





**Brighton & Hove
City Council**

Overview & Scrutiny Committee

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|----------|--|-------|----------|-------|----------|-------|----------|---------|--------|
| Title: | Overview & Scrutiny Committee | | | | | | | | |
| Date: | 15 July 2013 | | | | | | | | |
| Time: | 2.00pm | | | | | | | | |
| Venue | Council Chamber, Hove Town Hall | | | | | | | | |
| Members: | <p>Councillors: Mitchell (Chair)</p> <table> <tr> <td>Janio</td> <td>A Kitcat</td> </tr> <tr> <td>Brown</td> <td>K Norman</td> </tr> <tr> <td>Davey</td> <td>Phillips</td> </tr> <tr> <td>Kennedy</td> <td>Wilson</td> </tr> </table> | Janio | A Kitcat | Brown | K Norman | Davey | Phillips | Kennedy | Wilson |
| Janio | A Kitcat | | | | | | | | |
| Brown | K Norman | | | | | | | | |
| Davey | Phillips | | | | | | | | |
| Kennedy | Wilson | | | | | | | | |
| Contact: | <p>Giles Rossington Acting Head of Scrutiny 01273 - 291038 giles.rossington@brighton-hove.gov.uk</p> | | | | | | | | |

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AGENDA

1. Apologies and Declarations of Interest**2. Minutes****1 - 4**

To consider minutes of the last meeting held on 28 January 2013.

3. Chairs Communications**4. Report of the Scrutiny Panel on Publicly Accessible Toilets****5 - 94**

Introduction by Councillor Amy Kennedy Chair of the Scrutiny Panel.

Contact Officer: Karen Amsden Tel: 29-1084

Ward Affected: All Wards

5. Equality and Inclusion Policy Progress Report**95 - 126**

Contact Officer: Sarah Tighe-Ford Tel: 29-2301

Ward Affected: All Wards

6. OSC Work Programme: Update**127****142**

Contact Officer: Giles Rossington, Senior Scrutiny Officer Tel: 01273 291038

Ward Affected: All Wards

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For further details and general enquiries about this meeting contact Mary van Beinum, (01273 291062 – email mary.vanbeinum@brighton-hove.gov.uk) or email scrutiny@brighton-hove.gov.uk

Date of Publication 5 July 2013

BRIGHTON & HOVE CITY COUNCIL
OVERVIEW & SCRUTINY COMMITTEE
2.00pm 28 JANUARY 2013
COMMITTEE ROOM 1, HOVE TOWN HALL
MINUTES

Present: Councillor Morgan (Chair)

Also in attendance: Councillor Cox (Deputy Chair), Brown, Buckley, Farrow, Hawtree, Marsh, K Norman and Kennedy

PART ONE

29. APOLOGIES AND DECLARATIONS OF INTEREST

- Declarations of substitute – none.
- Declarations of interest – none
- Declarations of party whip – none
- Exclusion of press and public – as per agenda

30. MINUTES

The minutes were agreed.

31. CHAIRS COMMUNICATIONS

There were no Chair's Communications.

32. PUBLIC INVOLVEMENT

There was none.

33. MEMBER INVOLVEMENT

There was none.

34. TRANS EQUALITY SCRUTINY PANEL REPORT

- 34.1 Cllr Mac Cafferty introduced the report as Chair of the Scrutiny Panel. He thanked all the witnesses for their evidence which had at times been harrowing to listen to. People had

felt able to describe very personal accounts that had helped the panel enormously in understanding the issues facing the trans community.

The panel report was contrasted with recent media coverage of trans issues, most notably comments made by Julie Burchill.

Cllr Mac Cafferty went on to thank Cllrs Morgan and Cobb for their contribution to the panel and the positive, cross-party manner in which it was conducted. Jay Stewart and Michelle Ross were thanked for their involvement and bringing to bear their knowledge and expertise to support the panel. Julia Riches and Mary van Beinum from the scrutiny team, Nicky Cambridge from the Communities and Equalities Team and Nick Douglas from the LGBT HIP were thanked for hard work in undertaking the review and developing the report.

- 34.2 The report shows the challenges facing individuals within the community on a daily basis across a huge range of issues, but it also shows there now exists within the council and partners a commitment to address these challenges. The test is whether the council does get on with it.
- 34.3 Cllr Mac Cafferty used the report as an example of how cross-party scrutiny can be a very valuable tool for the council. He asked the Committee to endorse the report and once again thanked all involved in the process.
- 34.4 Cllr Morgan expressed his thanks to all those involved in the process. As a panel member he had been most shocked by the sheer number of everyday situations that became very difficult to negotiate for trans individuals, e.g. banks, bureaucracy, appointments etc.
- As Chair of OSC he would be ensuring that the report receives the prompt response it deserves and that the implementation of the recommendations is robustly monitored.
- Cllr Morgan fully supported the report and its recommendations and formally moved the report.
- 34.5 Edward Whelan spoke to the report. The report was something which the council and trans community should be extremely proud of and it was a very thorough piece of work. The two main issues that need to be addressed are education and inclusion. There are still too many misunderstandings, especially where the press are involved, with other people trying to dictate how people should live their lives, what they should wear etc. Everyone should just be treated equally.
- 34.6 Steph Scott advised the Committee that the report is a fantastic outcome from having written to the council 15 months ago. It highlights all the necessary issues and shows that people are prepared to listen. The city will become more inclusive as a result of this piece of work and all involved should be very proud.
- 34.7 Cllr Hawtree spoke in support of the report, reflecting upon the initial negative coverage from the Argus. The report should be well publicised.

- 34.8 Cllr Marsh also spoke in support of the report, which represented a good start to along a journey. She asked that the report feed into any equalities review being undertaken.
- 34.9 Cllr Kennedy supported the report, highlighting that the Publicly Accessible Toilet Scrutiny Panel was already looking at toilet accessibility for all – one of the recommendations from the review.
- 34.10 Cllr Farrow supported the review and asked about the trans champion which he felt would be vital to prompting the key messages in the report. The trans champion will be for the Policy and Resources Committee to decide.
- 34.11 Cllr Cox welcomed the report, paid testament to the bravery of the witnesses, and agreed it was a very thorough process. He raised the issue of the financial implications and at what point in the process these should be addressed. He suggested it was hard to fully endorse a set of recommendations without fully understanding their cost; nowhere in the report was the issue of costs explored. Accepting that OSC had discussed this issue before he renewed a plea for more account to be taken of cost in developing scrutiny recommendations.
- 34.12 Cllr Morgan responded stating scrutiny needed freedom to do some ‘blue sky thinking’ and attaching costs to early in the process would reduce members flexibility to innovate. It is standard practice within scrutiny teams across the country. Seeking to accurately assess the financial implications of each recommendation would add drastically to the resources required by scrutiny.

Adding costs to recommendations would also risk removing the freedom to choose how to implement a recommendation from the decision-maker, as with most recommendations there are a number of different ways of implementing it, which will all have different costs.

- 34.13 Members agreed the recommendation and endorsed the report and recommendations and referred it for consideration to the relevant decision-making bodies.

35. BUDGET SCRUTINY PANEL REPORT

- 35.1 Cllr K Norman introduced the Budget Scrutiny Panel Report. He advised members this was the second year he has chaired the Budget Scrutiny Panel; both times looking at a budget brought forward in challenging conditions. Brighton & Hove City Council, like all local authorities, needed to respond to the wider economic realities in relation to the resources received from Government as well as those raised locally.
- 35.2 The role of this panel was to review the administration’s draft budget proposals by critiquing and commenting upon them. There were five evidence gathering sessions with each of the lead members and committee chairs. The proposals had less detail than last year and discussions were at times more philosophic and reflective of issues such as models of service delivery and the possibilities of partnerships, pooled budgets and trading companies rather than looking at specific proposals.

- 35.3 Cllr Norman thanked all the witnesses, panel members, representatives from the community, voluntary and business sectors for their participation in this process.
- 35.4 Cllr Norman suggested that the budget scrutiny needed a rethink as the outcomes did not justify the amount of time devoted to the process. Whilst elements of the process worked well, other parts needed to be changed.
- 35.5 Cllr Hawtree commented on the paradoxes within the process in having both a scrutiny and political process through which to develop a budget. He was glad there was now general acceptance a two year budget was a good thing and that the involvement of the third and business sectors should be built upon. He was in favour of an on-going dialogue with regards to the budget throughout the year.
- 35.6 There was debate as to the merits of a more political budget setting process with Cllr Farrow and Cllr Marsh highlighting the benefits of a robust debate at council, whilst other members, such as Cllr Kennedy seeing some merit in a less political process.

The scrutiny process does allow for a transparent look at potential changes to the budget, and for partners in the city to comment on proposals.

- 35.7 It was agreed to endorse the report and forward it to Policy and Resources Committee.
- 35.8 It was requested that a report be brought to OSC in the summer outlining potential budget setting processes, building upon the involvement of the community and voluntary and business sectors, participatory budgeting and enhanced public consultation.

36. OSC DRAFT WORK PLAN/SCRUTINY UPDATE

- 36.1 The Head of Scrutiny introduced the report highlighting the current scrutiny and policy panels being undertaken and the OSC work programme through to May 2013.
- 36.2 Cllr Farrow asked as to the progress of the panel on Cultural Activity for Older People. It was agreed to provide a written answer.

The meeting concluded at 2.50pm

Signed

Chair

Dated this

day of

| | | | |
|--------------------------|--|--|---------------------|
| Subject: | Report of the Scrutiny Panel on Publicly Accessible Toilets | | |
| Date of Meeting: | 15th July 2013 | | |
| Report of: | Head of Law/Monitoring Officer | | |
| Contact Officer: | Name: | Karen Amsden | Tel: 29-1084 |
| | Email: | Karen.amsden@brighton-hove.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 In 2013 a scrutiny panel was established to investigate the provision of publicly accessible toilets in the city. These 81 toilets consist of:

- 44 traditional council owned toilets
- 18 toilets in libraries, museums and leisure centres
- 19 toilets in the 'Use our Loo' community scheme

1.2 However this service is vulnerable in times of reducing resources because the provision and maintenance of toilets in public places is at the discretion of local authorities. Under section 87 of the Public Health Act (PHA) 1936, councils have the power to provide public conveniences, but no duty to do so.

1.3 There has been considerable debate regarding the future provision of public toilets during the budget setting process for a number of years. Therefore the key focus of this panel has been to consider the range of ways to bring into use, or keep, publicly accessible toilets.

1.4 The scrutiny panel report, including recommendations for making improvements in services directed to the city council and key local partners, is included as **Appendix 1** to this report.

2. RECOMMENDATIONS:

2.1 That Overview & Scrutiny Committee members endorse the scrutiny panel report and recommendations (**Appendix 1**) and refer it for consideration to the relevant decision-making bodies.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In Summer 2012 Cllr Pete West asked for the issue to be considered as part of the annual consultation on potential scrutiny topics. He felt that because of the need for public access to toilets, at a time of dwindling resources, a scrutiny review could take ‘...a *strategic approach across all sectors*’ to make the case for a publicly accessible toilet strategy for Brighton & Hove.
- 3.2 The panel agreed that the Terms of Reference for the panel was to consider:
- The future of the service
 - Future funding
 - Types of provision
 - Improving general access to the service
 - Improving access to this service for particular need groups
- 3.3 The panel gathered evidence on how important this service is for the following reasons:
- Environmental health reasons
 - Enabling those who need to visit toilets more frequently (e.g. families with young children; some older people; pregnant women and people with medical conditions and disabilities) to move around freely
 - Enabling residents, tourists and other visitors to enjoy the city and contribute to its economy

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 It was very important to the panel to hear from groups in the community which particularly depend upon publicly accessible toilets. Therefore a whole public meeting of the panel was held to hear evidence from people representing the following groups:
- **Mencap:** representing the Changing Places campaign for toilets to be sited which are suitable for people who needed a toilet which was provided with an adjustable bench and had sufficient space for both the person with disabilities and their carer(s)
 - **Parent Carers Council (PaCC):** on the experience of being a parent of a child with disabilities and using wheelchair accessible toilets in Brighton & Hove
 - **The Fed Centre for Independent Living:** on their views on the provision of wheelchair accessible toilets in the city
 - **Crohn’s and Colitis UK, Brighton & West Sussex Group:** on how their condition impacts upon their need for publicly accessible toilets
 - **BHLink:** representing the views of the BHLink Toilet Users Group
- 4.2 In addition the panel received written evidence from individual residents, councillors in city centre wards, Crohn’s and Colitis UK, Brighton & West Sussex Group and the BHLink Toilet User Group.
- 4.3 The scrutiny officer supporting the panel also attended two meetings of the BHLink Toilet User Group to canvass the views of service users.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The financial implications from the reports recommendations will be highlighted when reported through to Policy and Resources Committee.

Finance Officer Consulted: Anne Silley

Date: 03/07/13

Legal Implications:

- 5.2 In accordance with the Overview & Scrutiny Procedure Rules, once OSC has agreed the Panel's recommendations it will prepare a report and submit it to the Chief Executive for consideration at the relevant policy committee.

Lawyer Consulted: Oliver Dixon

Date: 03/07/13

Equalities Implications:

- 5.3 An EIA has been undertaken in relation to the work of the scrutiny panel and the panel consulted with representatives of a number of key groups in relation to this service through the review process (see 4.1).

Sustainability Implications:

- 5.4 None identified

Crime & Disorder Implications:

- 5.5 None directly, but this service is affected by issues relating to Anti-Social Behaviour.

Risk and Opportunity Management Implications:

- 5.6 None specifically identified.

Public Health Implications:

- 5.7 The potential reduction in the provision of publicly accessible toilets could have a negative impact on the health and wellbeing of groups, including:

- Pregnant women
- Older people
- BME communities
- People living with disabilities

Corporate / Citywide Implications:

- 5.8 The scrutiny panel makes recommendations which seek to meet two of the council's corporate priorities: Priority 1- Tackling Inequality (improving health and well-being) and Priority 2 – Creating a more sustainable city. The panel

recommendations also relate to the council's City Plan, Seafront Strategy and Tourism Strategy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The scrutiny panel made its recommendations on the options to address the issues raised which 1) they agreed upon; 2) would prove the most practicable to implement and 3) have the most impact on addressing the issues raised in relation to publicly accessible toilet provision.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The scrutiny panel report makes recommendations which seek to plan for the future provision of publicly accessible toilets. If agreed, the recommendation of this cover report will ensure that the scrutiny panel recommendations are considered by the appropriate decision making bodies.

SUPPORTING DOCUMENTATION

Appendices:

1. Report of the Scrutiny Panel on Publicly Accessible Toilets

Background Documents

1. Volume 2: minutes and evidence gathered by the panel, available on-line following the publication of the scrutiny panel report



**Brighton & Hove
City Council**

Publicly Accessible Toilets Scrutiny Panel Report

**Report of the Overview
and Scrutiny Committee**

Date: July 2013

Panel Members:

**Councillor Amy Kennedy (Chair)
Councillor Alan Robins
Councillor Denise Cobb
John Eyles (Co-optee, Older Peoples Council)**

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1. Chair's Foreword

Publicly accessible toilet provision isn't the most glamorous topic, but it's an issue of great importance to a wide range of people in our communities. As well as enabling residents to live full and active lives when out and about in the city, easy access to decent public toilets also benefits visitors and supports our local economy.

Brighton & Hove currently enjoys high rates of quality and provision of publicly accessible toilets compared to other places, thanks in no small part to the work of the dedicated officers who manage this award-winning service. However, in the context of ongoing reductions to local authority budgets, public toilets are especially vulnerable: while councils have the power to provide public toilets, there is no statutory duty to do so.

This panel was therefore established in response to concerns raised by Members regarding maintaining the provision of publicly accessible toilets at a time when budgets are coming under increasingly severe financial pressure.

In addition to receiving evidence from council officers across a variety of directorates, the panel also heard contributions from local people and community groups which were both eye-opening and, in some cases, saddening. The panel recognises that clean, fully-accessible public toilets allow people to participate in everyday life regardless of age, physical ability or health conditions, and it was humbling to hear some of the testimony from people whose dignity has been affected because of a lack of facilities.

Of course there is a cost attached to maintaining our public toilet provision, so the panel sought to suggest recommendations which are realistic in the current financial climate, and grounded in practical understanding, while also identifying opportunities for possible expansion of the service in partnership with other organisations.

On behalf of panel members, my sincere thanks as Chair go to all the local people and groups who gave their time and expertise in providing invaluable evidence to the Scrutiny Panel on this important subject.

Cllr Amy Kennedy, Chair of the Panel

2. Executive summary

Why do we need publicly accessible toilets?

2.1 The panel were convinced how important it is to have publicly accessible toilets in Brighton & Hove. Having enough toilets which are open to the general public:

- Supports businesses in boosting customer footfall
- Enables people, both residents and visitors, to move round the city for a reasonable length of time
- Helps keep the city clean.

2.2 According to a senior manager of this service:

'The priority.... was to maintain the provision and expand where possible, such as

- *Investigating the feasibility of charging for toilets [we have looked in to this in the past as explained to the panel and the business case doesn't stack up. We can revisit but we need to manage expectations]*
- *Extending provision through leases in parks*
- *Looking for provision in new tourist developments.¹*

2.3 So the panel considered how to maintain or expand the provision of publicly accessible toilets, when public funds for this service were very likely to reduce. Their recommendations aimed to deliver the following outcomes:

- Managing the service and the assets the council owns more effectively
- Looking to the community and businesses in the city to open up their toilets to the public
- Ensuring that publicly accessible toilets continues to meet the needs of its users.

Meeting people's needs

2.4 The panel found out how important the service was for people with particular needs, including:

- The elderly
- People with particular health conditions
- People with disabilities
- Parents, carers and pregnant women.

¹ Jan Jonker, Evidence to the Panel, 25.01.13 (subsequent clarification in brackets)

2.5 Concerns identified by witnesses included:

- Having sufficient accessible toilets which are maintained to a high standard
- Access to these toilets at night, particularly to RADAR² toilets
- Clear and up to date information and signage about the location of toilets. This will help people plan their visits in the city and be confident of finding toilets there
- Involving the views of service users, such as people with disabilities, in decisions about new provision.

Toilets support growth

2.6 Brighton & Hove relies heavily upon its tourism and visitor economies. According to research there are direct benefits to local authorities in providing public toilets because:

*'...investment in good toilet provision has been shown to increase retail turnover, tourist numbers, and economic growth.'*³

2.7 Toilets ensure that people can move round a city: which is important when planning for growth. Brighton & Hove is aiming to become an *'economic growth hub'*⁴ for the region. A strategic objective of the City Plan is to:

*'Develop Brighton & Hove as a major centre on the South Coast for sustainable business growth and innovation, creative industries, retail provision, tourism and transport.'*⁵

2.8 These predictions for growth all bring with them demands upon the infrastructure, including the provision of publicly accessible toilets. So the panel felt that this was a service which needed to be maintained, or grown, rather than be reduced.

2.9 The British Toilet Association (BTA) told the panel that:

*'Where the whole toilet provision had been closed down in a location, such as in smaller towns, it was **an indication of a place in decline**. This was most likely to happen in locations where trade was down and accompanied shops and businesses shutting down too. This could lead to a situation where only a big supermarket, such as Tesco, was the*

² RADAR toilets are accessible to key holders only

³ Clara Greed, Professor of Inclusive Urban Planning at the University of the West England

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/636/636.pdf>

Bold my emphasis

⁴ City Plan, <http://www.brighton-hove.gov.uk/content/planning/local-development-framework/city-plan-previously-core-strategy>

⁵ City Plan

*only business left open in the area when all other firms had closed down.*⁶

Less public funding for this service

- 2.10 Many local authorities are significantly reducing their public toilet provision, because it is not a statutory service which the council is required to provide. Evidence showed that in Brighton & Hove the council is trying its best to manage the inevitable decline of the public toilets they provide directly, in a way that has the smallest effect on users.
- 2.11 Reducing resources for the public sector means that the council is unlikely to be able to provide all the funding needed to:
- Meet growing and changing needs for publicly accessible toilets
 - Maintain and repair the aging infrastructure
 - Provide the new kinds of toilet technology to meet changing needs, for example provision such as pop-up toilets for the night time economy.
- 2.12 Publicly provided toilets have already faced significant cuts in resources and the public funding for it is likely to reduce further in future years. Brighton & Hove still needs publicly accessible toilets, so the council must secure the assistance of the businesses which also depend on the ability of people to visit, work and circulate round the city as well as local communities.

An action plan is needed

- 2.13 While the panel was not able to identify a single solution to meet this funding gap, its recommendations are aimed at how to manage this service more strategically. Therefore a key recommendation of the panel is to produce an action plan for publicly accessible toilets, which can be also used as a basis for developing the capacity of other organisations in the city to contribute to the provision of these toilets.

Planning for the future

- 2.14 The contract with Wettons for managing much of the public toilet service in Brighton & Hove is due for renewal in 2017. The panel felt that Cityclean appears to be doing an admirable job in cutting costs, renegotiating the terms of the contract and working with the contractor to secure service improvements. It was a matter of concern that continuing reductions in costs could eventually result in the existing contractor no longer considering the contract worthwhile.
- 2.15 So the recommendations made by the panel are focussed on ways for planning for the long term future of publicly accessible toilets. One of the purposes of the action plan will be to inform the re-letting of the contract.

⁶ Mike Bone, Evidence to the panel, 26.02.13, Bold my emphasis

A high quality service

2.16 The panel wish to emphasise that this scrutiny review was not carried out because of concerns about the quality of the service. The council has topped the premier league of local authorities in the Toilet of the Year awards for a number of years and an annual questionnaire has shown a high level of public satisfaction with publicly accessible toilets.

There is no single solution

2.17 At the beginning of the scrutiny review, a number of new measures or initiatives were seen as being able to make a significant contribution to securing the future of this service. These included:

- Community Infrastructure Levy (CIL)
- Late Night Levy (LNL)
- Community Toilet Schemes (CTS).

Encouraging others to provide publicly accessible toilets

2.18 While most publicly provided toilets are currently owned and managed by the council, a quarter come from the businesses who participate in our Community Toilet Scheme (known as 'Use our Loos').

