

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

Date of Meeting	Tuesday 9 th April 2019
Report Subject	Local Toilet Strategy
Cabinet Member	Cabinet Member for Streetscene and Countryside for Streetscene, Transportation and Countryside
Report Author	Chief Officer (Streetscene & Transportation)
Type of Report	Strategic

EXECUTIVE SUMMARY

In July 2017, the Public Health (Wales) Act 2017 ('the Act') received Royal Assent. The Act brings together a range of practical actions for improving and protecting public health in Wales and Part 8 of the Act introduces the provision of toilets and specifically Local Toilets Strategies.

The Act requires local authorities to publish a Local Toilets Strategy for its area and in November 2018 a report was presented to the Environment Overview and Scrutiny Committee to describe how the Council intended to deliver a strategic approach to the provision of publicly accessible toilets across the County and the engagement process with relevant stakeholders required to develop a needs assessment, to inform the strategy going forward.

The purpose of this report is to update the Committee on progress of the consultation work to date, and to gain feedback on the draft strategy through the response to five critical questions which are contained within this report.

RECOMMENDATIONS

1	That the Scrutiny Committee notes the work completed to date and the on-going public statutory consultation on the Local Toilets Strategy.
2	That the Scrutiny Committee provide a comments on the five key questions posed in this report.

REPORT DETAILS

1.00	BBACKGROUND TO THE REQUIREMENT FOR A LOCAL TOILET STRATEGY
1.01	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.
1.02	The introduction of Part 8 of the Act places a duty on local authorities (as defined in section 124 of the Public Health (Wales) Act 2017) to prepare and publish a Local Toilets Strategy for its area.
1.03	The Council is therefore required to conform to the requirement of the Act by having a Local Toilets Strategy approved by the end of May 2018.
1.04	In order to achieve this outcome, the Council must develop a 'Needs Assessment Questionnaire' and consult publicly across the area.
1.05	In this respect, the Council undertook a preliminary survey of interested parties prior to the statutory consultation to gain an understanding of the needs of the County and this was considered in the draft strategy.
1.06	To assist the Council develop its strategy, a number of individuals, stakeholder networks and organisations have also been engaged, to gather information which has helped to develop a needs assessment and inform the draft strategy.
1.07	The duty to prepare a Local Toilets Strategy does not require the Council to provide and maintain public toilets directly nor are they required to provide additional dedicated facilities. They must however take a strategic view on how facilities can be provided and accessed, taking account of such things as location, accessibility, type of facilities, frequency of use and the quality of existing sites, as well as determining whether additional or fewer sites are required by the local population. The legislation published by Welsh Government has no funding for additional provisions attached to it.
1.08	Since 2012, Flintshire County Council has undertaken two separate reviews of toilet provision across the County. These reviews highlighted that isolated facilities regularly attracted anti-social behaviour, which puts people off using them. As a result, the Council 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.
1.09	The statutory consultation for the proposed Local Toilets Strategy has been open since 4 February 2019 with the closing date for feedback on the draft strategy being Friday 26 April 2019. To date, the consultation has received 195 responses.
1.10	A copy of the draft strategy is included in Appendix 1 of this report.

1.11	The proposed strategy includes a 12 point action plan for the two year period it covers, but officers are asking the Committee to focus on five specific areas that form the basis of the strategy. The five questions are set out in the following paragraphs.
1.12	<p>The previous strategy identified that the Council should adopt a more enabling approach, by promoting the use of existing toilets in Council buildings such as libraries and Connects Centres which people are more confident and comfortable using. The Local Toilets Strategy sets out to build upon the work previously undertaken in rationalising the provision and quality of the local toilets being offered by the Council.</p> <ul style="list-style-type: none"> • Does the Committee agree to continue with this approach?
1.13	<p>Through the assessment already conducted, the strategy identifies the need for the provision of toilets across the authority in an objective way.</p> <ul style="list-style-type: none"> • Can the Committee provide comment on the current needs assessment, suggesting any additional considerations that are not captured in the draft strategy?
1.14	<p>The Committee previous expressed their wish that engagement with local business is sought as a way of increasing the provision of additional facilities in the community. This is addressed in the draft strategy within the Action Plan, however there is broadly a hierarchy of enablement which is as follows:</p> <ol style="list-style-type: none"> 1. Alternative in-house provision (Connects Centres, etc.) 2. Engagement with the Town & Community Councils to provide the facilities 3. Approach businesses to provide the facilities 4. Dedicated stand-alone Council facilities <ul style="list-style-type: none"> • Does the Committee agree with the approach and hierarchy described above?
1.15	<p>The Action Plan identifies the requirement for officers to challenge the need for changes to Planning Policy and current legislation in relation to toilet provision and identify future opportunities to apply Community Infrastructure Levy and Major Development proposals within planning conditions.</p> <ul style="list-style-type: none"> • Does the Committee support the exploration of these opportunities?

2.00	RESOURCE IMPLICATIONS
2.01	No implication on resources due to this report

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	With Cabinet Member.

3.02	Invitation to participate sent to Town & Community Councils.
3.03	Broad consultation across the county to ensure that includes any disadvantaged or vulnerable groups of individuals.
3.04	On-going statutory public consultation through www.flintshire.gov.uk until 26 th April 2019.

4.00	RISK MANAGEMENT
4.01	Ensure the anonymity is maintained where appropriate, and consent is obtain where necessary.
4.02	GDPR risk assessment for data gathered from participants in the consultation.
4.03	Equalities Impact Assessment to be carried out.

5.00	APPENDICES
5.01	Appendix 1 – Draft Local Toilet Strategy

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Stephen O Jones – Chief Officer (Streetscene & Transportation)</p> <p>Telephone: 01352 704700</p> <p>E-mail: stephen.o.jones@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>(1) Toilet(s): we use this to mean a toilet facility that the general public can use that may be in public or private ownership, within a variety of premises and which does not require the user to be a customer or make a purchase.</p> <p>(2) Traditional public toilet(s): by this we mean a purpose-built toilet facility in local authority ownership or control provided for use by the public. Some quotes in the text from legislation etc. use the term ‘public toilet’, and in these cases we have not included the word ‘traditional’.</p>

(3) **Gender neutral toilet(s):** we use this expression in this document to mean a toilet that is not designated for exclusively male or female use, but can be used by anyone. This type of toilet may previously have been termed 'unisex'.

(4) **Changing Place(s):** 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.

(5) **Standard accessible toilet(s):** these are specially designed cubicles in separate-sex toilets or a self-contained gender neutral toilet. These may also be known as 'disabled toilets'.