well-being. Conversely, a lack of adequate toilet facilities can impact on physical and mental health, as well as affecting the wider environmental health of the population.
More equal Wales	In reviewing the strategy, consideration will be given to our duties under the Equality Act, such as the provision of “Changing Places” and gender neutral toilets, as well as standard accessible toilets.
Cohesive Wales	We will continue to work with the police, town/community councils, residents, local businesses, voluntary sector partners and community groups to ensure that public toilet facilities are as safe as possible and ensure that as many facilities are available where and when they are needed.
Vibrant Wales	Signposting and mapping publicly available toilets will be important so that those who need to visit a facility, can easily access information about the location, opening/closing times, accessibility and suitability of the toilets. In doing so, the strategy will ensure that we meet our obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards, and provide information in both Welsh and English.
Globally responsible Wales	N/A

	<p>Flintshire County Council together with its partners will support the health and well-being of both the current and future generations through the following strategic objectives:</p> <ul style="list-style-type: none"> <li>• Protecting people from poverty by supporting them to meet their basic needs</li> <li>• Housing in Flintshire meeting the needs of our residents and supporting safer communities</li> <li>• Limiting the impact of the Council's services on the natural environment and supporting the wider communities of Flintshire to reduce their own carbon footprint</li> <li>• Enabling a sustainable economic recovery and growth</li> <li>• Supporting people in need to live as well as they can</li> <li>• Enabling and Supporting Learning Communities</li> </ul>
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<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	With the Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy
4.02	Streetscene & Transportation Programme Board (October 2022)
4.03	Consultation will be carried out with the Environment & Economy Overview & Scrutiny Committee
4.04	A 12-week public consultation will be held as part of the review, commencing in May 2023.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Welsh Government has published statutory guidance to help local authorities produce a local toilet strategy for their area: <a href="https://www.gov.wales/toilets-public-use-guidance-local-authorities">https://www.gov.wales/toilets-public-use-guidance-local-authorities</a>

<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<b>Contact Officer:</b> Barry Wilkinson, Highway Network Manager <b>Telephone:</b> 01352 704656 <b>E-mail:</b> <a href="mailto:barry.wilkinson@flintshire.gov.uk">barry.wilkinson@flintshire.gov.uk</a>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	<b>Changing Place(s):</b> these are fully accessible toilets with a height adjustable changing bench, a hoisting system, a peninsular toilet, and enough space for a person with a disability, his/her wheelchair and two carers