2.19 The panel recognise why businesses, especially smaller ones, seem reluctant to participate in 'Use Our Loos'. The evidence did not suggest that a CTS could replace the majority of toilets provided directly by the council. However businesses, particularly in the hospitality, tourism and health sectors could play an invaluable role in contributing to the provision of this service.

2.20 The evidence heard did not leave the panel feeling confident that any of these initiatives could provide a single significant solution. However future changes to these initiatives, such as LNL, may make them more practicable and so should be included in the action plan.

Innovative ways of providing new toilets

2.21 The panel were impressed by the new kinds of toilets which were being developed to meet changing needs and would like to see them included in the action plan. For example:

- 'Pissoirs' or other toilets designed to meet the needs of the night time economy
- Temporary toilets for times of high demand
- Self financing toilets

3. Recommendations from the panel

Recommendations

- 3.1 The panel has produced 14 recommendations to address the issues raised by the evidence they received. These recommendations are listed below grouped by the issue, rather than the order they appear in the report.

An action plan for publicly accessible toilets

1. The panel recommends that Brighton & Hove City Council develops an action plan for publicly accessible toilets in the city. This plan should be led by Cityclean, but draw on contributions from services such as Property & Design, Licensing and Planning where appropriate. While the plan is held by the council it will also be a partnership document which sets out how they will work with public sector partners, the community and businesses to maintain the capacity of this service. The action plan would cover both toilets owned directly by the council and other facilities which are publicly accessible, such as those in our Use Our Loos scheme. The action plan would come under the oversight of the Assistant Chief Executive, to ensure that all the relevant council services contribute to this plan (*see p23 of the report*).
2. The panel recommends that this action plan contains, or is based upon a business plan for the toilets which are directly owned by the council. This business plan would need to:
 - Clarify what revenue and capital expenditure is required per toilet for the next 15 years. This should cover as a minimum the cost of management and day-to-day maintenance (including responsive maintenance and cleaning) and future planned maintenance. This should include in-house costs and contractor costs. This would enable the council to identify the most cost-effective way of managing these assets.
 - Clarify what was the cost of providing publicly accessible toilets in 2012/13, including both the capital and revenue expenditure and which service, and budget heading, is responsible for each key aspect of the service.
 - Ensure a stock condition survey is carried out by Property & Design of all the toilets directly owned by the council to identify a plan of future maintenance.

The information in the action plan would inform the strategic, and budget, decisions about publicly accessible toilets. It would enable decisions to be made in relevant areas such as:

- Investment
- Disposal of sites
- Change of use
- Alternative means of provision.

The action plan would also inform the re-letting of the Wettons contract for public toilets in 2017. It would also enable the council to set targets for increasing publicly accessible toilet provision from the community and business sector (see p34).

The panel would also expect the action plan, where applicable, to include information on the following recommendations 3-14;

Enabling public access to council toilets

3. The panel recommends that this action plan includes a statement of the council's commitment to enabling public access to toilets in its own properties.

The panel believes that providing public access to the toilets in its own buildings should be the default position, where practicable and safe. So the suitability of providing public access to toilets should be assessed when the council either renovates an existing building or opens a new building. Where it is not possible to provide public access in a council building, a clear explanation of the reasons should be incorporated into the action plan.

Where toilets in council buildings are publicly accessible, the panel believe that it is important that they are clearly signposted and advertised so that the public are aware that they can use these facilities (see p45).

Meeting the particular needs

4. The panel welcomes the intention of Cityclean to refocus the Use our Loos scheme in order to link it to the Can't Wait Card. The panel agrees with the service's plan to start by exploring the possibility of re-launching this scheme in partnership with GPs surgeries, then work to spread this scheme out across other suitable outlets in the city (see p56).
5. The panel recommends that effective consultation is carried out with service users before building new toilets. This is especially true when building toilet provision for people with disabilities, for example to ensure that the location and type of toilet will meet their needs (see p40).
6. The panel recognised the importance of the Changing Places provision to provide toilets for those with profound and multiple disabilities. They recognise that the council is not likely to be able to provide any more Changing Places toilets itself, since they have built one of these toilets and are currently building another.

So the panel would like to see Changing Places toilets, or other kinds of wheelchair accessible toilets, included where possible in private developments. The council should work with work with partners such

as Network Rail to identify further funding opportunities to develop these kinds of provision. Examples include European Funds, organisational funds related to Corporate Responsibility and the City Plan. The aim should be, where possible, to situate such toilets in high use areas such as Churchill Square and railway stations (*see p40*).

Building community and business capacity in toilet provision

7. The panel felt that evidence submitted to them highlighted a number of reasons why small businesses in the city, such as independent retail outlets, are not likely to be suitable for inclusion in the Use our Loos scheme.

However the panel feel that it was important to explore whether other businesses, such as cafes and pubs, could be encouraged called upon to contribute to publicly accessible toilet provision (*see p52*).

Meeting the needs of the night time economy

8. Evidence to the panel demonstrated the impact of the night time economy and the potentially unmet needs that arise from it in relation to toilets. The panel understood why traditional publicly accessible toilets were not open 24 hours, for reasons of cost and vulnerability to anti-social behaviour (ASB).

However the action plan should consider what kind of provision is needed after public toilets close and the ways of securing funding for this. Innovative ways of meeting the need could include temporary toilets or 'pissiors' The council should meet with the hospitality and retail sectors to explore if there are any means to grow night time provision. It is also crucial for the council, particularly Regulatory Services, to liaise with the police to assess the potential of the Late Night Levy (*see p65*).

Encouraging additional provision and opening up public access

9. The panel recommend that the City Plan is updated to include a statement of priority regarding publicly accessible toilet provision. This is seen by the panel as a key means of securing new provision of this service. The City Plan could specifically outline the expectation that appropriate developments, such as large tourist developments or supermarkets, enable general public access to their customer toilets. This would not be additional provision, but designing the toilets which were already built so that they are publicly accessible (*see p69*).
10. The panel was pleased that the council had succeeded in leasing a number of park cafes to include either new toilet provision within the café building or to incorporate existing adjoining public toilets into the lease. This then releases funds to be used elsewhere on the toilet service. The panel recommends that the action plan sets out the intention of the council to work towards a situation where all park cafes

take on the responsibility for the toilets, where this is practicable and would not jeopardise the leasing of the café (see p47).

11. The panel welcomed the toilet provision that was to be secured by the Community Interest Company, in the renovation of the Open Market, and expects other innovative, partnership solutions to be sought by the council to either improve, or increase, toilet provision in the city. Any programme of such schemes should be included in the action plan (see p70).

Information about toilets

12. The panel recognises the importance of providing the best and most up-to-date information on the publicly accessible toilets in Brighton & Hove. The panel would like to see resources allocated for providing local data on this service to facilitate the collation of national or international online information. In addition, enabling VisitBrighton and other services to provide up to date information on this service to tourists and residents in a range of formats (for example social media, websites, apps and printed material if practicable).

The panel also recommend that the signage to, and at, toilets is as clear as possible, while at the same time recognising the need to reduce street clutter and utilise existing 'finger signage' (see p71).

Securing additional resources for toilets

13. The panel suggest that the council assesses the practicability of charging for toilets, either across the whole city or identifying any sites where it would be possible and/or worthwhile. This could involve examining areas such as the seafront or Pavilion Gardens where this model could work, rather than just individual sites as this may not prove effective. The assessment could be then be referred to when building new sites or renovating existing sites so that the necessary equipment could be fitted, if it was financially viable (see p73).

Consulting with user groups

14. The panel were impressed by the work of the BHLINK Toilet user group and hope that this kind of consultation with service users can remain under Healthwatch. (see p75).

4. Introduction

Why is this issue being scrutinised?

- 4.1 In summer 2012 Cllr Pete West asked for publicly accessible toilet provision to be considered as part of the annual consultation on potential scrutiny topics. This request was endorsed at the September meeting of the Overview and Scrutiny Committee because:

*'In considering the provision of public toilets, and acknowledging the 2012/2013 budget debate and financial pressures, some Members had concerns about people with health conditions, older people, children and visitors for whom accessible public toilets were particularly important. It was fully agreed that this was a suitable topic for scrutiny.'*⁷

High quality of the current service provision

- 4.2 This scrutiny was not initiated as a result of concerns about the quality of publicly accessible toilets. The annual survey of users shows that there is a consistently high level of satisfaction with council owned toilets. The last survey carried out in 2012, revealed a high level of satisfaction:

- 98% of users *'would be happy to use the toilets again'*
- 92% of respondents assessed the toilets as being either *'very clean'* (41%) or *'clean'* (50%)
- 97% were either *'very happy'* (42%) or *'happy'* (55%) with the facilities that were on offer at the site e.g. family facilities, low sinks and more baby change tables.⁸

- 4.3 The 'Loo of the Year Awards' were set up by the British Toilet Association (BTA) to encourage *'the highest possible standards'* in all types of public and 'away from home' toilets. The awards won by Brighton & Hove include:

- Number one in the BTA Loo of the Year Awards UK Premier League of Local Authority public toilet provision for three years running
- 34 of the council's toilets were entered into the 2012 awards, of which 15 were awarded 'gold' and 19 were awarded 'silver'⁹

⁷ OSC minutes, 10th September 2012 meeting, [http://present.brighton-hove.gov.uk/Published/C00000726/M00004118/\\$\\$\\$Minutes.doc.pdf](http://present.brighton-hove.gov.uk/Published/C00000726/M00004118/$$$Minutes.doc.pdf)

⁸ Brighton & Hove Public Toilets Questionnaire 2012 http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/toilets/Brighton__Hove_Stakeholder_Survey_Questionnaire_Headline_Results_2012.pdf

⁹ http://www.loo.co.uk/externals/downloads/LOY_2012_Results_Brochure.pdf

Relatively high level of provision

4.4 Figures show that Brighton & Hove has a relatively high number of toilets per head of population compared to nearby authorities:

- 6214 people per toilet in Brighton & Hove
- 8,341 people per toilet in Bournemouth
- 23,690 people per toilet in Southampton.¹⁰

4.5 Given the importance of the service, the panel felt strongly that this formed an argument for reducing the level of publicly accessible toilets in the city.

4.6 The panel heard significant evidence about the importance of publicly accessible toilets in the city, but were aware that Brighton & Hove has a relatively high number of facilities in relation to the population. So the panel were concerned that if a statutory minimum number of toilets per population was to be introduced, dwindling resources could mean that this statutory ratio could result in a reduction in the number of publicly accessible toilets in the city.

A service which is constantly adapting

4.7 The panel heard that the newer publicly accessible toilets provided by the council had been changed to ensure they were family friendly and gender neutral. These were designed to be more welcoming to service users and reduce anti-social behaviour.

Different kinds of toilet provision

4.8 The panel were very interested in the information provided via Cityclean about the new developments in the design and new kinds of toilet provision. The panel feel that these may be able to meet some of the challenges facing the service, such as the impact of the night time economy.

The future of publicly accessible toilets?

Providing public toilets is not a statutory requirement

4.9 One of the main reasons this service is vulnerable in times of reducing resources is that the provision and maintenance of toilets in public places is at the **discretion** of local authorities. Under section 87 of the Public Health Act (PHA) 1936, councils have the power to provide public conveniences, but **no statutory duty** to do so. Therefore:

*'Whether or not they choose to provide these facilities is at their discretion, and has to be weighed in the balance against other service demands.'*¹¹

¹⁰ Comparison data provided by Cityclean

¹¹ Improving Public Access to Better Quality Toilets, CLG, 2008

<http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/documents/localgovernment/pdf/713772.pdf>

4.10 The panel were briefed that street cleansing and waste management were a higher priority for the council because they are statutory obligations.

4.11 The Chairman of the British Toilet Association (BTA) told the panel that their first focus had been on lobbying central government on the need for public toilets, however:

*'...the change of government and the worsening economic climate has meant that ...the focus has moved to local government...including lobbying councils who were shutting services and increasing the amount of advice given to providers.'*¹²

Have the councils who have threatened to close them, actually done so?

4.12 The panel heard that some local authorities, such as Southampton, had closed down all their public toilet provision. However the BTA had found that:

*'...those local authorities who have shut public toilets have provoked a large local reaction and very few of these councils have closed all the facilities.'*¹³

4.13 For example, in Cornwall a town council has recently stepped in to save two toilets for a year due to their importance both to tourists and residents.¹⁴ This was after Cornwall Council had announced its intention to cease financial support for its 247 toilets after facing £170m cuts in funding.¹⁵

What would be the consequence of shutting down, or reducing, the service?

4.14 Given the good performance of the service, one of the key aims of this scrutiny panel was to establish the importance of the service and then recommend how to secure its future. Evidence to the panel led them to conclude that the following consequences would result from shutting down, or significantly reducing, this service:

- Reputational damage
- Lost income to the city
- Environmental Health impacts
- The negative impact on equalities and accessibility in the city
- The impact on those with health issues being able to leave home and go out in the community would be detrimental
- It would indicate a city in decline.

¹² Mike Bone, evidence to the panel, 26.02.13

¹³ Ibid

¹⁴ <http://www.thisiscornwall.co.uk/Year-s-reprieve-public-toilets/story-18342937-detail/story.html#axzz2NWTruqa6>

¹⁵ Ibid

4.15 This view was backed up by the BHLINK Toilet Users Group who outlined to the panel the following *'risks of not investing in toilets:*

- *Possibly fewer visitors to the city*
- *More street cleaning needed*
- *More shops etc put off by opening in the city because of damage by urination/hygiene etc in shop door ways*
- *Increased social isolation as people with bladder and bowel problems might not feel confident and able to access community facilities – more expensive in the longer term as can affect health and well-being.*¹⁶

4.16 **In summary, the panel believe that the city cannot afford to lose its publicly accessible toilets, so in a time of reduced public funding the council needs to find new ways to enable this service to remain in a viable form.**

¹⁶ BHLINK, written evidence to the panel

5. Background: What is the service?

How many publicly accessible toilets are there in Brighton & Hove?

5.1 There are currently 81 publicly accessible toilets in the city, which are made up of:

- 44 traditional council owned toilets
- 18 toilets in libraries, museums and leisure centres
- 19 toilets in the 'Use our loo' community toilet scheme.¹⁷

5.2 The panel have adopted the same approach as that used by the London Assembly in 2011, namely that:

*'As well as examining traditional public toilets that are provided and funded directly by local authorities, we have also considered other toilets that are open to the general public. This may include those in other public buildings or on commercial premises that are available to everyone, rather than just employees or paying customers, for instance. This approach to defining public toilets reflects the changing ways that policy-makers have sought to increase access to toilets in recent years.'*¹⁸

5.3 The reason for setting up this panel is similar to the reasons given for adopting a strategy for public toilets in Bath & North East Somerset:

*'The national and local financial position is under increasing pressure and is likely to remain so for a number of years. There is little prospect of the Council being able to allocate any increase in capital or revenue funding to this non-statutory service. **Any substantial development works around public toilets by the Council will therefore need to be self-funding either through efficiencies or income generation (i.e. charging for use or funded by external contributions).***

*This strategy will ...[seek] to relieve ongoing Council budgetary pressure in this area.'*¹⁹

5.4 There are three distinct areas of location, and management, of the city's toilets:

- Brighton

¹⁷ Council website, <http://www.brighton-hove.gov.uk/content/leisure-and-libraries/public-toilets>

¹⁸ Public Toilets in London, London Assembly, 2011

<http://www.london.gov.uk/sites/default/files/FINAL%20HPS%20public%20toilets%20update%20report.pdf>

¹⁹ BANES Cabinet report 2011

<http://democracy.bathnes.gov.uk/documents/s8802/E2312%20Public%20Toilets%20Provision.pdf>, Bold my emphasis

- Hove
- Seafront

5.5 For many years, the new toilets built by the council have been gender neutral and take the form of:

- *Single use cubicles for all*
- *Providing complete privacy and reducing [Anti-Social Behaviour] ASB*
- *Only using symbols on the front of the unit²⁰*

²⁰ Jenny Cooke, Evidence to the panel, 26.02.13

6. Findings & recommendations of the panel

This section of the report outlines the key findings of the panel derived from the evidence given. Where appropriate the recommendation is included which has been made to address that issue.

Finding 1: The importance of publicly accessible toilets

6.1 The panel were struck by how publicly accessible toilets play a key role in enabling the following groups to make use of the city:

- Tourists and other visitors
- Residents
- Employees
- Consumers
- Those enjoying the night time economy.

6.2 A recent survey of the users of our public toilets found that 59% of respondents lived in Brighton & Hove and 41% of our service users come from elsewhere.²¹ This shows the importance both of providing a service which meets both the needs of residents and visitors and that their locations are sufficiently publicised.

6.3 The panel heard from groups who particularly need these facilities, including people:

- With a medical condition
- Living with a disability
- Those with parental and/or caring roles.

6.4 The panel heard from a member of Crohn's and Colitis UK, Brighton & West Sussex Group that:

'Sufferers (of these conditions) experience anxiety, and the need to plan meticulously and know where all the publicly accessible facilities are when going out.

For those who had experience public faecal incontinence, the experience could be devastating and impact on their ability to feel engaged with society. While coping strategies often included learning every public toilet in the whole of the city, many people chose not to engage in activities which would mean they needed to go out.'²²

6.5 So the panel felt that the main focus of this review needed to be on finding new ways to ensure the provision of publicly accessible toilets.

²¹ Wetton Cleaning Services Limited, Brighton and Hove Public Toilets Questionnaire, 2012

²² Andy Player, Evidence to the panel, 11.02.13

Finding 2: The need for a coherent plan for the service

Who manages publicly accessible toilets?

- 7.1 The panel was keen to look at which council teams were involved in delivering this service, how well they work with each other and with external organisations to provide publicly accessible toilets.
- 7.2 The key teams in the council are:
- Cityclean
 - Property & Design
 - Leisure Services.
- 7.3 The council has contracts for toilet provision with Wettons Cleaning Services, as well as Freedom Leisure (for West Pier toilets); this includes cleansing, opening the sites, closing and day to day maintenance of toilets.
- 7.4 In the council, Cityclean manages the Wettons contract for the majority of public toilets in the city, while the contract with Freedom Leisure is managed by Leisure Services.

Cityclean

- 7.5 The panel were impressed by the input, both in terms of commitment and timeliness, from Cityclean into the scrutiny process. They also observed that Cityclean had already begun to address many of the issues relating to the service which were identified during the scrutiny process, such as adapting the Use our Loo scheme, and were working flexibly to improve the service.

Property Services

- 7.6 The utilities and structural items²³ are the responsibility of Property & Design and Leisure Services (who are responsible for toilets located in the Arches and in some seafront sites).

Contract renewal in 2017

- 7.7 The panel were aware that the contract with Wettons was due for renewal in 2017 and that a range of potential options could be considered for delivering this service. These options could include:
- Cityclean investigating joint procurement options with other local authorities
 - Considering the possibility of private management of sites, where appropriate.

²³ Utilities include water and electricity and structural items refer to the buildings

- 7.8 The panel were advised that a certain number of public toilets needed to remain open to make a contract viable.

The contribution of other council services

- 7.9 The panel were also aware that a number of other council services have a stake in maintaining or increasing the number of publicly accessible toilets of this service. These services are listed below with their potential roles in brackets:

- Planning (new developments, City Plan, Community Infrastructure Levy)
- Licensing
- Tourism (information, signage, identifying the potential for commercial toilets)
- Events team (the need for temporary toilets)
- Major Projects (identifying potential tourist and other relevant developments)
- Public Health (enabling access to GPs).

The council has a number of key external stakeholders it needs to work with:

- GPs ('Use our Loos' scheme and the Can't Wait Card)
- Police (Late Night Levy)
- Healthwatch (replacing the BHLink user groups)
- Organisations representing the business sector and hospitality sector
- Organisations representing particular health issues, for example Crohn's and Colitis, Brighton & West Sussex.

Who is responsible for the maintenance of publicly accessible toilets?

- 7.10 The panel were keen to clarify which team, or teams, in the council had financial control over public toilet provision and where responsibility lay for providing particular aspects. For example, the panel had found it problematic to determine where the responsibility lay in the council for the maintenance of toilets which was not covered by either the Wettons or Freedom Leisure contracts. One of the aims of the action plan which forms the basis of Recommendation 1 was to give greater clarity on this issue.

- 7.11 According to information provided by Angela Dymott, Head of Property & Design

'Most routine maintenance work is included in the Wettons contract (replacement of toilet seats, dispensers, lights, locks etc). Property & Design's day to day maintenance budgets cover other maintenance works to Parks and Hove seafront toilets and the maintenance of the public toilets in the civic buildings, including cleaning.'

Major structural planned works would fall to the Property & Design Planned Maintenance programme of works and annual Planned Maintenance Budget (PMB).²⁴

- 7.12 When the issue was raised of planned maintenance expenditure on toilets which were not in civic offices, the panel understood that Property & Design, under the programme known as Corporate Landlord, were responsible for all the expenditure of the provision of publicly accessible toilets which did not relate to either the Wettons or Freedom Leisure Contract. It would be useful to clarify this in the action plan.
- 7.13 ***The evidence to the panel, and further discussions had with officers, raised their concerns as whether the responsibility for publicly accessible toilets being split across council departments had an impact on the ability to coherently plan, then deliver, this service. The panel felt it was beyond their remit to consider whether these services needed to be reconfigured to establish a single delivery point. However, this concern was one of the key reasons why the panel were convinced that there needs to be a single coherent action plan for publicly accessible toilets.***

Why an action plan?

A strategy for public toilets

- 7.14 A Select Committee inquiry set up in 2007/8 to look at the provision of public toilets recommended:

*‘...that the Government imposes a duty on each local authority to develop a strategy on the provision of public toilets in their areas, which should include consultation with the local community and which should be reviewed annually. The duty of compiling and reviewing a public toilet strategy is a simple requirement that will go a long way towards achieving the right of people who live in and visit this country to have accessible and clean public toilets, wherever they live, work or visit. The way in which local authorities plan and utilise their own strategic plan is a decision for them; **the fact that they have a plan should be a duty placed on them by the Government.**²⁵*

- 7.17 Mike Bone, the Chairman of the British Toilet Association emphasised that developing a strategy was the starting point to gain funding for this service. Such a strategy needs to include:
- *‘The aims of the service*
 - *Statement of what the organisation wants to achieve*

²⁴ Written Briefing for the panel by Angela Dymott

²⁵

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/636/636.pdf> bold my emphasis

- *Assessment of whether there are the right number of toilets and are they in the right place? This could assess whether some toilets could be shut down in order to maintain some other facilities*
- *The potential for charging for toilets...*²⁶

7.18 This list has formed the basis of many of the suggested components of an action plan for Brighton & Hove outlined in Recommendations 1 and 2 (see pages 8-9).

Other local authorities

7.19 A number of councils have developed a strategy for their publicly accessible toilet service. These include Belfast and Bath & North East Somerset (BANES) who have drawn up a provision strategy for 2011-2026 to give a *'framework for providing toilet facilities where they are wanted and needed.'*²⁷

7.20 However, the panel were not able to identify one single solution to this problematic issue.

An action plan rather than a strategy

7.21 Jan Jonker, Head of Projects and Strategy for Cityclean explained that he was:

*'...cautious about the value of a strategy – due to the amount of time and resources it would absorb at a time when the council had to save £20m. It would be a better use of time to produce **an action plan for the service**. The priority for the service was to maintain the provision and expand where possible.'*²⁸

7.22 **The panel were concerned that if the council cannot afford to expand the service to meet growing needs and replace worn out infrastructure, that there needed to be an assessment of how this could be funded. The panel felt an action plan was needed, which brought together a set of practical recommendations which set out what key actions are needed for next five years and predict need for next 15 years. They accepted that developing an action plan, rather than a strategy, for the service is the most practicable way forward.**

This action plan

7.23 The council last produced a strategy for public toilets in 2003. The panel believed that a new action plan for the service would need to address the following issues:

²⁶ Mike Bone, Evidence to the panel, 26.02.13

²⁷

<http://democracy.bathnes.gov.uk/documents/s8802/E2312%20Public%20Toilets%20Provision.pdf>

²⁸ Bold my emphasis, Jan Jonker, Evidence to the panel, 25.01.13

- How do publically accessible toilets fit with council priorities?
- What are the priorities and key outcomes for this service?
- How can the council services work well together to ensure the delivery of this service
- What are the key aims of this action plan and how will it be managed and resourced?
- How to plan for future needs – for example, population provision in a growing city
- Distance related provision – are there places with gaps in toilet provision or areas with too many?

Challenges facing the service

7.24 The panel were informed that the other key challenges facing the service, included:

- Seasonal variations, for example much higher demand in summer from tourists and other visitors
- Events which lead to high use, such as Pride
- Park provision
- Cost of attended toilets versus the benefits.
- Closing hours, as a 24 hour service is not provided in public toilets due to costs and concerns about anti-social behaviour (ASB)
- Anti-social behaviour in general
- Five toilets had been closed as the result of 2012 budget savings – which meant the service could be seen as a *'political football'*, attendance and opening hours were reduced at some other sites.

7.25 For example, in the budget for 2013/14 a Conservative amendment was tabled for:

'£0.031m to extend the opening hours for Norton Road (opposite Hove Town Hall) toilets'.

*However this amendment was defeated.*²⁹

7.26 These challenges listed in 7.24 could also be considered in the action plan.

7.27 In addition it was becoming increasingly clear that community and business provision needs to supplement toilets provided by the council. The action plan could set out how community and business provision could be used to maintain, or increase, the level of service.

Recommendation 1

²⁹ <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=117&MId=4138&Ver=4> draft minutes from Budget Council, 28.02.12

- 7.28 ***The panel recommends that Brighton & Hove City Council develops an action plan for publicly accessible toilets in the city. This plan should be led by Cityclean, but draw on contributions from services such as Property & Design, Licensing and Planning where appropriate. While the plan is held by the council it will also be a partnership document which sets out how they will work with public sector partners, the community and businesses to maintain the capacity of this service. The action plan would cover both toilets owned directly by the council and other facilities which are publicly accessible, such as those in our Use Our Loos scheme. The action plan would come under the oversight of the Assistant Chief Executive, to ensure that all the relevant council services contribute to this plan.***

Finding 3: A coherent action plan could align the council's priorities with the aims for publicly accessible toilets

8.1 Publicly accessible toilets are referenced in the following council strategies:

- City Plan
- Seafront Strategy
- Corporate Plan
- Tourism Strategy.

The panel could see the hard work that was going into planning and protecting the future of the provision, but they were concerned that this was not always fully recognised in the key strategies for the future growth of the city. This section of the report will now look at some of these council strategies in greater detail.

1. City Plan (expected to be adopted in early 2014)

8.2 The City Plan is the key planning document for the council which will:

*'... provide the overall strategic vision for the future of Brighton & Hove to 2030. It will set out how the council will respond to local priorities, meet the challenges of the future and identify the broad locations, scale and types of development needed together with the supporting infrastructure.'*³⁰

8.3 The submission City Plan does include public toilet provision as an 'important' part of infrastructure needed for the following reasons:

- *In new tourist developments which increase numbers of visitors to the city*
- *To improve health, well-being and quality of life for residents and visitors.*³¹

Appendix 1 outlines this in greater detail.

2. Seafront Strategy

8.4 One of the key themes of this draft strategy being developed by the council is 'Seafront Management'. One of this theme's objectives is:

*'To ensure suitable quantity and quality of toilet facilities along the Seafront.'*³²

³⁰ Council website, <http://www.brighton-hove.gov.uk/content/planning/local-development-framework/city-plan-previously-core-strategy>

³¹ Council website http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/ldf/cp_Annexes_-_Final_version_May_2012.pdf

³² <http://consult.brighton-hove.gov.uk/portal/bhcc/seafront/strategy>

- 8.5 As part of the consultation process, respondents have been asked about the key locations identified in the seafront area and whether there are sufficient toilets in that area. The consultation on the strategy closed on 13/03/13 and a report on the Strategy is planned to go to the council's Policy and Resources Committee later this year.

3. Corporate plan (2012/3 update)

- 8.6 The following priorities in the Corporate Plan are relevant to the provision of public sector toilets.

Priority 1 – Tackling Inequality (improving health and well-being)

- 8.7 *'We will work in a more joined up and creative way, so that our resources have the greatest impact possible and give the best value for money. We are keen to explore different ways to tackle these issues, which could be through co-operatives, mutuals or social enterprises.'*³³

The council is committed to ensuring that

*'All council services should be contributing to a healthier city...[including] a healthier environment. This will include...improving public spaces and firm but fair enforcement of environmental health and licensing standards.'*³⁴

Priority 2 – Creating a more sustainable city.

- 8.8 One of the outcomes for 2011-15 sought is 'A healthier and higher quality built environment'.

*'We are responsible for maintaining and developing the 'public realm' ensuring it is safe, clean and accessible for all users... [including] public toilets...Working with businesses and residents we will explore how to improve the quality and cleanliness of the public realm, the environmental impact of these services, while reducing costs.'*³⁵

4. Tourism Strategy (2008-2018)

- 8.9 The Tourism Strategy highlights the need to provide, improve and maintain public toilet facilities in key tourist areas, such as the seafront. However unlike the Corporate Plan which emphasises the quality of provision and working in innovative ways, the Tourism Strategy only looks at council provision and uses terms such as 'basic', 'adequate' and 'short term'.³⁶

³³ Corporate plan <http://corporateplan.brighton-hove.gov.uk/priority/tackling-inequality>

³⁴ Ibid <http://corporateplan.brighton-hove.gov.uk/priority/tackling-inequality>

³⁵ Corporate plan http://corporateplan.brighton-hove.gov.uk/sites/default/files/BHCC_Corporate_Plan_2011-15%20Full%20Text%202012-13.pdf

³⁶ Tourism Strategy http://www.brighton-hove.gov.uk/downloads/bhcc/tourism/tourism_strategy_final.pdf

- 8.10 The panel was concerned by this as there are direct benefits to local authorities providing public toilets, of which tourism is one. Clara Greed, Professor of Inclusive Urban Planning at the University of the West of England, who has researched and written extensively on the provision of public toilets, states:

“It is important to argue ‘the business case’ that investment in good toilet provision has been shown to increase retail turnover, tourist numbers, and economic growth.”³⁷

- 8.11 The panel were concerned whether the relevant council strategies can be seen as linking together to provide a coherent plan for the future of publicly accessible toilets and in some instances they contain conflicting information about the service. So a specific action plan for publicly accessible toilets could provide this coherence and link all the issues together, including those identified by this panel. This action plan could be a reference document for when new strategies are being developed by the council, or key stakeholders which involve the issue of publicly accessible toilets.

³⁷

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/636/636.pdf>

Finding 4: An adaptable service

Attended or unattended toilets?

9.1 The panel heard that attended toilets benefit from full-time replenishing and cleaning. The priorities for choosing which toilets to make attended mean that:

*'...all seafront toilets are attended and toilets affected by specific events, or such a high footfall like the Pavilion Gardens.'*³⁸

9.2 The Pavilion Gardens site has:

*'...around 1,000 visits per day, so it would not be possible to visit enough to restock and there would be too much vandalism if not attended.'*³⁹

9.3 These facilities may only have attendants during the summer or at other busy times, or on a part-time basis depending on need. Although the majority of the council's public toilets are unattended, they are serviced between three to six times a day.

9.4 If a toilet is attended, or visited frequently enough, this can:

- Reduce vandalism and ASB
- Ensure a good standard of cleanliness
- Enable prompt repairs

Fluctuations in usage

9.5 Regular monitoring of the use of facilities is an important part of monitoring the contract. Each site is monitored for risk and the need for an attendant is assessed.

9.6 For example, at the Hove Lagoon playground there is an attendant in summer to deal with the number of accidents which could be caused by water on the floor. However in winter this site is dealt with by a mobile service visiting three to four times a day, because of the lower level of usage.

Opening hours

9.7 The panel heard that the service *'was constantly reviewing opening hours because there were a lot of comments about early closing hours in parks.'*⁴⁰

9.8 While this had to be balanced with issues of safety, now the majority of toilets are open by 8am and shut at 10pm(summer) and 8pm(winter).

³⁸ Jenny Cooke, Evidence to the panel, 19.12.12

³⁹ Ibid

⁴⁰ Ibid

Managing resources

9.9 The contract enables the council to renegotiate the service provided on each toilet, such as reducing the number of daily visits to that site. As the result of the close working between Cityclean and Wettons:

‘Significant reductions in annual costs have been achieved [an example]...was the 50% savings...achieved at the Esplanade by reducing attendance time.’⁴¹

⁴¹ Jan Jonker, Evidence to the panel, 19.12.12

Finding 5: Reducing resources are available to the council for publicly accessible toilets

10.1 The panel believe that the council has been placed in the situation of having to 'manage the decline' of publicly accessible toilets due to dwindling resources for the public sector. This section of the report looks in greater detail at the resources currently needed to provide these toilets.

The cost of running the service on a day to day basis

Wettons contract

10.2 According to figures provided by Cityclean the total cost of this contract, as well as the utilities costs and non-domestic rates, is close to a million pounds.

Freedom Leisure

10.3 The direct costs of providing the seafront publicly accessible toilets under the Freedom Leisure contract are not possible to pinpoint. This is because the maintenance and cleaning of these units is combined with the costs of maintaining and cleaning the paddling pool site as a whole. The metred cost of the electricity is approximately £450 per annum.

Variations in cost per toilet unit.

10.4 The panel heard that there is a significant variation in cost per toilet unit across the city. This depends on the size of the unit, frequency of cleansing, usage, level of anti-social behaviour and whether attended or not. Given the significant range of costs, one of the benefits of the action plan would be to set out more information on achieving savings and where it is possible to put those savings back into the service.

The panel heard that extensive work by Wettons and Cityclean has achieved 'significant reductions in annual costs', the key ways were:

- Significantly changing opening times
- Reducing the number of units
- Moving from attended to unattended unit
- Negotiating on RPIX⁴²⁴³

Type of new toilets and cost of providing them

10.5 The regional Director of Wettons explained that new units provided are:

'...gender neutral, single units with street entry for all. They are completely enclosed to DDA standards e.g. alarm cord. The visibility of

⁴² RPIX is a measure of inflation in the United Kingdom, equivalent to the all items Retail Price Index (RPI) excluding mortgage interest payments

⁴³ Jenny Cooke, Evidence to the panel, 26.11.12

*entry obviates against the possible increase in ASB, as well as the number of daily visits by Wettons.*⁴⁴

- 10.6 The panel welcomed this form of provision and feel this type of provision should be the standard which is encouraged in developments across the city. There is no need to maintain separate quotas for male and female toilets.
- 10.7 An example of the resources needed for a new site is the toilets at Blakers Park which cost approximately £125,000 including the sewage connections and a tailor made roof: but as Jenny Cooke from Cityclean told the panel *'...each site had different costs.'*⁴⁵

Concerns about using resources to encourage community provision

- 10.8 The panel heard that LB Richmond use £600 per annum to reimburse each business which participates in their community toilet scheme (CTS). If the council decided to reimburse our participants, there is currently no allocated money for this so the funding would have to come out of existing budget. The panel heard that there was a concern that if funding was diverted to the CTS scheme, it would be paying a business for access to a facility which could not be guaranteed on a long term basis, as the businesses can opt in and out of the scheme. In the current climate businesses are closing down more often than opening.

Budget and reductions in funds for this service

- 10.9 There had been considerable debate regarding the provision of public toilets during the budget setting process for 2012/13, after it had been proposed to reduce this service by £163,000⁴⁶. However public consultation resulted in the suggested savings being reduced by £25,000 to enable the toilets in Saunders Park and Vale Park to remain open. Therefore, at Full Council it was agreed that £138,000 savings would be achieved in this service by the:

*'Rationalisation of public toilet provision to reflect public use and prioritise resources where demand is most evident.'*⁴⁷

- 10.10 This would involve the following changes:

'Hove Cemetery North Side to close and Hove Cemetery Southside accessible toilet to remain open. Hove Recreation ground toilets to close but Rugby Club have own toilets for fixtures. Aldrington

⁴⁴ Clive Robinson,

⁴⁵ Jenny Cooke, Evidence to the panel, 25.01.13

⁴⁶ [http://present.brighton-hove.gov.uk/Published/C00000120/M00003227/AI00023295/\\$20111201104648_001346_0003382_Appendix4e2PlaceOtherServices.xls.pdf](http://present.brighton-hove.gov.uk/Published/C00000120/M00003227/AI00023295/$20111201104648_001346_0003382_Appendix4e2PlaceOtherServices.xls.pdf)

⁴⁷ Agenda for meeting of Council on 23.02.12 [http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/\\$ADocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/$ADocPackPublic.pdf)

Recreation Ground toilets to close and an accessible toilet on Saxon Road nearby kept opened. Aldrington Rec closed toilets to be incorporated into a lease for the building and a new café. Norton Road to close during the week and toilet in Hove Town Hall to be used as an alternative. Victoria Recreation Ground to close and toilets in the pavilion to be used for fixtures and public toilets on Victoria Road opposite the playground to be used. Adjustments in attendants at other toilets. Attendant levels will be adjusted at some of the other toilets which remain open.⁴⁸

10.11 It was then agreed that:

'We will prioritise the maintenance and management of public toilets and close or reduce opening hours of poorly used toilets where alternative arrangements cannot be found'⁴⁹

10.12 There is now a concern that the service could receive unsustainable cuts in future years. Therefore the key focus of this panel is to consider the range of ways which can be used to bring publicly accessible toilets into use, at a reduced, or no extra cost, to the council.

Is the contract sustainable?

10.13 Officers expressed their concern to the panel that if the costs were constantly being cut back:

'...there will come a time when Wettons could call it a day on the contract.'⁵⁰

10.14 This issue is of such concern to the panel, it was felt that the key focus of the action plan needs to be to identify additional resources for publicly accessible toilets or partners which could contribute to future toilet provision.

⁴⁸ Agenda for meeting of Council on 23.02.12 [http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/\\$ADocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/$ADocPackPublic.pdf)

⁴⁹ [http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/\\$ADocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000117/M00003266/$ADocPackPublic.pdf)

⁵⁰ Evidence to the panel in scoping meeting

Finding 6: Resources are needed to maintain the infrastructure of public toilets

11.1 The panel asked Cityclean what level of improvements needed to be made to public toilets, given that much of the infrastructure is Victorian. However, it was not known how much it would cost to refurbish the toilets in need:

*'...[the service] did not have a ball park figure. While ten sites had been decorated internally at no cost each year as part of the contract, the old buildings would cost a major amount to refurbish.'*⁵¹

11.2 The panel were reminded by Jenny Cooke, the Contracts and Project Manager for Cityclean⁵² that:

*'...our toilet provision has been there a long time and is experiencing deterioration and also [we are] expecting existing provision to cope with increasing numbers of businesses and visitors.'*⁵³

11.3 This was backed up by the British Toilet Association who felt that while facilities here were *'...quite well maintained and inclusive, ...there were maintenance issues.'*⁵⁴

11.4 Angela Dymott, the Head of Property & Design explained that:

*'Investment was recently made in the seafront toilets. Each year services bid for improvements and Leisure is one of the main clients.'*⁵⁵

The panel felt that there was a need to find out more information about the condition and the cost of maintaining council owned toilets, which could be remedied by carrying out a stock condition survey.

11.5 A stock condition survey should enable the council to review its toilets to establish:

- Which sites remain viable to remain in council ownership
- Which sites could be transferred to leaseholders, such as park cafes
- Whether there are any facilities where it is no longer viable for the council to keep it open

11.6 Any savings which are achieved by this review should be fed back into the service for use where a need has been established, for example to better meet the demands of the night time economy (see

⁵¹ Jenny Cooke, Evidence to the Panel, 25.01.13

⁵² Jenny Cooke has subsequently left BHCC

⁵³ Ibid

⁵⁴ Mike Bone, Evidence to the Panel, 26.02.13

⁵⁵ Angela Dymott, Evidence to the Panel, 19.12.13

recommendation 8). This information would form a key part of the action plan.

Recommendation 2:

11.7 ***The panel recommends that this action plan contains, or is based upon a business plan for the toilets which are directly owned by the council. This business plan would need to:***

- ***Clarify what revenue and capital expenditure is required per toilet for the next 15 years. This should cover as a minimum the cost of management and day-to-day maintenance (including responsive maintenance and cleaning) and future planned maintenance. This should include in-house costs and contractor costs. This would enable the council to identify the most cost-effective way of managing these assets.***
- ***Clarify what was the cost of providing publicly accessible toilets in 2012/13, including both the capital and revenue expenditure and which service, and budget heading, is responsible for each key aspect of the service.***
- ***Ensure a stock condition survey is carried out by Property & Design of all the toilets directly owned by the council to identify a plan of future maintenance.***

The information in the action plan would inform the strategic, and budget, decisions about publicly accessible toilets. It would enable decisions to be made in relevant areas such as:

- ***Investment***
- ***Disposal of sites***
- ***Change of use***
- ***Alternative means of provision.***

The action plan would also inform the re-letting of the Wettons contract for public toilets in 2017. It would also enable the council to set targets for increasing publicly accessible toilet provision from the community and business sector.

Finding 7: The importance of accessible toilet facilities

12.1 A priority for the panel was to consider the needs of groups which are significantly affected by the provision of publicly accessible toilets. A whole meeting of the panel focussed on the particular needs of people:

- Who have a medical condition
- Who need to use the toilet frequently
- With a disability who need to use accessible toilets.

12.2 This section of the report will look at different issues facing the provision of accessible facilities for these groups.

People living with a disability

12.3 According to a briefing by BHLINK,⁵⁶ 16% of the city's population has a disability which is higher than the national average of 11%.⁵⁷

12.4 In addition the Equality Act 2010 imposes the duty to make 'reasonable adjustments' to improve access for people with disabilities, which might include the provision of wheelchair accessible toilets.

Are there enough wheelchair accessible toilets?

12.5 Of the 81 publicly accessible toilets in Brighton & Hove, 65 of them are wheelchair accessible. According to Cityclean this '*compared well*'⁵⁸ to the number of general accessible toilets in relation to the city's population. Of these toilets, two have an adult changing bench and one is a Changing Places toilet.

12.6 Dr John Hastie, from The Fed Centre for Independent Living told the panel that there was a higher need in the disabled population for toilets. Therefore his key concerns about current provision were:

- *'where there are accessible toilets, these tended not to be open or hard to find in the evening*
- *A lot of pubs and restaurants do not have accessible toilets, which mean that public toilets are needed to fill that gap and enable people with disabilities to go out in the city'.⁵⁹*

He believed that the key things the council could do were:

- *'Keep accessible facilities clean*
- *Provision here was generally good, but not closing any more facilities*
- *Keep facilities open in the evening*

⁵⁶ BHLINK was the statutory body for public engagement on health and social care, now being replaced by Healthwatch

⁵⁷ Written evidence submitted to the panel by BHLINK

⁵⁸ Jo Jones, Evidence to the panel, 11.02.13

⁵⁹ Dr John Hastie, Evidence to the panel, 11.02.13

- *The Use our Loos scheme seems good.*⁶⁰

12.7 The benefit of providing such facilities in businesses was shown by Dr John Hastie who *'chose venues to go to on the basis of their accessibility.'*⁶¹ Although he did express concern that often disabled facilities were not maintained to the same standard as general use toilets.

12.8 Jenny Cooke, the Contracts and Project Manager for Cityclean, replied to this concern by saying that:

*'...the accessible toilets are open to the same time as the rest of the sites. Those on the public highway are often open until 10pm in the summer and only closed earlier in parks and other areas, where the sites are in darkness. Also they are cleaned to the same high standards.'*⁶²

Are accessible toilets in the right location?

12.9 Ruby Kearns of the Parent Carers Council (PaCC) told the panel that:

*'...she felt more facilities were needed...it would be good to have facilities in well populated areas to reduce the level of ASB, for instance parents might find Madeira Drive [the location of the Changing Places toilet] isolated and intimidating on an evening.'*⁶³

12.10 Crohn's and Colitis UK, the Brighton & West Sussex Group had undertaken a survey of local members who said that publicly accessible toilets were needed across the city, but *'...particularly where people:*

- *Travel*
- *Socialise*
- *Shop.*⁶⁴

12.13 The action plan could look at whether there enough toilets where people want them. Locations could be identified where there are gaps in provision, for example Kemp Town was an area suggested as lacking in sufficient provision.

Are they open at the right time?

12.14 This survey of local members of Crohn's and Colitis UK also asked **'when'** respondents needed to use publicly accessible toilets:

'an emphasis was placed on evenings because:

⁶⁰ Dr John Hastie, Evidence to the panel, 11.02.13

⁶¹ Ibid

⁶² Jenny Cooke, Evidence to the panel, 11.02.13

⁶³ Ruby Kearns, Evidence to the panel, 11.02.13

⁶⁴ Andy Player, Evidence to the panel, 11.02.13

- *People were commuting home, returning late from work or attending lectures*
- *To enable socialising.*⁶⁵

12.15 Therefore one of the changes they would most like to see was *‘facilities open in the evening.’*⁶⁶ The panel felt that it would be useful for the council to work with pubs and restaurants to see if they would be willing to provide access in the evening. This would also depend on whether their toilet provision was accessible.

12.16 The opening hours of accessible toilets is discussed further in the section below on RADAR toilets and in also in section 17 on Anti-Social Behaviour (ASB).

RADAR toilets

12.17 RADAR is a national scheme which offers specialised toilet facilities for those who are disabled. There are 54 of these accessible toilets in Brighton & Hove, which are locked and can only be opened with a RADAR key.⁶⁷

12.18 According to Andy Player from Crohn’s and Colitis UK, Brighton & West Sussex Group:

*‘...it was a big issue that doors [of RADAR toilets] were locked after dark, which is a particular problem in winter.’*⁶⁸

12.19 The panel heard that the key reasons for double locking RADAR toilets at night were due to:

- *Rough sleepers using the amenities, ‘which posed difficulties for cleaning staff attempting to close the site, including abuse and threats to personal safety’*⁶⁹
- ASB

12.20 The panel would like to see this issue considered further in the action plan for publicly accessible toilets, drawing on the experiences of how other local authorities have tackled this dilemma.

⁶⁵ Andy Player, Evidence to the panel, 11.02.13

⁶⁶ Andy Player, Evidence to the panel, 11.02.13

⁶⁷ VisitBrighton website, <http://www.visitbrighton.com/plan-your-visit/accessibility/accessible-toilets>

⁶⁸ Andy Player, Evidence to the panel, 11.02.13

⁶⁹ Jo Jones, Evidence to the panel

Toilets which are suitable for children with disabilities

12.21 According to Amaze⁷⁰ there are currently 97 children on the Compass register with severe mobility problems across the City. Currently 128 children on the register are incontinent at night and 169 are incontinent all the time. Amaze believe the Compass register holds details of about 55% of the total population of significantly disabled children in the city.⁷¹

12.22 The panel heard from Ruby Kearns of the PaCC that when using standard disabled toilets:

‘...they were not big enough for power chairs and did not provide sufficient space for two carers. Due to lack of changing benches, parent carers were forced to change their children on dirty floors.’⁷²

12.23 Because her disabled son:

‘...cannot hold himself safely on a toilet, she had to sit behind him and hold him and him on the toilet, but when he grows bigger she will not be able to fit.’⁷³

12.24 Ruby Kearns also highlighted the importance of having larger units which enabled you to take a pushchair or buggy into the facility.

12.25 The importance of good public toilets to families with disabled children was also emphasised by the BHLINK Toilet Users Group.⁷⁴

12.26 Cityclean acknowledged that where such facilities are gained from converting old buildings, they were restricted by the structure and cannot always provide enough space for two carers. However this is covered in all new sites. Parent carers were placed in the position of it *being* ‘...always necessary to plan where they were going’ in order to access toilet facilities.⁷⁵

Changing Places

12.27 The Changing Places Consortium is a group of organisations working to support the rights of people with profound and multiple learning disabilities to access their community. The Consortium is campaigning for Changing Places toilets to be installed in big public places. Mike

⁷⁰ Amaze provides information, advice and support to children with special needs and disabilities in Brighton & Hove

⁷¹ Evidence from Amaze

⁷² Ruby Kearns, Evidence to the panel, 11.02.13

⁷³ Ibid

⁷⁴ Written evidence to the panel

⁷⁵ Ibid

Bone, the Chairman of the British Toilet Association explained that the cost of setting up a Changing Places toilet involved three elements:

- *'[a site of] significant size to enable 2-3 people to use the facility with a wheelchair and sufficient room for a hoist and a load bearing surface*
- *£10,000 - £15,000 of equipment and maintenance costs*
- *Ongoing maintenance costs.*⁷⁶

12.28 Their aim was for a Changing Places toilet to be built in every large scale building such as arts venues and shopping centres because:

*'There were nearly 250,000 people in the country who cannot use standard accessible toilets, because access was needed for the person and their carer and the provision of an adjustable bench.'*⁷⁷

12.29 No specific funding was available for this kind of toilet but it could be obtained from grants. For the Changing Places facility built in Madeira Drive, the £25,000 construction costs had been met by Wettons. It was a fully attended site to ensure that the people using the facility were able to use the hoist and users were expected to sign a declaration to say they knew how to use a hoist. This was the first Changing Places facility in the South of England and included provision of a disabled parking bay directly outside the facility and additional signposting.

12.30 A second facility was being built at the Level which:

'...would be more accessible and had been sited there due to the funding opportunity at that location.'

12.31 While Mencap were pleased to see that one such facility had already been built here, with another on the way, it was felt that up to four of these toilets were needed in the city at the following locations:

- Brighton station
- The pier
- Churchill Square shopping centre.⁷⁸

12.32 This was backed up by the Parent Carer's Council who felt that Churchill Square would be *'...the ideal location'*.⁷⁹

12.33 Although the panel heard that the toilet being built at the Level was likely to be the final Changing Places facility opened here, they felt it would be worth exploring the potential for future funding. Some options to achieve this included:

⁷⁶ Mike Bone, Evidence to the panel, 26.02.13

⁷⁷ Jason Carlisle, evidence to the panel, 11.02.13

⁷⁸ Jason Carlisle, evidence to the panel, 11.02.13

⁷⁹ Ruby Kearns, evidence to the panel, 11.02.13

- Bidding for funding, for example the toilet built at the Barbican in London was funded by the Lottery with Action for Children⁸⁰
- In some local authorities, Social Services had opened up to public access Changing Places facilities in day centres⁸¹
- Partnering with other organisations, such as supermarkets, to cover ongoing maintenance costs
- Encouraging private sites to bid for funding, for example Churchill Square
- In some other locations private toilets have been developed, for example Blackpool.

12.34 It is not possible to charge for accessible toilets, so this form of funding cannot be sought to pay for future provision. It was also emphasised by Dr John Hastie from the Fed Centre for Independent Living that charging for accessible toilets would seem unfair:

*'...because this group are more likely to need the toilet and would feel that they were being penalised.'*⁸²

12.35 Jason Carlisle of Mencap voiced his concern that the Changing Places toilet in the city *'was not in a very accessible location'*.⁸³

12.36 Cityclean did explain that the Colonnade had been chosen as it was one of the few sites of sufficient size and the Changing Places toilet being installed at the Level was possible because it was included at the beginning of the development.

12.37 However the panel felt that it was important for the council to remember the advice provided by Mike Bone, the Chairman of the British Toilet Association that:

12.38 *'It was essential for providers to understand what users want and ensure that the service meet their needs.'*⁸⁴

Recommendation 5:

12.39 ***The panel recommends that effective consultation is carried out with service users before building new toilets. This is especially true when building toilet provision for people with disabilities, for example to ensure that the type and location of the toilet will meet their needs.***

⁸⁰ Jason Carlisle, Evidence to the panel, 11.02.13

⁸¹ Mike Bone, Evidence to the panel, 26.02.13

⁸² Dr John Hastie, Evidence to the panel, 11.02.13

⁸³ Jason Carlisle, Evidence to the panel, 11.02.13

⁸⁴ Mike Bone, Evidence to the panel, 26.02.13

Recommendation 6:

12.40 ***The panel recognised the importance of the Changing Places provision to provide toilets for those with profound and multiple disabilities. They recognise that the council is not likely to be able to provide any more Changing Places toilets itself, since they have built one of these toilets and are currently building another.***

So the panel would like to see Changing Places toilets, or other kinds of wheelchair accessible toilets, included where possible in private developments. The council should work with work with partners such as Network Rail to identify further funding opportunities to develop these kinds of provision. Examples include European Funds, organisational funds related to Corporate Responsibility and the City Plan. The aim should be, where possible, to situate such toilets in high use areas such as Churchill Square and railway stations.

Older people

12.41 BHLINK informed the panel that this service became even more important as the aging population grows:

*'Up to 35% of people over 65 have some form of incontinence...If there were not sufficient facilities, then increasing numbers of older people would remain indoors. This would lead to an increased need for social care and reduced exercise rates in this age group.'*⁸⁵

12.42 The key concerns of older people had been reported to them as being:

- Gaps in locations, for example not enough toilets between Churchill Square and the Open Market
- Opening hours
- Safety
- Concerns about using certain facilities, such as pubs, if not a customer.⁸⁶

12.43 Brighton & Hove has been officially accepted into the World Health Organisation (WHO) network of age friendly cities. This is an international effort to help cities prepare for two demographic trends:

*'...the rapid ageing of populations and increasing urbanization...[which] targets the environmental, social and economic factors that influence the health and well-being of older adults.'*⁸⁷

⁸⁵ David Watkins, evidence to the panel, 11.02.13

⁸⁶ Ibid

⁸⁷ OPC Website http://www.olderpeoplescouncil.org/age_friendly_city.html

12.44 The checklist will act as a prompt for the cities to assess themselves and measure their progress towards becoming more age friendly. One of the features of the checklist is:

*'Public toilets outdoors and indoors are sufficient in number, clean, well-maintained and accessible.'*⁸⁸

12.45 This will enable the council to take this into account when making relevant future bids for funding.

Younger people

12.46 Research has found that the provision of toilets would encourage 94% of 16-19 year olds to use urban green spaces more frequently.⁸⁹

Meeting the needs of pregnant women and family friendly toilets

12.47 The Chair of the British Toilet Association, Mike Bone, identified both pregnant women and babies as two of the groups which had the most immediate need for toilets when they were away from home.⁹⁰

12.48 A briefing on the toilet service emphasised the changes which have been made to make public facilities family friendly:

12.49 *'Brighton & Hove was the first authority to introduce [two] Nursing Rooms...Many of the site also include toddler seats in addition to baby changing units to provide a safe place for toddlers to be seated whilst parents or carers change their babies. Wherever baby changing facilities are in place either stickers or murals are used to make the environment as welcoming as possible.'*⁹¹

12.50 The BHLINK Toilet User Group also raised the following key issues of concern in relation to families:

- More toilets that are easy to use for those with children in buggies
- Clean toilets and baby changing facilities are important for pregnant women and new parents
- Children being frightened by seeing drug use in public toilets.⁹²

Gender neutral facilities

12.51 The panel heard that the toilet service is changing the kind of units provided to gender neutral, family friendly units. Now eight units are gender neutral and 35 are gender specific. The majority of accessible toilets are also gender neutral, unless they are specifically positioned within a traditional male or female facility.

⁸⁸ Age Friendly City Checklist,

<http://www.olderpeoplescouncil.org/docs/afc/afcchecklist.pdf>

⁸⁹ http://www.ocs.polito.it/biblioteca/verde/improving_full.pdf

⁹⁰ Mike Bone, Evidence to the Panel, 26.02.13

⁹¹ Briefing note on public toilet provision provided by Cityclean

⁹² Written evidence collated by BHLINK Toilet User Group for the scrutiny panel

12.52 A scrutiny review was recently approved by the council's Policy & Resources Committee⁹³, which:

'...was set up to highlight the challenges and inequalities facing transgender people in Brighton & Hove and to make some recommendations for change'⁹⁴

12.53 A number of trans people told this panel that:

'...one of the main things that prevented them attending activities in the city's sports and leisure centres, was the lack of changing areas and toilets where they felt safe.'⁹⁵

12.54 This evidence led the Trans scrutiny panel to make the following recommendation:

'Recommendation 22: There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people (p51).'⁹⁶

12.55 The panel expect the action plan for publicly accessible toilets to take into account the findings (and relevant recommendation) of the Trans Equality Scrutiny Panel.

⁹³ <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=689&MId=4090&Ver=4>

⁹⁴ Ibid

⁹⁵ Trans scrutiny panel http://www.brighton-hove.gov.uk/downloads/bhcc/democracy/Trans_Equality_Report_final_pdf.pdf

⁹⁶ Trans scrutiny panel http://www.brighton-hove.gov.uk/downloads/bhcc/democracy/Trans_Equality_Report_final_pdf.pdf

Finding 8: The need to make the best use of existing public stock

13.1 This section considers one of the key ways in which the level of provision can be maintained or increased. While focussing on opening up existing toilet provision to public access, building new stock can also be an important way of meeting particular needs (such as Changing Places toilets). The focus on making the best use of existing stock, fits with the trend of reducing council resources for this service.

Opening up access to council toilets

13.2 The panel heard from Angela Dymott, the Head of Property & Design, that the renovation of council buildings involves providing publicly accessible toilets where ever possible. This is done where the facilities and space exists and where the nature of the activity allows for general public access. However, the key issues relating to making toilets in council buildings publicly available were:

- Security of staff
- Cleaning
- There is a commitment when redesigning public access points, such as Hove Town Hall, to make toilets publicly accessible when practicable and the costs are sustainable

13.3 In her written statement to the panel meeting, Angela Dymott stated:

'It is difficult to use office and administration buildings for public toilet facilities due to the problems regarding the security of staff and of the building in general.

Decreasing resources have meant that public toilet provision in our civic buildings has to be assessed with regard to general need and provision in the area. Civic buildings can be used but security and cleaning aspects need to be considered particularly in Town Halls and costed into the business plan to ensure that they are sustainable.'

13.4 **The panel were given the following update on the progress of opening up council toilet facilities to the public.**

- Hove Town Hall Customer Centre: There is no specific requirement for a publicly accessible toilet in the customer centre, as there is already four accessible toilets in the Town Hall.
- Bartholomew House: The new customer service centre has accessible public toilet provision.
- Housing Centre Moulsecoomb: While there are no current plans for a publicly accessible toilet, the feasibility of building one, along with a cycle store and or a re-cycling centre, is currently being examined

by the repairs partnership on the vacant land adjacent to the Housing Centre.⁹⁷

Increasing the number of accessible toilets in council buildings

- 13.5 Between 2007/8 and 2010/11, the council has spent over £127,000⁹⁸ creating seven accessible toilets through the annual capital access improvement programme funded through the annual Asset Management Fund. This comprises four accessible units where no toilet provision had existed before, or had been closed for a number of years, and three units where wheelchair accessible provision had not existed before.
- 13.6 In addition, at St Luke's Swimming Pool a new accessible toilet was provided as part of the refurbishment of the wet changing facility. This accessible toilet cubicle, accessible changing and showering facilities were part of a major refurbishment costing over £300k which was funded by a grant from Sport England with contributions from the Asset Management Fund.⁹⁹
- 13.7 The panel also heard that in the proposals 2012/13 it was hoped to use the Access Improvement Budget to provide a new accessible toilet at Rottingdean Grange Library. There had not been an accessible toilet there previously and it will be available to non-library users.¹⁰⁰

Recommendation 3

- 13.8 ***The panel recommends that this action plan includes a statement of the council's commitment to enabling public access to toilets in its own properties.***

The panel believes that providing public access to the toilets in its own buildings should be the default position, where practicable and safe. So the suitability of providing public access to toilets should be assessed when the council either renovates an existing building or opens a new building. Where it is not possible to provide public access in a council building, a clear explanation of the reasons should be incorporated into the action plan.

Where toilets in council buildings are publicly accessible, the panel believe that it is important that they are clearly signposted and advertised so that the public are aware that they can use these facilities.

⁹⁷ Information provided by Property & Design

⁹⁸ Figures provided by Property and Design

⁹⁹ Ibid

¹⁰⁰ Ibid

Leases in park cafes

13.09 A national report on how to improve the use of urban green spaces, found that the provision of toilets were a key factor in encouraging groups ‘a lot’ to use such spaces more frequently:¹⁰¹

‘...in terms of facilities that would encourage more use if they were provided, non- and infrequent users particularly chose the provision of a café and toilets.’¹⁰²

13.10 The extract below shows that across the different groups, toilet provision was identified as a key facility to encourage people to use urban green spaces ‘a lot’. This seemed especially true for younger people, older people and people with disabilities¹⁰³

| Facilities that would encourage people ‘a lot’ to use urban green spaces more frequently, across different types of non-users and infrequent users | | | | | | | |
|---|----------------|--------------------------|--------------------------|------------------------|--------------------------|--------------|--------------------------|
| Group | Women % | 12-15 year olds % | 16-19 year olds % | Non-Europeans % | 56-65 year olds % | 76+ % | Disabled people % |
| Toilets % | 78% | 77% | 94% | 78% | 81% | 70% | 87% |

13.11 Evidence collated by BHLINK reinforced this:

‘Closures of such toilets threatens to reduce the attractiveness and accessibility of parks to many users, while others will resort to defecating and urinating in flowerbeds...raising additional concerns for park users.

Parks and playgrounds are excellent ‘free’ resources which, across the city, help to strengthen communities and support better health outcomes...Toilets in parks may be expensive to maintain, but this should be seen as an investment in the wider social and health benefits.’¹⁰⁴

13.12 One of the park locations where it was highlighted that there was no toilet provision was Hollingdean Park¹⁰⁵

¹⁰¹ Improving Urban Parks, Play Areas and Green Spaces, DTLR, 2002, http://www.ocs.polito.it/biblioteca/verde/improving_full.pdf

¹⁰² Improving Urban Parks, Play Areas and Green Spaces, DTLR, 2002, http://www.ocs.polito.it/biblioteca/verde/improving_full.pdf

¹⁰³ Improving Urban Parks, Play Areas and Green Spaces, DTLR, 2002, http://www.ocs.polito.it/biblioteca/verde/improving_full.pdf

¹⁰⁴ Written evidence submitted to the panel from BHLINK

¹⁰⁵ Ibid

13.13 One example of how future provision can be secured was provided to the panel. After the closure of the male and female toilets at Aldington Recreation Ground, the unit was leased by a café. Within the terms of this lease, the café had taken on the responsibility for reopening and maintaining this toilet provision. To repeat this success, the council is ensuring that:

*'This requirement is also being included wherever possible in new leases for parks buildings.'*¹⁰⁶

13.14 Given that the approximate costs of an unattended toilet is £9,000 per annum, ensuring that a park café takes on this responsibility can either free up significant resources or mitigate against the impact of closures forced by budget cuts. According to Cityclean:

*'...this could free up funding for provision where it was needed in another location in the city.'*¹⁰⁷

13.15 While this is welcomed by the panel, concern was expressed about not deterring people from taking on those leases and the importance of ensuring that it was financially viable for these lessees to take on toilet responsibilities. Therefore the panel believe that taking on responsibility for any toilets should become a standard part of the renegotiation of leases for cafes in park, unless there is a reason why it would prevent the leasing of that site.

Recommendation 10

13.6 *The panel was pleased that the council had succeeded in leasing a number of park cafes to include either new toilet provision within the café building or to incorporate existing public toilets adjoining into the lease. This then releases funds to be used elsewhere on the toilet service. The panel recommends that the action plan sets out the intention of the council to work towards a situation where all park cafes take on the responsibility for the toilets, where this is practicable and would not jeopardise the leasing of the café.*

¹⁰⁶ Evidence to the panel in scoping meeting

¹⁰⁷ Jenny Cooke, Evidence to the panel, 26.02.13

Finding 9: Can a Community Toilet scheme plug the gaps in provision?

What is a Community Toilet Scheme?

14.1 A significant number of local authorities have sought to increase the level of publicly accessible toilet provision by introducing a Community Toilet Scheme (CTS). This involves working in partnership with local businesses to provide access for the public to clean, safe toilets. Some council's make a payment to participants. One of the reasons this panel was established was to consider other CTS's and whether lessons from them could be used to increase the membership of the city's scheme.

14.2 The 2008 Community and Local Government (CLG) Select Committee on the provision of public toilets stated that the advantages of this kind of scheme included:

- More toilets operating at less cost to the authority
- Lower incidents of ASB in the toilets
- It can increase the popularity and profitability of businesses who participate.

*'We support the Community Toilet Scheme initiatives in local authorities, although they are not appropriate everywhere and may provide only a partial solution to the adequate provision of public toilets...[and] cannot cover the needs of every local member of the community.'*¹⁰⁸

14.3 Some of *'problems'* associated with such a scheme included:

- *'Not suitable for large numbers wishing to use the facility at the same time*
- *The toilet is only open for as long as the business, but if pubs were included in the scheme could mean longer opening hours than council facilities*
- *These facilities are only open to the public 'provided that the service provider is prepared to accept them.'*¹⁰⁹

14.4 This Select Committee then went on to state that if a CTS is set up, it:

*'...must cover a variety of outlets to ensure that toilet facilities are available for a wide range of users, over a substantial part of the day and night.'*¹¹⁰

¹⁰⁸

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/636/636.pdf>

¹⁰⁹ Ibid

¹¹⁰ Ibid

Brighton & Hove was a forerunner in setting up a CTS scheme.

Can CTS work?

14.5 Mike Bone, the Chairman of the British Toilet Association (BTA) recognised that while Brighton & Hove had been a 'forerunner' he:

'...did not feel that any local authority had succeeded fully with such a scheme, and the problems they had encountered included:

- *Not an inclusive scheme in that the majority of participants might be pubs, which were premises that many may not wish to use for cultural reasons, religious beliefs or when are out with young children*
- *Shops spend a lot of money on facilities and do not want to open them up to the public for the fear of ...ASB and abuse.¹¹¹*

14.6 He also expressed his concern as to whether CTS schemes had:

'...facilities [that] were inspected, maintained to a specific standard or accessible.'¹¹²

14.7 Mike Bone emphasised his belief that:

'...you needed to spend sufficient money on setting up such a scheme, including:

- *Publicity*
- *Strategy*
- *Signage*
- *Entering into an agreement with each business*
- *Monitoring standards¹¹³*

14.8 In his opinion:

'This scheme could only work as a business proposition, rather than expecting organisations to help you out because local authorities could not afford to pay for toilets.'¹¹⁴

Due to both the limited resources available and the number of participants in the scheme, the panel felt that targeting this project to those with particular needs was *'a tangible and sensible way forward'*.¹¹⁵

Use our Loo

¹¹¹ Mike Bone, Evidence to the panel, 26.02.13

¹¹² Ibid

¹¹³ Ibid

¹¹⁴ Ibid

¹¹⁵ Minutes of the meeting on 11.02.13

14.9 The 'Use our Loo' is a voluntary CTS scheme set up by the council which;

*'...started in 2000 as the 'You're Welcome' scheme and was designed to encourage businesses to open up their toilets to the public. They are asked to display a sticker and their details are displayed in tourist information, the city map and on line.'*¹¹⁶

Do businesses want to participate?

14.10 There were currently 19 businesses involved in the scheme. It had been difficult to attract a higher number of businesses because they were concerned about:

- *'Anti social behaviour*
- *Opening up their premises to 'all and sundry'*
- *Costs incurred such as water metering, cleaning and supplies*
- *Insurance implications.*¹¹⁷

14.11 Brighton & Hove City Council had tried to encourage other businesses to join but did not offer any financial incentives unlike some other authorities. Even with the offer of free equipment or consumables, businesses were reluctant to take part. According to Mike Bone from the BTA where schemes did remunerate businesses, the amount involved ranged from £600 to £1,000 a year

Is the scheme suitable for smaller business?

14.12 The panel heard that:

'... it has been difficult to persuade businesses, except large ones such as Debenhams and M&S. This scheme is less suitable for smaller/independent business because:

- *Less likely to be accessible toilets*
- *Lack of supervision of facilities*
- *Location of toilets within small businesses can be inaccessible and present security issues*
- *Less resources for cleaners*
- *The rate at which these businesses were going under, there was no guarantee that they would still be there in 6 months*
- *Impact on insurance.*¹¹⁸

14.13 According to a briefing produced by Cityclean for the panel:

*'It has continued to be a struggle to encourage smaller businesses to join the scheme because they want to keep their toilets for their customers.'*¹¹⁹

¹¹⁶Briefing on public toilet provision in Brighton & Hove by Cityclean June 27th 2011

¹¹⁷ Jo Jones, Evidence to the panel, 11.02.13

¹¹⁸ Jo Jones, Evidence to the panel, 11.02.13

14.14 Further feedback from businesses was that:

*'...many do not wish to volunteer to be part of the scheme. Although there is the possibility of increasing the number of customers, there is no other real incentive for them and they run the risk of decreasing their standards of cleanliness by having external non-customers using their toilet provision.'*¹²⁰

14.15 The panel heard that for the reasons above it had also been difficult to attract businesses to participate in certain locations; including Kemp Town, Woodingdean and Western Road.

Could a CTS meet the needs of the whole community?

14.16 A 2011 report by the London Assembly raised the following concerns about community toilet schemes:

- Reliability
- Accessibility
- Coverage.¹²¹

The London Assembly warned that:

*'We have to be aware of the limitations of community toilet schemes. If boroughs are going to depend increasingly on others to provide public toilets – moving away from traditional, borough-maintained toilet provision – then issues such as opening hours and disabled access need to be addressed. To do this, it is necessary for community toilet schemes to be of sufficient scale to guarantee widespread coverage. There is also a need for participants that offer extended opening hours, disabled access, and baby changing facilities. This requires a firm commitment from boroughs to recruit member companies and to continue monitoring provision.'*¹²²

Café culture in Brighton

14.17 Despite the concerns raised about the ability of businesses to provide a significant alternative to public provision of toilets, the significant number of cafes in the city led the panel to believe this kind of sector could make a contribution. According to national statistics, there are 838 food and beverage service establishments in the city.¹²³ These are made up of:

¹¹⁹ Written briefing for the panel meeting on 11.02.13

¹²⁰ Scoping meeting with Cityclean on 24.10.12

¹²¹

<http://www.london.gov.uk/sites/default/files/FINAL%20HPS%20public%20toilets%20update%20report.pdf>

¹²² ibid

¹²³ 2008 figures supplied by the Economic Development Team from national figures

- 536 restaurants and mobile food service activities
- 301 beverage serving activities
- 11 other food serving activities.

14.18 **The panel would like to see the action plan specifically address how the council would work to encourage these businesses to participate. For example, there is a scheme in Paris whereby a number of cafes provide their customers with a token to use the toilets, but then ask non-customers to pay a small charge to use the facilities too.**

Recommendation 7

14.19 ***The panel felt that evidence submitted to them highlighted a number of reasons why small businesses in the city, such as independent retail outlets, are not likely to be suitable for inclusion in the Use our Loos scheme.***

However the panel feel that it was important to explore whether other businesses, such as cafes and pubs, could be encouraged called upon to contribute to publicly accessible toilet provision.

Finding 10: The ‘Use our Loos’ scheme could be made more effective by targeting it at meeting particular needs

15.1 Given the concerns about our current CTS scheme, the next section of this report discusses a possible way of re-launching the scheme to make it more effective.

Using the scheme to help meet medical needs

15.2 It has been suggested by Cityclean that a way to make the ‘Use our Loos’ scheme more attractive to potential businesses is to aim the scheme at people with specific medical needs who need access to toilets. For example, it has been estimated that at least 1,000 people in Brighton & Hove have either Crohn’s or Colitis. These are bowel conditions which:¹²⁴

‘...have a significant impact on people and can result in hospitalisation when at its most serious...Even when the condition was stable, it would still involve frequent and urgent diarrhoea, acute abdominal pain, the sudden urge to use the toilet and severe fatigue: making it difficult to run to the toilet.’¹²⁵

15.3 Andy Player, a representative of Crohn’s & Colitis UK, Brighton & West Sussex Group, told the panel that:

15.4 *‘For those who had experienced public faecal incontinence the experience could be devastating and impact on their ability to feel engaged with society. While coping strategies often included learning every public toilet in the whole of the city, many people chose not to engage in activities which would mean they needed to go out.’¹²⁶*

15.5 A survey by local members in Sussex found that:

‘...most members needed to use publicly accessible toilets nearly every day, especially when travelling. 75% flagged up the need to have public toilets next to transport hubs and 66% had used public toilets to clean themselves up after experiencing faecal incontinence. The majority carried clean clothes with them, in case they were needed.’¹²⁷

What is the Can’t Wait Card?

15.6 The panel heard that Cityclean were currently developing a proposal to adapt the CTS to enable access to toilets in participating businesses to those who held a Can’t Wait Card, rather than the general public. This card is available from the following organisations:

- Bladder and Bowel Foundation

¹²⁴ Andy Player, Evidence to the panel, 11.02.13

¹²⁵ Ibid

¹²⁶ Andy Player, Evidence to the panel, 11.02.13

¹²⁷ Ibid

- The IBS network
- Crohn's and Colitis UK¹²⁸

15.7 The purpose of the Card is that it:

*'...clearly states that the holder has a medical condition and needs to use a toilet quickly. Although it does not guarantee you access to a toilet, most places you visit will be willing to help you.'*¹²⁹



15.8 According to Andy Player of Crohn's & Colitis UK, Brighton & West Sussex Group:

*'The benefit of the card was that it cuts out what can be a very embarrassing discussion with the person working in the premises which has the toilet...It was important to give people confidence and then the card could be a lifesaver. If the council was to back this scheme and communicated this, it would increase the confidence of card holders. This would raise the awareness of businesses and employers and getting them to understand that people could be in genuine need.'*¹³⁰

Why link it to the Use Our Loo scheme

15.9 Linking this Card to the Use Our Loo Scheme was perceived to have the following advantages:

- It would not require any publicity to be made visible on the premises as those who had the card would know where the locations were publicised
- The council could both advertise the card and list the businesses who were participating
- Businesses may be more inclined to join the scheme as it was *'discreet and would likely involve minimal numbers'*¹³¹

15.10 Cityclean told the panel that the:

*'...showing of a card could reassure the business that the person had a specific medical need to use the toilet and did not wish to damage the facility or behave inappropriately there.'*¹³²

¹²⁸ <http://www.bladderandbowelfoundation.org/resources/toilet-card.asp>

¹²⁹ <http://www.bladderandbowelfoundation.org/resources/toilet-card.asp>

¹³⁰ Andy Player, Evidence to the Panel, 11.02.13

¹³¹ Jo Jones, Evidence to the Panel, 11.02.13

¹³² Jo Jones, Evidence to the Panel, 11.02.13

- 15.11 Written evidence to the panel from someone with Crohn's disease, showed how valuable this change to the scheme could be:

*'I have used the toilet in BHS but over the last few weeks, they have put a keypad on the door, and you have the number on a receipt. I went to see a manager there... and explained that our members needed to use the facilities if they are in the shop... His reply was 'you don't have to buy anything, but ask an assistant for the code'. To be honest if we all did this, it would be too late, and accidents happen, which is really degrading.'*¹³³

- 15.12 The refocus of the scheme would also mean that

*'...we would be the first local authority to promote the Can't Wait Card.'*¹³⁴

- 15.13 The panel heard that Cityclean hoped first to move existing participants in the scheme to this arrangement. It then hoped to extend participation to a wider group of organisations.

GP surgeries

- 15.14 Cityclean felt that GPs would be a good place to start recruiting extra participants. This is because they have already opened up their toilets to patients and would have these premises already designed and insured for public use. If the scheme did secure the involvement of GPs surgeries, this would be significant as there are currently about 47 in the city.¹³⁵

Could this change encourage more businesses to participate?

- 15.15 Evidence to the panel suggested that some of the issues raised by small businesses may not be allayed by the change to the scheme. Janet Woodjetts, a Retail Ambassador for Hove Business Association told the panel of her concern:

*'...that one could apply for the Can't Wait Card online, which could open up the possibility of fraud to gain access to the back end of a shop. There was a huge amount of internal theft in retail which would detract from people in need. For this reason, [she] could see why retailers did not want to participate. Many were alone and would have to leave the shop unattended or allow the person to go in the facility by themselves.'*¹³⁶

- 15.16 **Despite these outstanding concerns, the panel felt that it would be showing civic leadership and offered support to these proposals and would encourage the leadership of the council and the**

¹³³ Written evidence to the panel

¹³⁴ Jo Jones, Evidence to the panel, 11.02.13

¹³⁵ Ibid

¹³⁶ Janet Woodjetts, Evidence to the panel, 26.02.13

Clinical Commissioning Group leaders to work with local GPs to ensure that this happened. The scheme could give businesses confidence that opening up their facilities would not be a 'free for all'.¹³⁷

Recommendation 4

15.17 *The panel welcomes the intention of Cityclean to refocus the Use our Loos scheme in order to link it to the Can't Wait Card. The panel agrees with the service's plan to start by exploring the possibility of re-launching this scheme in partnership with GPs surgeries, then work to spread this scheme out across other suitable outlets in the city.*

¹³⁷ Minutes of the panel meeting on 11.02.13

Finding 11: Meeting the needs of tourists and other visitors

16.1 The Head of Tourism and Leisure, Adam Bates, told the panel that

*'...there were around 8m visitors to the city each year. They contribute £722m to the local economy, and 14% to local employment, but were not always considered when planning services. This was why public toilets are critical to the local economy.'*¹³⁸

16.2 The city was a year round destination which sought to meet the needs of people visiting for the following reasons:

- Business and conferences
- Leisure
- Events.¹³⁹

16.3 The panel heard that a report by the Department for Communities and Local Government (CLG) had found;

*'...tourists and visitors ranked toilets high in their lists of needs when visiting British resorts and destinations. Because most journeys begin and end with visiting toilets, it can have a high impact on tourists' assessments of a destination.'*¹⁴⁰

16.4 The City Plan describes Brighton & Hove's seafront as the:

*'...shopfront' of the city acting as a focus for entertainment, recreation and leisure activities. Substantial public and private investment has transformed the seafront between the two Piers.'*¹⁴¹

16.5 It follows that looking at the seafront toilet provision is a vital component of meeting visitor needs in relation to publicly accessible toilets. Issues highlighted as important according to the Seafront Service included:

- Very high variations in usage, at weekends there can be 200,000 users of toilets there
- Many seafront businesses do not have own toilets
- There are 460 beach huts and 105 chalets with no toilets
- So the seafront area was very dependent on public toilet provision

¹³⁸ Adam Bates, Evidence to the panel, 25.01.13

¹³⁹ Ibid

¹⁴⁰ Ibid

¹⁴¹ City Plan, <http://www.brighton-hove.gov.uk/content/planning/local-development-framework/city-plan-previously-core-strategy>

- Seasonal opening times, can make it difficult to respond to variations, for example the high attendance levels on New Years Day
- An area which one was looking for improvement was Madeira Drive, which if realised could put additional demands on the service¹⁴²

16.6 Research by VisitBrighton (from over 1,000 on-street visitors during 2007) found that visitors rated 'availability of public toilets' as 6.27 (using a scale of 1-10 with 10 representing 'totally satisfied'.)¹⁴³ This shows that visitor perception of our toilet facilities could be improved. The panel would like to see the importance of publicly accessible toilets to tourists and visitors reflected in the proposed action plan.

¹⁴² Adam Bates, Evidence to the panel meeting, 25.01.13

¹⁴³ Tourism Strategy, http://www.brighton-hove.gov.uk/downloads/bhcc/tourism/tourism_strategy_final.pdf

Finding 12: Tackling anti-social behaviour

17.1 The 2012 toilet survey found that 36% of service users felt 'very safe' when using that public toilets and 57% felt 'fairly safe' and only 1% felt 'very unsafe'.¹⁴⁴ However, the panel heard that anti-social behaviour (ASB) was a key issue for the service. This can take the form of:

- Alcohol and drug use
- Sexual behaviour
- Arson
- General vandalism

17.2 Daytime ASB is primarily made up of alcohol and drugs misuse and took place mainly in the city centre. Night time disorder begins around 10pm and tended to include sexual behaviour, such as 'cottaging' which involves men seeking sex with men.¹⁴⁵

Attended or unattended toilets?

17.3 The panel heard from Wettons that a key factor in the level of ASB is whether the toilet is attended or unattended, particularly depending on the location of the toilet:

*'For example the Open Market did have a FT attendant as it is a difficult site, the attendant was removed in April and the level of ASB has rocketed especially drug use and needles. There is no provision to deal with this and the level of complaints has dramatically rocketed... This demonstrates what happens if an attendant is removed from a needed site.'*¹⁴⁶

17.4 Information was collected about all public toilets on day-to-day vandalism, collated monthly and then discussed with the police and community safety. Where appropriate, the number of visits to unattended sites were increased to deter vandals. The panel heard that the fully automatic toilets and those with RADAR keys had experienced 'very significant drugs use'¹⁴⁷ in the facility.

The design of toilets

17.5 According to Peter Castleton, the council's Community Safety Manager:

'The standard of toilets and its design had a big impact on how safe people feel when using facilities and the likelihood of offending taking place there. If the facility was damaged it was more likely to attract

¹⁴⁴ Brighton & Hove Public Toilets Questionnaire 2012 http://www.brighton-hove.gov.uk/downloads/bhcc/toilets/Brighton_Hove_Stakeholder_Survey_Questionnaire_Headline_Results_2012.pdf

¹⁴⁵ Peter Castleton, Evidence at panel meeting, 25.01.13

¹⁴⁶ Clive Robinson, Evidence at scoping meeting, 19.12.12

¹⁴⁷ Jenny Cooke, Evidence at panel meeting, 25.01.13

*offenders. This issue could be addressed by minimising common areas and increasing the natural surveillance.*¹⁴⁸

17.6 The panel heard that significant changes have been made to the design and layout of public toilets to address ASB, including:

- Improved lighting and décor
- Family friendly, bright and welcoming
- Low level sinks
- Improved maintenance which reduces vandalism
- Cutting door heights
- Moving away from stainless steel
- Quick response times to incidents
- Enabling natural surveillance.¹⁴⁹

¹⁴⁸ Peter Castleton, Evidence to the panel, 25.01.13

¹⁴⁹ Clive Robinson, Evidence at scoping meeting, 19.12.12

Finding 13: The night time economy places demands on public toilets

18.1 The council's Corporate Plan states it's commitment to:

*'...seek to strike the right balance between recognising the economic value of our night-time economy with the need to protect the health and safety of visitors and residents.'*¹⁵⁰

18.2 City centre Councillors were all written to as part of the scrutiny process regarding the night time economy and public sanitation. The responses indicated that:

- These were specific areas where night time urination is more likely to occur. Described by the councillors as 'hot spots'
- This was a problem which was more likely to be caused by men
- There were varying views on the value of temporary toilet facilities, for example at the weekends, and concern about whether it is setting a good example
- After pub closing times was a key time.¹⁵¹

18.3 The panel heard that:

*'...now the majority of toilets are open by 8am and shut at 10pm (summer) and 8pm (winter).'*¹⁵²

18.4 Jan Jonker, Head of Strategy & Projects, City Clean highlighted that despite these long opening hours, with no 24 hour toilets in the city, there is a gap in provision:

'Given the city's night time economy, all our public toilets are closed at night, so when the pubs are closed there are no toilets open'

When there had been 24 hour facilities *'...this had not removed late night urination but helped the situation.'*¹⁵³

18.5 This was reinforced by Peter Castleton, Community Safety Manager, who felt

*'...there was insufficient publicly accessible toilet provision to meet the needs of the night time economy.'*¹⁵⁴

¹⁵⁰ <http://corporateplan.brighton-hove.gov.uk/priority/tackling-inequality>

¹⁵¹ Written evidence gathered from councillors, see Volume 2

¹⁵² Jenny Cooke, evidence to the panel, 25.01.13

¹⁵³ Jenny Cooke, evidence to the panel, 26.02.13

¹⁵⁴ Peter Castleton, Evidence to the panel, 25.01.13

18.6 Night time on-street urination often arose where people were queuing or competing for services and did not wish to lose their place in the queue, such as at kebab shops and taxi ranks. Any plan to provide toilets to meet the needs of the night time economy would need to take into account the most popular locations for on-street urination.

Police

18.7 Operation Marble¹⁵⁵ was concerned with tone setting in the city at night and:

*'...minor ASB such as discreet urination was seen as part of tone setting and dealt with robustly, so think there is an appetite for the police to deal with this issue. Officers will do something about this behaviour where it is found.'*¹⁵⁶

18.8 If there was the provision of 'temporary' facilities or pisseoirs, then the police could direct people to them, even if it was felt that younger men may not use such facilities 'of their own volition'¹⁵⁷.

18.9 However Tim Nichols, The Head of Regulatory Services, was of the opinion that:

*'...the people who were fouling highways were not doing this because there were insufficient toilets.'*¹⁵⁸

Closure of public toilets in the evening

18.10 It was not felt to be practicable to keep public toilets open later than done so currently, due to issues of cost and the likelihood of attracting ASB. One of the solutions to night time provision could be to encourage organisations to open up access to their toilets; if they are located in premises which have people present at that time such as pubs, cafes and restaurants. The panel felt that specialist provision, such as pisseoirs, could then play a useful role at the times when all or most of the city's businesses have closed.

Automatic toilets

18.11 Automatic toilets had been introduced in the city, which did provide 24 hour access to this service. But they had been removed after being seen as being unsuccessful for the following reasons:

- A lack of public confidence in these toilets, including worry over being trapped in them
- Easily vandalised

¹⁵⁵ Operation Marble sees Police & Police Community Support Officers (PCSOs) in high visibility jackets in city centre hotspots from 8 pm (from Council website <http://www.brighton-hove.gov.uk/index.cfm?request=c120719>)

¹⁵⁶ Peter Castleton, Evidence to the panel, 25.01.13

¹⁵⁷ Ibid

¹⁵⁸ Tim Nichols, evidence to the panel, 26.02.13

- Attracted misuse.

How to choose which kind of temporary toilet provision and who will pay for it?

18.12 The panel were keen for the action plan to consider new methods for dealing with the urination which is associated with the night time economy. These could include some of the types of provision listed below.

Portaloos and other kinds of temporary provision

18.13 The panel heard that Newquay placed portaloos in popular places and then collected them at the end of the weekend.¹⁵⁹ The Head of Tourism, Adam Bates, told the panel that in Brighton & Hove:

*'...temporary toilets were usually arranged by the organiser of the event. Pride was the only occasion where they were directly provided by the council. In West Street this would be a year round issue at least three nights a week, which needed a permanent situation.'*¹⁶⁰

Pop up toilets

18.14 The panel went on to consider more permanent forms of toilet provision to meet this need. They heard that:

*'There were pop-up toilets to address this issue in Leicester Square, but these type were prohibitively expensive.'*¹⁶¹

18.15 One of the forms of pop-up toilets which the panel received information on is the Urilift. This describes itself as a *'...discreet and economic urination device solution'* designed to eliminate street urination.¹⁶²

18.16 Roy Pickard, an Environmental Health Manager, did warn that this may not be an effective solution because:

*'In Westminster where there are pop-up urinals there are increasing numbers of complaints about people urinating in the street.'*¹⁶³

Pissoirs

18.17 These are a very public form of men's urinals which are seen in cities such as Paris, and the open nature of their design reduces the incidents of *'cottaging'* or other forms of ASB.

18.18 The British Toilet Association told the panel that these facilities can be used by up to four men at a time and present a *'...significant alternative to people urinating in shop windows'*.¹⁶⁴

¹⁵⁹ Peter Castleton, Evidence to the panel, 25.01.13

¹⁶⁰ Adam Bates, Evidence to the panel, 25.01.13

¹⁶¹ Peter Castleton, evidence to the panel, 25.01.13

¹⁶² Urilift, website <http://www.healthmatic.com/index.php/ourtoilets/toilettypes/urilift>

¹⁶³ Roy Pickard, Evidence to the panel, 19.12.12

¹⁶⁴ Mike Bone, Evidence to the panel, 26.02.13

18.19 *'Hackney Council put out 12 'pissoirs' every weekend. Each facility could collect 1,200 litres and they are full up each time they are collected at the end of the weekend.'*¹⁶⁵

18.20 Peter Castleton, The Community Safety Manager, believed that:

*'If a pissoir was well-designed it could become part of the street furniture. Such facilities send a clear message and provided more places to go...and have lower maintenance costs [than Portalooos].'*¹⁶⁶

18.21 The panel heard that Edinburgh was installing this type of provision.¹⁶⁷

18.22 The next section of the report considers whether the Late Night Levy could provide any funding for meeting the needs of the night time economy.

What is the Late Night Levy?

18.23 According to a briefing from Tim Nichols, the Head of Regulatory Services:

*'The Police Reform and Social Responsibility Act 2011 allows local councils to charge a Late Night Levy (LNL) on premises open after midnight to help to pay for late night policing and other services, such as taxi marshals or street wardens.'*¹⁶⁸

18.24 The income would be split between the police (at least 70%) and the local authority, and the potential costs and likely income were currently being researched. However Tim Nichols felt:

*'...it was unlikely that this levy could be used for this purpose as it was meant for police and councils to use for extra enforcement costs. Therefore I am concerned that this could be subject to challenge if the levy was used to fund publicly accessible toilets.'*¹⁶⁹

18.25 He also warned that there could be unfortunate consequences for imposing the Levy, namely that:

18.26 *'40% of city residents worked in the hospitality sector and what would be the impact of taxing this sector.'*¹⁷⁰

Encouraging the help of city businesses

¹⁶⁵ Mike Bone, evidence to the panel, 26.02.12

¹⁶⁶ Peter Castleton, evidence to the panel, 25.01.13

¹⁶⁷ <http://www.dailyrecord.co.uk/news/scottish-news/french-style-open-air-toilets-coming-1586363>

¹⁶⁸ Written evidence submitted by Head of Regulatory Services for the public meeting of the panel on 25.01.13

¹⁶⁹ Tim Nichols, evidence to the panel, 26.02.13

¹⁷⁰ Ibid

18.27 The panel then went on to consider if businesses who play a role in the night time economy could be encouraged to help provide publicly accessible toilets outside the LNL process. According to Peter Castleton, the Community Safety Manager:

*'...the council and the police have found it very difficult to secure any resources or assistance from big pub, club chains and supermarket chains. It would seem to be a non-starter as these businesses did not appear to have any interest in re-investing in the local community. This did not mean one should not try it again.'*¹⁷¹

18.28 This view was echoed by Tim Nichols, the Head of Regulatory Services who felt:

*'The council had a partnership with a number of organisations relating to the night time economy, but felt it was unlikely that we could persuade them to open up their premises to the general public as the organisation would be already engaged in controlling their capacity and ensuring that they did not pose a fire risk. The people who were fouling highways were not doing this because there were insufficient toilets.'*¹⁷²

18.29 It was suggested by Peter Castleton, the Community Safety Manager, that city centre businesses, such as supermarkets, should open up their toilets if they are contributing to the problems of on-street urination.¹⁷³

18.30 The panel would like to see the action plan for toilets look in further detail at the potential for using this Levy and other possible solutions to the issues raised relating to the night time economy.

Recommendation 8.

18.31 ***Evidence to the panel demonstrated the impact of the night time economy and the potentially unmet needs that arise from it in relation to toilets. The panel understood why traditional publicly accessible toilets were not open 24 hours, for reasons of cost and vulnerability to anti-social behaviour (ASB).***

However the action plan should consider what kind of provision is needed after public toilets close and the ways of securing funding for this. Innovative ways of meeting the need could include temporary toilets or 'pissiors' The council should meet with the hospitality and retail sectors to decide if there are any means to grow night time provision. It is also crucial for the council, particularly Regulatory Services, to liaise with the police to assess the potential of the Late Night Levy.

¹⁷¹ Peter Castleton, Evidence to the panel, 25.01.13

¹⁷² Tim Nichols, Evidence to the panel, 26.02.13

¹⁷³ Peter Castleton, Evidence to the panel, 25.01.13

Finding 14: The Planning Service could play a key role in securing additional toilet provision

19.1 Given the dwindling resources for public toilets, the panel were keen to look at the powers that the council's Planning Service could deploy to encourage future provision.

19.2 The panel were told that there were two means:

- Developer contributions
- Including publicly accessible toilets within new developments that attracted a lot of people.

Developer contributions

19.3 The report will now consider the two key ways of gaining developer contributions.

Section 106

19.4 The main aim of existing developer contributions (known as Section 106) according to Mike Holford, Strategic Planning and Monitoring Manager:

*'...was to mitigate the impact of a new development, but it should not be used to mitigate existing deficiencies.'*¹⁷⁴

19.5 The money secured under Section 106 agreements is typically spent on:

*'...highways; transport improvements and travel initiatives; community or recreation facilities; education; health; or affordable housing.'*¹⁷⁵

19.6 Mike Holford told the panel that:

*'In the time of prosperity, developers may not have been so concerned what this money was spent on. However the economic downturn and reduced funds have led to the government tidying up the planning process.'*¹⁷⁶

CIL

19.7 This desire to make the developer contribution process more transparent has led to the introduction of the Community Infrastructure Levy (CIL). The CIL is calculated in relation to the amount of per

¹⁷⁴ Mike Holford, Evidence to the panel, 25.01.13

¹⁷⁵ BHCC website, <http://www.brighton-hove.gov.uk/content/planning/planning-policy/developer-contributions>

¹⁷⁶ Mike Holford, Evidence to the panel, 25.01.13

square meter of additional floor space and is levied on all eligible development to enable growth. Unlike Section 106 agreements where there needed to be a link to the development, so the money is spent on or close to the site, the money raised by CIL could be spent anywhere in the city *'in accord with a list of requirements produced by the council'*.¹⁷⁷

19.8 It was a form of:

*'... development tax which will be transparent with developers, council and the public all know what amount will be raised.'*¹⁷⁸

19.9 Examples of funding that could be given would be to pay towards school places or to offset the effect on transport. Bath & North East Somerset was an example of a local authority which was investigating the possibility of using CIL to gain funding towards publicly accessible toilets.¹⁷⁹

The CIL in Brighton & Hove

19.10 One of the specific tasks of the panel was to investigate how CIL could be used to gain funding for future toilet provision in the city. The Planning Service told the panel that:

'It would be very useful to have a statement of need for this service, for example, including the demands from tourists for public toilets rather than making the request without any evidence.'

19.11 This statement of need could be a useful component of the proposed action plan for publicly accessible toilets. The panel were keen to see toilets to be seen as one of the areas recognised by the council which could receive funding from CIL. However, evidence to the panel indicated there would be a *'significant amount of competing demands'*¹⁸⁰ for resources gained by CIL and so it:

*'...would not be the panacea, as it would not raise as much money as some expected and it was more than likely that there would be more demands that CIL could meet.'*¹⁸¹

19.12 While the CIL is being progressed here, it is subject to a formal process and stages of consultation and will not be adopted until 2015 at the earliest.

¹⁷⁷ Mike Holford, Evidence to the panel, 25.01.13

¹⁷⁸ Mike Holford, Evidence to the panel, 25.01.13

¹⁷⁹

<http://democracy.bathnes.gov.uk/documents/s8802/E2312%20Public%20Toilets%20Provision.pdf>

¹⁸⁰ Mike Holford, Evidence to the panel, 25.01.13

¹⁸¹ Mike Holford, Evidence to the Panel, 25.01.13

*'How income from a future CIL is to be proportioned out to meet essential infrastructure needs and priorities such as schools, highways or other necessary provision as identified in the IDP [Infrastructure Delivery Plan Annex Documents to the City Plan] will need to be decided at a later stage through the process of adopting a CIL.'*¹⁸²

Encouraging the inclusion of publicly accessible toilets in new developments

19.13 The Planning Service suggested to the panel:

*'...that a more positive approach could be to require the provision of publicly accessible toilets in new developments as a policy requirement ...[which would] be more likely to secure publicly accessible toilet provision, than the use of CIL.'*¹⁸³

19.14 This view was backed up by Cityclean, because:

*'..the aim would be for large tourist developments to allow general access to the customer toilets they would be providing anyway. They would already have a budget in place for cleansing and maintenance.'*¹⁸⁴

19.15 According to Richard Davies, Project Manager, Major Projects and Regeneration, this approach would also:

*'...work well in a scheme where there was public use such as a supermarket. However if it was office accommodation, this would be creating private space and would increase the costs of the development.'*¹⁸⁵

19.16 The panel heard that there were variations in how enthusiastic supermarkets were to such proposals.¹⁸⁶ As a result, the City Plan may be a more successful route and the details of this are discussed in the next section of the report.

What is the City Plan?

19.17 This is the council's key planning document and its purpose is:

'To provide the overall strategic and spatial vision for the future of Brighton & Hove through to 2030...It sets out how the council will respond to local priorities; how it will meet the social, economic and

¹⁸² Written Evidence from Debra May dated 27.06.13

¹⁸³ Mike Holford, Evidence to the Panel, 25.01.13

¹⁸⁴ Jenny Cooke, Evidence to the Panel, 25.01.13

¹⁸⁵ Richard Davies, Evidence to the Panel, 26.02.13

¹⁸⁶ Jenny Cooke, Evidence to the Panel, 26.02.13

*environmental challenges that face the city; and how it will work with partners to reduce inequalities.*¹⁸⁷

How the Plan is taking account of public toilets

19.18 The panel was pleased to hear from Debra May, Planning Contributions (Section 106 Officer) that:

*'Reference to provision of public toilets into key tourist and sea front developments has now been included in the submission City Plan – Infrastructure Delivery Plan Annexe documents (IDP). Following a Public Inquiry it is anticipated that the City Plan will be adopted early 2014 and **at this point the requirements for including public toilet provision can be taken into consideration.***¹⁸⁸

19.19 This reference to public toilets in the City Plan meant that:

*'...the Council is now a step closer in recognising the need.'*¹⁸⁹

19.20 The panel heard from the Planning Service that in relation to the City Plan and CIL:

*'There is a strong case for increasing numbers of toilets but they may be for visitors. It would help if there was a toilet strategy...which could then be transferred to the City Plan too, e.g. needs as a tourist destination.'*¹⁹⁰

Recommendation 9

19.21 ***The panel recommend that the City Plan is updated to include a statement of priority regarding publicly accessible toilet provision. This is seen by the panel as a key means of securing new provision of this service. The City Plan could specifically outline the expectation that appropriate developments, such as large tourist developments or supermarkets, enable general public access to their customer toilets. This would not be additional provision, but designing the toilets which were already built so that they are publicly accessible.***

¹⁸⁷ City Plan Submission Part One, http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/ldf/Feb13_Submission_City_Plan_Part_One.pdf

¹⁸⁸ Debra May, Written Evidence to the Panel, bold my emphasis

¹⁸⁹ Debra May, Written Evidence to the Panel

¹⁹⁰ Mike Holford, Evidence to the panel, 19.12.12

Finding15: Innovative models can be used to secure funding

20.1 This section looks at an example of a new way of providing a publicly accessible toilet in Brighton & Hove.

Open Market

20.2 The panel welcomed the news regarding the Open Market redevelopment that:

*'A community interest company (CIC) has been created to take on the market and manage it. The company... wanted public toilets there for visitors rather than none, if the Marshalls Row toilets were shutting. The site where the toilets had been going to be built...was now going to be used to build an extra market site. The income generated from this site was then to be used to build and run the toilet.'*¹⁹¹

20.3 This was going to represent improved provision, as the previous toilets at this site had the following problems:

- Small in size
- Subject to very high levels of ASB
- Inaccessible
- Unattended, whereas the new toilets would be monitored by market staff.¹⁹²

20.4 The aim of this new arrangement was *'...to provide a toilet not at the cost of the council.'*¹⁹³

20.5 The redevelopment of the Open Market is expected to be completed in September 2013. When the new market opens, the CIC will allow the public to use the toilets within the market. At the time of writing this report, this change was awaiting planning approval.

Recommendation 11

20.6 ***The panel welcomed the toilet provision that was to be secured by the Community Interest Company, in the renovation of the Open Market, and expects other innovative, partnership solutions to be sought by the council to either improve, or increase, toilet provision in the city. Any programme of such schemes should be included in the action plan.***

¹⁹¹ Richard Davies, evidence to the panel, 26.02.13

¹⁹² Jenny Cooke, evidence to the panel, 26.02.13

¹⁹³ Richard Davies, evidence to the panel, 26.02.13

Finding 16: The need to publicise and promote our public toilets

21.1 According to our 2012 user survey: 76% found public toilets in the city 'very easy to find', 18% 'fairly easy', 5% 'fairly difficult' and 1% 'difficult to find'.¹⁹⁴

21.2 A number of people, including a resident who suffered from Irritable Bowel Syndrome (IBS) who submitted written evidence to the panel, mentioned a pamphlet which used to be produced:

*'When I first came to B&H I used an extremely useful pamphlet issued by the Council called "Where to go Guide". But it is no longer available in paper form and now only available on line, it is useful, if you have access to a computer and it is 48 pages long.'*¹⁹⁵

21.3 The panel heard about a range of ways to increase the level of information about our publicly accessible toilets including:

- Contributing information on our toilets to Apps which people can download onto their phones or computers. These provide directions to our facilities and other relevant information
- Leaflets, for example for tourists and visitors
- Ensuring our public realm information is up to date, such as signage
- Some users had expressed their concern that the spreadsheet of information on publicly accessible toilets contained only basic information about the location of facilities -for example Marks and Spencer, Western Road

Recommendation 12

21.4 ***The panel recognises the importance of providing the best and most up-to-date information on the publicly accessible toilets in Brighton & Hove. The panel would like to see resources allocated for providing local data on this service to facilitate the collation of national or international online information. In addition, enabling VisitBrighton and other services to provide up to date information on this service to tourists and residents in a range of formats (for example social media, websites, apps and printed material if practicable).***

The panel also recommend that the signage to, and at, toilets is as clear as possible, while at the same time recognising the need to reduce street clutter and utilise existing 'finger signage'.

¹⁹⁴ Brighton & Hove Public Toilets Questionnaire 2012 http://www.brighton-hove.gov.uk/downloads/bhcc/toilets/Brighton_Hove_Stakeholder_Survey_Questionnaire_Headline_Results_2012.pdf

¹⁹⁵ Written evidence to the panel

Finding 17: Charging for toilet provision

22.1 Under the Public Health Act 1936, councils are also allowed to charge for the use of all public conveniences (and for urinals following the Sex Discrimination Act 2008).

22.2 The 2011 survey of toilet users in Brighton & Hove also found that if charging were introduced, only 2% said they would not use a facility if charging were introduced, the amount people were willing to pay 'if the income raised were to go back to improving service varied:

- 73% would be happy to pay 20p¹⁹⁶
- 7% - 30p (now 30p at the station toilets)
- 6% - 40p
- 1% - 50p
- 0% - over 50p

22.3 According to a survey conducted by BHLINK:

*'...the majority of people said...they would not mind paying to use a toilet, but [BHLINK recognised] it can be expensive to implement. Although with the high number of visits to the city it might be cost effective.'*¹⁹⁷

22.4 However the panel heard that Cityclean

*'... used to charge for toilets in summer for 20p [at certain locations] which did not cover costs. They had discussed charging for a premise with Wettons, who felt it was not economically viable [because]....there would be significant costs in installing the charging infrastructure and then the facilities would need to be attended to make them accessible for all e.g. those with buggies.'*¹⁹⁸

22.5 There would also be the cost of collecting monies, for example employing an attendant. Charging is likely to be most practicable in new developments when put in correct infrastructure from the start.

Tourism

22.6 The Head of Tourism & Leisure told the panel that he believed:

'...the majority of tourists would choose not to pay...but the majority would accept charges if the facilities we provided were of an acceptable standard. The important factors ...would be:

¹⁹⁶ Brighton & Hove Public Toilets Questionnaire 2011 http://www.brighton-hove.gov.uk/downloads/bhcc/toilets/Brighton_Hove_Stakeholder_Survey_Questionnaire_results_2011_headlines_final.pdf

¹⁹⁷ BHLINK, written evidence to the panel

¹⁹⁸ Cityclean evidence to the panel

- *Availability*
- *Cleanliness*
- *Good maintenance*¹⁹⁹

22.7 The feasibility of this needs to be explored, either for particular locations or as a way of securing funding for new kinds of provision such as pissoirs.

Recommendation 13

22.8 ***The panel suggest that the council assesses the practicability of charging for toilets, either across the whole city or identifying any sites where it would be possible and/or worthwhile. This could involve examining areas such as the seafront or Pavilion Gardens where this model could work, rather than just individual sites as this may not prove effective. The assessment could be then be referred to when building new sites or renovating existing sites so that the necessary equipment could be fitted, if it was financially viable.***

¹⁹⁹ Adam Bates, Evidence to the panel, 25.01.13

Finding 18: Sustainability of provision

23.1 Cityclean informed the panel that the following measures had been put in place to increase the sustainability of the service:

- There are energy saving light bulbs in place throughout the toilet sites. Some sites still have strip lighting in place, but all new sites are energy efficient bulbs and we have replaced wherever feasible. There is also sensor lighting at some sites.
- All new sites have smaller capacity cisterns. At older sites water saving devices (such as hippo bags) have been installed and these are periodically checked and replaced. The water is turned off at sites at night to ensure that the urinals do not flush throughout the night. (These are set to flush when the cistern becomes full at most sites rather than based on sensors and usage.)
- All the taps are percussion taps, the types that you press down to switch on and they also turn off after a set time. These are maintained on a quarterly schedule to ensure the timer is still right. These types of taps are not in the accessible toilets as they are not Disability Discrimination Act (DDA) compliant. The feasibility of sensor taps has been looked at, but at present the cost is exorbitant.²⁰⁰

23.2 In addition, the contractor takes monthly meter readings for water and electricity. This allows Cityclean to check for leaks and address these promptly.

²⁰⁰ Written evidence

Finding 19: The need to consult service users

BHLink Toilet User Group

24.1 This group met regularly and provided a forum for those who both use and provide publicly accessible toilets. A representative of the BHLink Toilet User Group told the panel that:

*'There was a unanimous feeling that the group should continue as the functions went to Healthwatch.'*²⁰¹

24.2 According to the group, the outcomes they have achieved include:

- Suggested improved signage on toilets on the sea front which has been implemented by the council
- A member of the group joining as an advisor on Planning Committee to act as a champion of public toilets
- Providing feedback on individual toilets and the council investigating their areas of concern

24.3 The group feel this is '*...a good example of [the council] working in partnership with those interested in toilets*'.²⁰²

Recommendation 14

24.4 ***The panel were impressed by the work of the BHLink Toilet user group and hope that this kind of consultation with service users can remain under Healthwatch.***

²⁰¹ David Watkins, Evidence to the panel, 11.02.13

²⁰² BHLink, Written evidence to the panel

7. Conclusion

- 25.1 The panel heard significant evidence about the importance of publicly accessible toilets in the city.
- 25.2 The panel were impressed by the standards of the publicly accessible toilets in the city and the management of the contracts to deliver these services. However, the panel were concerned that the contracts seemed to be operating in the context of a managed decline of this provision. This is because publicly accessible toilets face increasing financial pressures as a non-statutory service, at a time when there are declining resources.
- 25.3 The panel agree that developing and implementing a coherent action plan for publicly accessible toilets is the key means of securing their future. This plan could:
- Document the current good practice, which is important as a key service provider has recently left the organisation
 - Contain an business plan which enables decisions and priorities to be set for publicly accessible toilets
 - Make clear the costs, and responsibilities, involved in providing publicly accessible toilets
 - Enable informed decisions to be made individual toilets if needed in relation to; investment, disposal, change of use and alternative management arrangements
- 25.4 The panel were disappointed that a number of the ways that had been suggest could be used to find extra revenue for publicly accessible toilets, such as the LNL and CIL, did not appear to provide a significant solution to the funding gap.
- 25.6 However the panel were pleased to hear about the successful methods which were being used to increase or maintain provision: including the City Plan, the CIC at the Open Market, park café leases including toilets and wanted to emphasise the need to build on these positive examples.
- 25.7 There are areas which the panel felt more work was needed to resolve issues and would like the following concerns be addressed in the action plan relating to publicly accessible toilets:
- Approaching sectors, such as the hospitality sector and others to get them to understand importance of service and role they could play in maintaining levels of provision
 - Resolving issues raised about the accessibility of toilets such as; RADAR toilets being locked at night, do we need more Changing Places and are there locations in the city which lack sufficient accessible toilets?

- Learning from the good practice of other authorities.

25.8 The panel think the action plan will place the council in the best position to secure the future of publicly accessible toilets. While the council may not necessarily be able to be the main provider of publicly accessible toilets in the future, the plan will ensure that it will take a civic lead in ensuring the provision of toilets at current, or improved, levels.

8. The way forward

26.1 The panel recommend that the progress achieved in relation to their recommendations is reported to the relevant committee annually.

9. Glossary

| | |
|-------------|-------------------------------|
| ASB | Anti-Social Behaviour |
| BHCC | Brighton & Hove City Council |
| BTA | British Toilet Association |
| CIL | Community Infrastructure Levy |
| CTS | Community Toilet Scheme |
| DDA | Disability Discrimination Act |
| OSC | Overview & Scrutiny Committee |
| PaCC | Parent Carers' Council |
| PHA | Public Health Act |

Appendix 1

About the Panel

27.1 The terms of reference (TOR) for the panel were agreed as:

To consider the future provision of publicly accessible toilets in Brighton and Hove in the following key areas:

A: The future of the service

- The need for an action plan for publicly accessible toilets in the city
- To consider the impacts of the closure of publicly accessible toilets and how to minimise these impacts

B: Future funding

- To inform future budget decisions about this service
- To look at how to prioritise future resources and direct them to where greatest need/demand
- The possibility of raising income from this service e.g. charging to use toilets

C. Types of provision

- How to encourage/incentivise other organisations to provide and maintain publicly accessible toilets e.g. using City Plan, Community Infrastructure Levy (CIL), S.106, Licensing and Planning
- To encourage community ownership of public toilets as part of a broader move to involve communities in running their own parks and green spaces
- To look at other the community toilet schemes in other local authority areas and suggest whether they are applicable to the 'Use your loo' scheme in Brighton & Hove

D. Improving general access to the service

- Evaluate the current provision and look at ways to improve public access to toilets and kinds of toilets which are accessible e.g. gender neutral toilets
- Signage and information about the service
- To consider the kind of service provision which would best suit the needs of users e.g. attended or not, opening hours, accessibility, location

E. Improving access to this service for particular need groups

- Consider how to encourage groups to open up their toilet facilities to specific need groups e.g. GPs to allow access to toilets for holders of Can't Wait Cards. Look at this issue in relation to the Use our Loo scheme
- Enabling/ensuring DDA compliance

- Methods of gaining funding for Changing Places toilets and attendants.²⁰³

How the panel evidenced this report

27.2 The panel initially held a capacity building meeting where it heard evidence from key council officers and its main current contractor, Wettons Cleaning Service. Then the panel held three formal evidence gathering sessions in public and the full list of witnesses are in the table below.

| Name | Title/role | Service/Organisation |
|-----------------|---|--|
| Jenny Cooke | Contracts & Projects Manager, City Clean | Brighton & Hove City Council (BHCC) |
| Clive Robinson | Regional Director | Wettons Cleaning Service |
| Angela Dymott | Head of Property & Design | BHCC |
| Roy Pickard | Environmental Health Manager | BHCC |
| Mike Holford | Strategic Planning and Monitoring Manager | BHCC |
| Peter Castleton | Community Safety Manager | BHCC |
| Jan Jonker | Head of Strategy & Projects, City Clean | BHCC |
| Adam Bates | Head of Tourism & Leisure | BHCC |
| Jo Jones | Projects Officer, City Clean | BHCC |
| Jason Carlisle | Regional Campaigns Officer | Mencap |
| Ruby Kearns | | Parent Carers' Council (PaCC) |
| Dr John Hastie | Involvement Officer | The Fed Centre for Independent Living |
| Andy Player | | Crohn's and Colitis UK, Brighton & West Sussex Group |
| David Watkins | | BHLink |
| Mike Bone | Chairman | British Toilet Association |
| Tim Nichols | Head of Regulatory Services | BHCC |
| Richard Davies | Project Manager, Major Projects & Regeneration, City Regeneration | BHCC |

²⁰³ Scoping report of the panel

| | | |
|-----------------|-------------------|---------------------------|
| Martin Lawrence | Retail Ambassador | Hove Business Association |
| Janet Woodjetts | Retail Ambassador | Hove Business Association |

Attending BHLINK Toilet User Group meetings

27.3 In order to canvass the views of service users, the scrutiny officer supporting the panel attended two meetings of this group which was established *‘to facilitate an open dialogue with the Local Authority and key stakeholders’*²⁰⁴.

Written evidence

27.4 The panel also received written evidence from the following sources

- Individual residents
- Councillors in city centre wards
- Crohn’s and Colitis UK, Brighton and West Sussex Group: who re-submitted their response to proposed closures of public toilets in 2012
- The chair of the panel invited city centre ward councillors to provide written evidence
- BHLINK Toilet User group

²⁰⁴ <http://www.bhlink.org/your-issues/public-toilets.phuse>

**Appendix 2: Extract from DRAFT Infrastructure Delivery Plan (subject to Annual revision)
Requirements as at May 2012**

Categories identifying new or revised infrastructure provision as:
Essential: Identifies infrastructure provision that is vital to meet strategic objectives OR to enable delivery of new development;
Important: Items are necessary but alternative infrastructure capacity may be able to accommodate incremental impacts from new development;
Desirable: Items to meet other strategic or community aspirations that may add to the quality, functionally or attractiveness of an area

| Infrastructure type and site address where known | Provision - Essential / Important / Desirable | Infrastructure Needs/Requirement | Area and/or scale | Responsibilities for Delivery / Partners & Funding Sources | Short, Medium or Long Term Phasing & Costs |
|--|---|---|---|--|---|
| Public toilet facilities | Important | WC/toilet facilities provision from new tourism developments that increase numbers of visitors to the city; to improve health, well-being and quality of life for residents and visitors. | Where new developments increase numbers of visitors to the city additional toilet facilities will be required. Requirement for development to allow access to customer toilets to the general public via participation in BHCC "Use our Loo" community toilet scheme. Specific priority for Development Areas DA1 Brighton Centre and | Developers, City Council | Throughout plan period – Costs dependent on scale and nature of development |

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| | | | Churchill Square Area, DA2 Brighton Marina, Gas Work and Black Rock Area, and DA4 New England Quarter and London Road Area | | |
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OVERVIEW & SCRUTINY COMMITTEE

Agenda Item 5

Brighton & Hove City Council

Subject: Equality and Inclusion Policy Progress Report

Date of Meeting: 15 July 2013

Report of: Paula Murray, Assistant Chief Executive

Contact Officer: Name: Sarah Tighe-Ford Tel: 29-2301

E-mail: sarah.tighe-ford@brighton-hove.gov.uk

Key Decision: No

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report provides an update on the council's Equality and Inclusion Policy 2012-15 and Action Plan which defines the council's equality aims, activities and progress measures. It also updates on wider equalities work across the council and in the city.
- 1.2 Our [Equality & Inclusion Policy \(E&IP\)](#) was agreed by Full Council in March 2012. It defines our corporate equality objectives and helps us to meet our legal duties under the Equality Act 2010. A summary of the Public Sector Equality Duties is provided as a background document. The Policy has five overarching areas of focus. Under each one are objectives which meet our legal duties.
- 1.3 Alongside the Policy is an Action Plan (Appendix A) that lists the priority equality activities across the council which will enable us to meet our equality objectives. This was developed in consultation with stakeholders (including council staff and the Community and Voluntary Sector).
- 1.4 We committed to reporting on our progress against the Action Plan. Thus far two events have taken place (Nov 2012 and May 2013) involving council staff and representatives from the Community and Voluntary Sector Forum (CVSF). These events are an opportunity to identify changes in the city and the council which may require a change in actions or approach and offers a chance for us to explain our approach and learn how it is working for residents, partners, Community and Voluntary Sector (CVS) groups and others in the city.
- 1.5 As part of the monitoring process reports are made annually to OSC and reviews are held with communities and the CVS. The Action Plan update covers the period April 2012-April 2013.
- 1.6 At the end of this first year we are planning to review the action plan to update actions which are now due to be completed, revising actions in light of changed circumstances (where appropriate) and ensuring that actions reflect activity across the council.

1.7 The council's Equality Impact Assessment process has also been revised and improved and the council has re-stated its commitment to using EIAs to meet our legal duties within the Equality Act 2010.

2. RECOMMENDATIONS:

2.1 To note progress and good practice within the equality action plan.

2.2 To note areas of challenge and work in progress to address these.

2.3 To note our new Equality Impact Assessment process and the council's commitment to this as the process for meeting our equality duties.

2.4 To note the review process for the action plan.

3. ACTION PLAN PROGRESS

3.1 Below are the main achievements that have had a significant impact on specific groups or are examples of best practice. They are listed by main theme.

3.2 Promoting equality and inclusion through better engagement between the council and communities, groups and individuals

3.2.1 **Community Development Commissioning (CDC):** Using newly released census data neighbourhood population profiles are being built into the Brighton & Hove Local Information Service (BHLIS). This information will inform the further development of neighbourhood-based equalities groups, supported by the CDC providers. Working in partnership with city-wide organisations and services that support equalities, such as Amaze, specific groups are being created and developed to respond to the needs of specific groups protected in law (eg: the Hangleton & Knoll LGBT group). To help identify key issues and remove barriers to participation we have also developed a simple Equality Impact Assessment template for CDC Providers to use for events, community activities and meetings. The Fed Centre for Independent Living has been commissioned to deliver 6 separate training modules on inclusion (focusing on physical access). Sessions are confirmed for the Neighbourhood Governance pilot areas: Whitehawk, Hollingdean and Coldean. Three training programmes on leadership are being run for BME residents. These free 12 session courses will cover self-esteem, personal confidence, teamwork, communication skills and community leadership.

3.2.2 **Children & Families:** Amaze is contracted to work on behalf of the Local Authority to increase the numbers of families (including BME families) who are registered on the Compass: the city register for disabled children. The Compass provides the council with valuable data and offers families significant benefits in terms of access to community activities. To increase and support engagement with their communities, Children's Centres employ parental involvement workers and activities are run for specific target groups, for example families with English as an Additional Language, Gypsies and Travellers, and families with disabled children. Recognising the barriers that fathers and male carers can experience,

work has been targeted to engage with them to support their caring role and strengthens family relationships.

3.3 Promoting equality and inclusion through more effective joint work with statutory organisations and other partners

3.3.1 The Housing Inclusion Team: the council has developed a Financial Inclusion Strategy, addressing residents' problems with access to banking, affordable credit and saving. The Housing Inclusion Team has been operational since October 2012 & has received 140 referrals from council tenants for support in relation to financial inclusion issues and 68 for learning and participation. A skills audit has been undertaken in the Housing Management staff team and financial inclusion training, loan shark advocacy training and a 'money mentors' programme are planned for this year. Fuel Poverty Training sessions have already been held for 37 staff and 7 residents in January and March 2013.

3.3.2 Community Safety: The Bereavement and Cemeteries Working Group is a statutory-community partnership of council officers and 20 representatives from mainly Muslim organisations. It meets regularly and visited the Woodingdean Lawn Memorial Cemetery and its washing facilities. The council Cemeteries Team used findings from 54 other local authorities' work with diverse faith groups to develop best practice for the city. Muslim burial rites are now included in the cemeteries' guidelines and services. The group plans to formalise how it works with the council and communities, including clear communication of services and how they meet residents' diverse needs.

3.4 Promoting equality and inclusion through fair and accessible services

3.4.1 VisitBrighton: We continue to ensure that the city is seen as a destination for people from diverse groups, and that information and local facilities are appropriate to people's needs. We have hosted four press trips for UK and international journalists from LGBT publications; media writing for publications tailored towards older / retired visitors (eg 'The Lady'); and a disability access audit with a representative from UNITE. Recognising the specific physical challenges in relation to disabled visitors we have carried out familiarisation trips to hotels focussing on accessibility to increase staff knowledge, updated our product data with current access information and offer VisitBrighton Greeters for visitors who use a wheelchair. We are also a participating destination in a national "Accessible Itineraries" tourism campaign led by VisitEngland. This scheme identifies tourism businesses in our area that provide particularly excellent levels of service to visitors with access needs and also encourages and supports businesses to increase accessibility in relation to customer service and visitor information.

3.4.2 Library Service: Volunteers continue to be recruited to extend computer support sessions which now run at 9 libraries across the city. All front line staff continue to support people using the internet, with, in addition, the development of digital inclusion specialism officers to champion the use of the 'Council Connect' service (enabling people to pay bills, register to vote and use other council services online, with support). Group ICT courses are also being delivered in addition to one to one help. This is all feeding into the development and delivery of the Universal Digital Nation Library Offer. All computers available for public use in all libraries have special software for dyslexic and visually impaired people. Also, each library has at least one computer with: software that enables printed

material to be scanned and read out, an adjustable height table for ease of use with wheelchairs, special keyboards and mice to assist with various mobility and sensory problems.

3.4.3 Trading Standards Team: The Consumer Challenge Quiz raises awareness of consumer issues in an exciting and fun way for students with special educational needs. A school from Brighton won the regional final and will progress to the national final, held in Brighton this summer. A Safety in Action week for 2013 is currently being planned for June 2013 and all but two spaces have already been taken. We are exploring work with a range of groups in the city to identify which communities would most benefit from targeted safety information and plan to develop new partnerships to deliver community talks and respond to highlighted needs.

3.5 Promoting equality and inclusion through improving the quality and breadth of information held and used by the council

3.5.1 Equalities Monitoring: The Census 2011 data is now becoming available and we are using this to produce reports on the areas covered by the questions. We have already revised our equality monitoring form ethnicity categories to reflect what the census has told us about people in the city. Information at ward level and information looking at two or more characteristics (eg: age and gender) will be available later in the year. We will use all this information to update the equality monitoring form and guidance.

3.5.2 The Social Work Advice Contact and Assessment Service (ACAS) has developed a new way of monitoring service users in relation to their protected characteristics. Comparing this data to the population of the city enables us to identify where people are not accessing the services or are not benefitting from it as much as they could. The work has been shared with the whole ACAS team as part of our EIA Action Plan. We are currently developing the Children's Centre IT system. This will also allow better analysis of service user data, enabling us to target our resources, advertising and service more effectively.

3.6 Promoting equality and inclusion through our employment and procurement practices

3.6.1 Human Resources: All job applicants must now complete all sections of the recruitment monitoring form, significantly improving the quality of our data. To improve data on our existing workforce we asked all staff in December 2012 to check and update their equality information. This resulted in a slight increase in completed profiles. In April 2013, we launched an online 'How To' guide to help employees update their personal/equalities information on PIER. We have reviewed our monitoring categories in light of the 2011 Census data and are currently updating our recruitment monitoring form. We have also extended disability monitoring to include summary details of impairment(s). Individuals can choose not to disclose this. After these changes we will ask existing staff again to review their equality information against the new categories. We are also reviewing our equalities workforce targets in the light of the 2011 Census data.

3.6.2 Human Resources: Key activity in relation to the Global HPO report: 'Race Equality in Employment at Brighton & Hove City Council' is the completion of an action plan to address the consultants' recommendations. This plan is going to the Policy & Resources Committee for endorsement on 11th July. The report identifies issues in relation to race equality and wider equality issues. There has

been a good amount of progress so far. Our values are now enshrined in the constitution, in all codes of conduct and in the PDP process. We also have a new set of behaviours. This work is linked to the review of the corporate Equality Steering Group, establishment of Directorate equality groups and the Workforce Equality Group.

- 3.6.3 **Property & Design:** Recent projects include the installation of a new accessible lift at Brighton Town Hall. The lift car exceeds the minimum dimensions for wheelchair users. Call and control panel buttons are accessible to wheelchair users, and have tactile markings / voice announcer to assist people with visual impairments. Unusually this lift has a separate power supply and fire protected refuge areas with direct access to the lift on each floor. This means disabled people unable to use stairs or self-transfer into an Evac chair can be safely evacuated.

4. EQUALITY IMPACT ASSESSMENTS (EIAs)

- 4.1 Whilst the EIA process is no longer defined or mandated in law there is still an explicit legal requirement for public bodies to 'evidence due regard' to the potential impacts on all 'protected characteristic' groups (Appendix B has more information on 'due regard' and 'protected characteristics').
- 4.2 The council has given a commitment to meet this duty by continuing to apply its well-established EIA process to all new policies/services and when they are changed or reviewed. Our EIA process (copy available in the Members' Room) has been updated in line with the Equality Act 2010 and improved in response to recommendations from the Global HPO 'Race Equality in Employment at Brighton & Hove City Council' report. Training is being delivered based on the new EIA templates.
- 4.3 Our EIA timetable for all Directorates is continually updated by equality representatives in all areas. This timetable is a record of all the EIAs planned, whether on new services/policies or reviews of existing ones. Indicators relating to the timetable are now included in the council's performance management processes, including quarterly reporting and monitoring to the Executive Leadership Team (ELT).
- 4.4 During the budget-setting process for 2013-14 EIAs were carried out on all proposed changes with a potential impact on service-users and an assessment made of cumulative impact (across changes). This enabled the council to demonstrate its compliance with the law in giving 'due regard' to the needs of groups protected by the Equality Act 2010 during our decision-making processes. Other authorities have been subject to legal challenge where they have not been able to evidence this.
- 4.5 The EIAs were made available with the overall budget information to Community and Voluntary Sector (CVS) groups in the city, as part of the consultation process. A number of groups provided views which were considered by officers and members during the budget setting process.

5. INTERNAL COUNCIL EQUALITY STRUCTURES AND ROLES

- 5.1 After the corporate restructure we have reviewed the Equality Steering Group (ESG) and Workforce Equality Group (WEG) to clarify their different and complementary roles. The ESG has a primary focus on equality in service provision, and the WEG focuses primarily on equality issues relating to the workforce. New Terms of Reference and membership have been agreed for both groups.
- 5.2 Directorate Equality Groups have been re-established. These are to create and support positive commitment and energy for equality work across the directorates and to ensure compliance with legal duties. The groups will meet regularly and be a conduit for information to and from the ESG and WEG. Members of the Communities and Equality team take a lead for each Directorate and provide business partnering support for their equalities work (ie: Equality Impact Assessments, equality monitoring and issues relating to staff and services).
- 5.3 The Terms of Reference for the Workers Fora (for BME, Disabled, LGBT and women staff) have all been reviewed and updated versions have been agreed by the Fora and ELT. All Fora are holding elections to their steering groups. They are expected to produce a joint business plan which includes individualised elements as necessary. They have also started to produce a joint learning and development programme, to be implemented after the election processes are complete. Forums continue to receive support from the Communities and Equality Team.
- 5.4 The Executive Director Finance and Resources - Catherine Vaughan - is the Equality Champion on behalf of the Executive Leadership Team this includes the Trans Champion role recommended by the Trans Equality Scrutiny. The Communities and Equality Team is within the Assistant Chief Executive's directorate.

6. CITY INCLUSION PARTNERSHIP

The City Inclusion Partnership exists to lead, develop and support equalities approaches in strategic planning and implementation across the city, in order to improve local service delivery, support partnership working and reduce inequalities in Brighton & Hove. Members represent all the statutory bodies covered by the Public Sector Equality Duties in the Equality Act 2010. The Partnership has defined work areas for 2013: Human Resources, work relating to the Trans community, and exploring the potential for links with other partnerships in the city-wide 'family of partnerships'.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising from the recommendations to this report. The actions carried out to date and those proposed can be funded through identified budgets.
Financer Officer consulted: Anne Silley Date 26/06/13

Legal Implications:

- 7.2 The Council's Equality and Inclusion Policy and Action Plan assist the Council to meet its statutory responsibilities under the Equalities Act 2010.
Lawyer consulted: Elizabeth Culbert Date 30 June 2013

Equalities Implications:

- 7.3 The equalities implications are directly addressed by the work contained within the report.

Sustainability Implications:

- 7.4 The strategic objectives of the policy and action plan will contribute to the One Planet Living principles of Culture and Community and Equity and Economy as defined in the Brighton & Hove Sustainability Action Plan.

Crime & Disorder Implications:

- 7.5 The Crime and Disorder Reduction Partnership and the Partnership Community Safety Team are key contributors to equalities & inclusion work in the city and this is reflected in the action plan

Risk and Opportunity Management Implications:

- 7.6 The implications for risk and opportunities are directly addressed by the actions contained within the action plan.

Corporate / Citywide Implications:

- 7.7 The actions contained within the report have been developed with input from all council teams. To this end the policy and action plan have impacts on communities across the city.

| Objective (what we want to achieve) | Activity/Action (what we intend to do, key actions from across the council) | Lead Unit | Nov '12 update /information | Apr '13 update /information |
|---|---|-------------------------------|---|--|
| Promoting equality and inclusion through improving the quality and breadth of information held and used by the council | | | | |
| D1 | We will encourage and support use across the council of a standard equalities monitoring template which covers all Equality Act 2010 'protected characteristics'. | Communities and Equality Team | The equalities monitoring form has been updated in response to feedback and guidance on it has been developed with the council's Performance and Analysis Team. Further background information will be added this year when the Census 2011 data is released. The form has been agreed as the standard equalities monitoring template in the council. | The Census 2011 data is now becoming available and we are using this to produce reports on the areas covered by the questions. We have already revised the questions about ethnicity to reflect what the census has told us about people in the city. Information at ward level and information looking at two or more characteristics (eg: age and gender) will be available later in the year. We will use all this information to update the form and guidance. |
| D1 | We will use new Neighbourhood Governance approaches to support our knowledge and understanding of both people and place. | Communities and Equality Team | We are will be using information from the Neighbourhood Governance pilots to support our knowledge and understanding of both people and place & taking this to the Project Board to ensure we use this in a strategic manner to influence policy and practice. | The two pilot areas have identified their local priorities. We are in the process of setting up specific task and finish groups, with both staff and residents to look at resolving the issue or bringing a change in practice or service. We are sharing a range of data with the pilots to inform their decision making. All monitoring and evaluation learning with regards to people and place will be fed into our end of project reports. |

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| Objective (what we want to achieve) | Activity/Action (what we intend to do, key actions from across the council) | Lead Unit | Nov '12 update /information | Apr '13 update /information |
|---|---|-------------------------------|---|---|
| Promoting equality and inclusion through improving the quality and breadth of information held and used by the council | | | | |
| 104 D1 | We will fill data gaps, where appropriate: Planning and completing a consultation on need in Black and Minority Ethnic (BME) Communities, with other statutory and community and voluntary sector partners. Using the findings of Count ability (barriers encountered by disabled people), a partnership project with The Fed Centre for Independent Living, University of Sussex, Sussex Police, and East Sussex Fire and Rescue. Undertake a city wide Trans Equality Scrutiny looking into the issues affecting those individuals who identify as 'Trans' in Brighton and Hove. | Communities and Equality Team | Secured analyst time to prepare a 'State of the City' report focussed on BME communities (quantative document). Proposals for community consultation phase still being developed. | A community led steering group is being created which will lead on the community engagement and consultation element of the BME needs assessment process. It is hoped that the first meeting will take place in early summer The 'snap shot' report is due in July. The Trans Equality Scrutiny has now completed and the final report and its recommendations were accepted in Feb 2013. Responses are being collected on how each recommendation is being taken forward by the responsible organisation or team and action will be monitored. |
| D1 | Our Children and Families (C&F) Unit will develop Quality Assurance and audit processes to include specific question about meeting needs and improve the collection and analysis of their population and service user data. | Children and Families | EIAs have been completed for the ACAS service and for additional funding for disadvantaged two year olds. The Children's Centre service is buying a new IT performance management system which improve cohort analysis of the use of services for disadvantaged groups. EIA is on target for completion for Youth Service end of Nov. | The Social Work Advice Contact and Assessment Service (ACAS) has developed a status report which enables the team to monitor the people it serves with protected characteristics. This has been compared the average distribution in the population of the city so that areas for improvement can be identified. The work has been shared with the whole ACAS team as part of the EIA Action Plan. The Youth Service EIA was completed in November. Focus groups took place with protected groups. Staff also spent time in staff meetings looking at service culture and equalities. The Children's Centre IT system has been procured and is being implemented. This will allow better analysis of service user data. |

| Objective (what we want to achieve) | Activity/Action (what we intend to do, key actions from across the council) | Lead Unit | Nov '12 update /information | Apr '13 update /information |
|---|---|--|---|---|
| Promoting equality and inclusion through improving the quality and breadth of information held and used by the council | | | | |
| D2 | We will use the City-wide Data Group to co-ordinate data collection and use across the city, linking in with Needs Assessments. | City-wide Data Group | No update received | The group has members from council departments, statutory sector bodies, the universities and the CVS. It meets regularly to produce and monitor an annual work programme of needs assessments informed by the priorities of the City. It quality-checks needs assessments to ensure they meet locally agreed quality standards (e.g. engagement) and identifies the training needs of commissioners and other partners involved in producing needs assessments. It also supports communication of findings to decision makers, relevant professionals, and the general public. |
| D2 | Our Adult Social Care Provider Delivery Unit will improve service user feedback mechanisms to inform service improvement. | Adult Social Care Provider Delivery Unit | Service user questionnaires for 2012/13 have been rolled out within residential services, day services and are planned within Independence at Home (homecare) and Carelink Plus. The outcomes will be presented to the Provider Management Team and will form part of a performance report in April 2013. | Service user feedback questionnaires for residential services, day services and are planned within Independence at Home (homecare) and Carelink Plus have been launched using on-line portal. Reported via quarterly ASC performance meetings. |
| D2 | Our Housing and Social Inclusion Unit will improve the quality and quantity of electronically held profiling data in respect of service users | Housing & Social Inclusion Delivery Unit | Profiling data is collected for council tenants at the first visit after a tenant has moved in. If there are any gaps in our records this is followed up through further tenancy visits. Our statistics are reviewed monthly to ensure we are capturing information and to allow us to identify any trends. | We have continued to monitor our profiling data on a monthly basis. As at the end of March 2013 we are continuing to collect information on our tenants through visits. |
| D2 | Our Housing and Social Inclusion Unit will undertake a survey (STAR) of service users to determine satisfaction and allow benchmarking with other providers | Housing & Social Inclusion Delivery Unit | Next STAR survey is Nov 13 | Rather than carry out this survey in winter and close to Christmas, we are likely to defer this to spring 2014 |

| Objective (what we want to achieve) | Activity/Action (what we intend to do, key actions from across the council) | Lead Unit | Nov '12 update /information | Apr '13 update /information |
|---|--|--|---|---|
| Promoting equality and inclusion through improving the quality and breadth of information held and used by the council | | | | |
| 106 D2 | Our Housing and Social Inclusion Unit will maintain a resident involvement database | Housing & Social Inclusion Delivery Unit | The team has been in place since July and this is a new process. Our Housing and Social Inclusion Unit will maintain a resident involvement database setting out details of residents and how they wish to be engaged. Resident Involvement Forms have been sent with STAR and Asset research forms to a cross section of tenants, a form is included on our website, and also used by the neighbourhoods team on eighth month tenancy visits. Feedback provides us with the mechanisms to update our databases. The resident involvement database has been established on OHMs and the resident involvement team is now developing and monitoring it; the team has been in place since July. | The resident involvement team are also using the form during door-knocking and at events. The database was used for a mail out promoting the new Tenant Scrutiny Panel; twelve people attended the first meeting in Apr 2013, nine of them new to citywide housing involvement. The database will be used for a mail out then some targeted phone calls to promote the five new housing management service groups. These are being promoted in July, 40% of members will be recruited and the aim is particularly increase the numbers of BME people, people under sixty and families as these have been identified as being under-represented in our existing resident involvement structure. IT are improving the data base reporting so we can get equalities information about actively involved residents more easily. |
| D3 | In compliance with our legal duties we have published workforce diversity data on our website and will do so annually. Workforce diversity data will also inform the development of the council's People Strategy and actions to implement this. | Human Resources | We are in the process of compiling the workforce information which will be published on the council's website in January 2013. | Workforce information as at 31 Dec 2012 has been published on the council's website. We are in the process of reviewing how we can expand the scope of the information we publish and are looking to improve the sophistication of the analysis of that data. This will enable us to better understand our workforce issues and help us implement strategies to address these. |
| D4 | We will develop a wide-ranging campaign to advertise the Equality and Inclusion Policy and its related issues internally and externally, using a range of different media and formats. | Communities and Equality Team and Communications | Communications: due to capacity issues in the Communications Team work on this has been delayed. However, short guidance to the council's Equality and Inclusion Policy, EIAs, Equality Monitoring and the Equality Act 2010 have been produced and are now available to staff. | A new strategy is being developed and equalities principles (including how to communicate effectively with diverse audiences) will be applied throughout it. The corporate Equality Steering Group continues to consider ways in which to explain equalities work and to share information. |

Appendix B – EQUALITY ACT 2010

The Equality Act replaces the previous anti-discrimination legislation with a single Act that simplifies the law, removing inconsistencies and making it easier to understand. It also strengthens the law to help tackle discrimination and inequality, and expands the Duties placed on public bodies.

The Equality Duty aims to embed equality considerations into the day to day work of all public bodies, and those carrying out public functions, so that they tackle discrimination and inequality. The Duty requires public bodies to engage with the diverse communities affected by their activities and decisions to ensure that policies and services are appropriate and accessible to all and meet different people's needs.

The Duty consists of a **general Duty** and **specific Duties** – the specific Duties are designed to enable public bodies to meet the general Duty. The new Duty replaces the existing public sector equality Duties and covers the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race (ethnic or national origin, colour, nationality)
- Religion or belief (including lack of belief)
- Sex
- Sexual orientation

The Duty also applies to 'marriage and civil partnership' but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The General Duty has 3 aims. Public bodies must consciously consider these three aims as part of the process of decision making, and the specific Duties require evidence that this has happened:

- **Eliminate unlawful discrimination**, harassment and victimisation and other conduct prohibited under the Equality Act 2010
- **Advance equality of opportunity** between people from different groups
- **Foster good relations** between people from different groups

The specific Duties provide a framework to enable public bodies to meet the general Duty. The Duties require public bodies to set specific, measurable, equality outcomes, embedded into core practice and process, and to publish information on their progress to enable public scrutiny and accountability.

The Act is designed to reduce bureaucracy whilst helping public bodies deliver equality outcomes. It will require public bodies to publish more information than before, and to demonstrate how they are delivering improvement so that the public can hold them to account.

| | | | |
|-------------------------|--|--|--------------------|
| Subject: | Workforce Equalities Action Plan | | |
| Date of Meeting: | 11 July 2013 | | |
| Report of: | Executive Director of Finance & Resources | | |
| Contact Officer: | Name: | Carolyn Bristow – Project Manager | Tel: 291288 |
| | | Sue Moorman – Interim Head of HR & OD | 293629 |
| | E-mail: | carolyn.bristow@brighton-hove.gov.uk | |
| | | sue.moorman@brighton-hove.gov.uk | |
| Wards Affected: | All | | |

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT**

- 1.1. The council's overall approach to equalities is set out in its Equalities & Inclusion Policy 2012-15, which was approved by Full Council.
- 1.2. The council's Corporate Plan commitments for 2013/14 included the implementation of a Workforce Equalities Action Plan, as part of our Modernising the Council priority. We need a workforce that better reflects the city's economically active community profile. We have an Excellent rating in the Equality Standard for Local Government, which we value, but we are not complacent and need to live up to the high standards that our staff and citizens expect of us as an employer.
- 1.3. The council commissioned consultants Global HPO to undertake an assessment of race equality in employment at Brighton & Hove City Council. The findings of that report and the recommendations are a core part of this action plan. While the findings identified specific issues in relation to race equality, many were relevant to all equalities strands and indeed to broader performance and cultural issues across the organisation. Where relevant, actions from other equalities work such as the Trans Scrutiny Equality Panel have also been incorporated into this plan.

2. RECOMMENDATIONS

- 2.1 That the Committee note the findings of the Global HPO report on race equality in employment at Appendix 1.
- 2.2 That the Committee notes the progress made to date on the issues identified in that report as set out in paragraph 3.3.
- 2.3 That the Committee approves the Workforce Equalities Action plans set out in Appendix 2 and 3.

2.4 That the Committee notes the ongoing monitoring and reporting arrangements set out in Appendix 4.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS

3.1 The council's Equalities and Inclusion Policy 2012-2015 describes our vision, objectives, key actions and measures to promote, facilitate and deliver equality both within Brighton and Hove City Council and the rest of the city. The Policy fits within corporate, community and partner service frameworks and sets out key city issues and their impacts on protected equality and key social inclusion groups. The Policy's objectives also meet our requirements under the public sector duty of the Equality Act 2010. The Workforce Equalities Action Plan is intended to provide more detail on how the council will improve equality in employment, within the overarching remit of the Equalities & Inclusion Policy.

3.2 During the spring of 2012, the former Chief Executive and former Leader requested that an independent audit review of race equality in employment be commissioned following concerns that had been raised with them by the Black and Minority Ethnic Workers Forum (BMEWF). Global HPO (GHPO) was appointed and the then Director of Finance was asked to Chair a steering group which also comprised members of the BMEWF to oversee the work. The scope and timetable of the review by GHPO was agreed by the steering group. More detail on the methodology is included in the introduction to the report which can be read in full at Appendix 1.

3.3 Over the course of the review, working relationships between senior council officers, the BMEWF steering group members, Human Resources and the Communities and Equalities team were significantly strengthened, partly due to the facilitating role that GHPO played. As a result, action has not waited until the completion of the report and although there is much still to be done a great deal of positive progress has already been made. The work has been integrated into the council's Modernisation agenda, as set out in its corporate plan and linked to wider issues of management, leadership and organisational development across the organisation. Examples include:

- Introducing an agreed set of values across the organisation which have been incorporated into the council's constitution, codes of conduct and performance management framework;
- Revising the personal development plan (appraisal) documentation and approach, to place greater emphasis on values and behaviours;
- Reviewing and agreeing new terms of reference for the workers forums, including the support and training provided to ensure that they are effective and more joint working across the forums;
- Building on the success of the LGBT workers mentoring scheme - the launch of the diversity monitoring scheme that covers LGBT, BME, Disabled and women employees.

- Relaunching the HR equalities group (subsequently renamed the Workforce Equalities Group (WEG)) with representation from the workers forums and trades unions;
 - Establishing joint training with WEG members, the first of these being focussed on understanding data and analysis,
 - Nominating an Equalities Champion on the Executive Leadership Team (ELT)
 - Reviewing the Dignity at Work Policy;
 - Revising the equalities monitoring forms;
 - Improving internal communications.
- 3.4 There is a commitment in the Corporate Plan to develop a Workforce Equalities Action Plan, which was informed by the findings in the GHPO report. The first task was to list the full set of recommendations and to consider prioritisation. This was done by consulting the steering group, representatives of the workers forums, HR teams and the Communities and Equality team. Resourcing and sequential actions also needed to be taken in to account. For example, it is only possible to conduct some of the data analysis needed once more of the data has been collected. This process of prioritisation and planning resulted in the action plans given as appendix 2 and 3.
- 3.5 Appendix 2 is a high level organisational development document that indicates where the council wants and needs to be on workforce equalities in three years time. It is an indication of aspirations. As explained in 3.4, it is not possible to action all of the recommendations in year one but it is important to set the direction at this stage.
- 3.6 Appendix 3 is a more detailed plan of action for year one. This details the many actions that must take place during this calendar year. It lists accountable officers and officers responsible for implementation.
- 3.7 It is important to note that there are significant other areas of equalities activity underway within the council. These include:
- Corporate Plan commitments
 - Equality and Inclusion Action Plan
 - Trans Scrutiny Recommendations
 - Disability Scrutiny Recommendations
 - Stonewall Workplace Equality index assessment
 - BME needs assessment

As well as individual work by service areas, through the completion of equality impact assessments and subsequent action and business plans, each directorate has re-established a directorate equality group to champion, performance manage and quality assure equalities work within their area. These are supported corporately by the Communities and Equality Team.

All of the above will continue to be taken into consideration when formulating details for year two and three of the Workforce Equality Action Plan.

4. ENGAGEMENT AND CONSULTATION

- 4.1 There was extensive engagement and consultation in the preparation of the GHPO report and in other activities such as the Trans Equality Scrutiny Panel.
- 4.2 Workers Forums and Trades Union colleagues have been involved via their membership on the WEG, which has discussed the emerging action plan twice. Workers forums steering groups were invited to participate in the prioritisation activity as were key HR teams. Other HR colleagues were involved in looking at priorities for the HR business plan. The Communities and Equality team have been involved via its membership of the WEG.
- 4.3 The council's Equalities Steering Group has discussed the report and its findings.
- 4.4 One of the actions is around the reinvigoration of community engagement activity for HR, linking with the joint work the Community Safety and Communities and Equality teams are undertaking with BME organisations on producing a BME needs assessment for the city.

5. MONITORING AND EVALUATION / FUTURE GOVERNANCE

- 5.1 Governance arrangements were agreed for the development of the action plan and future arrangements are detailed in appendix 4. This sees the Workforce Equalities Action Plan project board meeting quarterly to oversee the action plan implementation. An annual update will be reported to Policy & Resources Committee incorporating the next year's action plan.

6. FINANCIAL AND OTHER IMPLICATIONS

Financial Implications:

- 6.1 The costs of engaging Global HPO over a period of approximately 12 months have been £64,000. The scope of the work undertaken for this fee is included in the report itself. It included a review of the council's policies and procedures, reviewing 99 case files and interviewing over 130 people. Global HPO, as part of this work, also attended steering group meetings approximately 6 weekly over that time period and provided training on analysing and interpreting management information to staff in HR and the BME Workers Forum.

The Workforce Equalities Action Plan (WEAP) is expected to be implemented by in-house staff and be absorbed into existing workloads. Funding for the recruitment of the Management Information Officer noted in the action plan has been agreed and identified, and other costs noted such as an independent review of the perception of BHCC by communities and

externally-provided training that may be required will need to be met from within existing budgets.

Officer consulted: Rob Allen 20 June 2013

Legal Implications:

- 6.2 The Action Plans set out in Appendix 2 and 3 are consistent with the council's public sector equality duty as specified in section 149 of the Equality Act 2010

Officer consulted Oliver Dixon 20 June 2013

Equalities Implications:

- 6.3 This report is a core response to the council ensuring it meets its legal obligations under the Equality Act 2010 in regards to its workforce as well as its relevant corporate plan commitments.

Sustainability Implications:

- 6.4 The aims of the Workforce Equalities Action Plan are closely supported by the aims of the council's One Planet Sustainability Action Plan (SAP). The SAP section on Equality & Local Economy covers the specific issues of equality at work, within and outside the directly employed workforce, and the 'Health and Happiness' section reflects the themes of the values and behaviours the council as an employer expects – including dignity and respect.

Crime and Disorder Implications:

- 6.5 The council's reputation as an employer that reflects the diversity of the city and promotes equality in employment supports broader community cohesion objectives.

Risk and Opportunity Management Implications

- 6.6 Risk sessions were held in both a steering group meeting and with a special meeting of the Workforce Equalities Group. These have been captured in a risk register which thoroughly addresses those risks that might affect the successful implementation of the plans in appendix 2 and 3. This register will be monitored by the project board and will also be discussed regularly by the Workforce Equalities Group. This register also provides information around mitigating actions to reduce the risk.

Risks identified include the need to prioritise the work effectively due to resource and capacity constraints, dependencies with other culture change aspects of the council's Modernisation programme and the impact on the council's reputation of not making demonstrable progress in this area.

Any increase in risk will be reported to the accountable officers or escalated to the project board / senior managers as appropriate.

Corporate / Citywide Implications:

- 6.7 This action plan is a key corporate plan commitment and will have city wide implications in terms of how communities view the council as an employer and more general in its democratic community leadership role.

Public Health Implications

- 6.8 None identified.

7. EVALUATION OF ANY ALTERNATIVE OPTIONS

- 7.1 Option One: do nothing.

This would potentially result in unequal access to employment at BHCC. It could lead to continued under representation of BME staff in employment and an over representation of staff with protected characteristics in certain HR processes. There is a commitment in the Corporate Plan to develop the Workforce Equalities Action Plan.

- 7.2 Option Two: provide temporary resources to provide quick wins. These are not sustainable and will not result in longer term changes for staff and potential applicants.

- 7.3 Option Three: to have the Workforce Equalities Action Plan as set out in the appendices.

8. REASONS FOR REPORT RECOMMENDATIONS

- 8.1 Option three as described above helps create a sustainable culture change resulting in a positive outcome for staff and potential applicants.

SUPPORTING DOCUMENTATION

- Appendix 1: Global HPO Report (available in Member's rooms and online)
Appendix 2: Action Plan 2013 – 2016 High level three year overview
Appendix 3: Action Plan 2013 -2014 Year one detail
Appendix 4: Ongoing governance and monitoring framework

Workforce Equalities Action Plan 2013-2016

This three year plan has been developed as a direct response to the Race Equality in Employment report commissioned for BHCC in 2013. We are taking the opportunity to address wider equalities issues affecting our workforce, both current and prospective.

| Area of Work: | Workforce Data and Analysis | Recruitment and Retention | Training and Development | Policies |
|--|--|---|--|--|
| Overall objective across 3 years: | To capture more extensive and better quality workforce and recruitment data for use by Executive Leadership Team, Directorate Management Teams, and service areas including Human Resources so we can take action to promote positive trends and tackle areas requiring improvement | To work with different communities of interest/identity across the City to increase their confidence in seeking employment with the City council and creating a working environment that will encourage them to stay and to enable them to fulfil their potential | To equip managers, staff and Councillors to better understand diversity and their role in promoting equality through a comprehensive, high-quality programme of learning and development that all staff have access to, that is mandatory as appropriate. | To ensure managers have a comprehensive suite of policies and procedures that they can use to enable them to manage diversity within their services effectively and to a standard higher than that required by legislation |
| To Do: | <ul style="list-style-type: none"> • Develop an approach to improve the capture, quality and analysis of equalities workforce and recruitment information • Produce regular quarterly management information reports (including recruitment data) to the Workforce Equalities Group and senior management highlighting issues/trends • Produce and publish an annual equalities report detailing progress against the Workforce Equalities Action Plan | <ul style="list-style-type: none"> • Develop an approach to improve the council's image as an employer to enable it to recruit and retain individuals from under represented groups within all levels of the organisation • To monitor and regularly review recruitment data both external and internal • To monitor progress towards achieving a diverse workforce that more closely reflects the economically active communities • To promote positive trends and address areas requiring improvement | <ul style="list-style-type: none"> • To regularly review all training, including elearning, to ensure that all managers, staff and councillors have a good understanding of Equality and Diversity Issues • To ensure we have a comprehensive, high quality training programme that meets the identified needs of the organisation in a cost effective and accessible way | <ul style="list-style-type: none"> • Keep policies and procedures under regular review to ensure they continue to comply with legislation and best practice • Use the findings from Equality Impact Assessments and feedback from Workers Forums and trade unions to inform those reviews • Ensure all managers have access to current policies and procedures and any changes are effectively communicated to all managers and staff |
| Success measures: | <ul style="list-style-type: none"> • Significant reduction in the percentage of the workforce and job applicants who have not declared their personal equality information • Ability to carry out better analysis of workforce and recruitment data so that equality issues/trends can be identified and acted upon • Increased diversity of the workforce profile at all levels which better reflects the City's economically active community profile | <ul style="list-style-type: none"> • To develop and maintain an increased diverse workforce profile at all levels which better reflects the City's economically active community profile • An increase in staff feeling that promotion prospects are good through the staff survey | <ul style="list-style-type: none"> • Staff are able to access a comprehensive programme of learning and development appropriate to their needs • An increase in positive feedback through the staff survey, training evaluation and exit data • Evidence of the embedding of the values and behaviours (and therefore equalities and diversity) via evaluation of staff survey results and PDP practices • Mandatory learning and development is attended as appropriate | <ul style="list-style-type: none"> • An increase in staff reporting feeling valued / communication methods well used / being treated well by their managers via the staff survey |

Workforce Equalities Action Plan 2013-2014 Year one detail

| Workforce Data and Analysis | | | | | | | | | |
|-----------------------------|---|--|--|--|---|---|---|---|---|
| Objective | To improve the capture, quality, analysis and reporting of equalities workforce information to the Workforce Equalities Group and to senior managers | | | | | | | | |
| Key Action | Improve the capture, quality, analysis and reporting of equalities workforce information to senior management | Develop an approach that increases the number of staff providing their equality information and focussing on service areas where participation is low | Produce equalities non-disclosure lists* as part of monthly workforce data reports to Executive Leadership Team and Directorate Management Teams <i>* 'Non-disclosure lists' will show, by service area, the percentage of staff who have not disclosed their personal equality information</i> | Review and update workforce targets by comparing the workforce profile, wherever possible, with the City's economically active community profile | Improve the monitoring system for cases of alleged discrimination/ harassment to include whether the discrimination/ harassment is based on an individual's protected characteristic(s) | Establish a monitoring process that captures information on casual/agency workers by service area and grade | Review and improve the process by which staff who are leaving can feedback their experience of working for the council | Produce regular quarterly management reports (including recruitment data and non-disclosure lists) to Executive Leadership Team and Directorate Management Teams highlighting issues/trends for review and action | Provide workforce equality information including recruitment data regularly to the Workforce Equalities Group* highlighting issues/trends for review and action <i>* Workforce Equalities Group (WEG) is made up of representatives from Human Resources, the council's Workers' Forums and Trade Unions</i> |
| Summary of Impact | Enables the council to take action to promote positive trends and to take appropriate action to address disadvantage where it is identified. | Reducing the number of staff for whom the council does not hold any, or only partial, equality information will enable better identification of equalities issues/trends within the workforce and action taken to address these. | Workforce equality information will be improved through being able to target those staff who have not disclosed their personal data initially in those service areas where declaration rates are low. | Enables the council to develop approaches to increase the diversity of its workforce at all levels and to monitor progress. | Supports the development of a respectful and inclusive culture by enabling cases of discrimination, bullying and harassment to be monitored so that "hotspots", trends and issues can be identified and acted upon. | Enables the council to compile the equality profile for its casual and agency workers so that issues/trends can be identified and acted upon. | Enables the council to understand better why staff leave and so develop an approach to support staff retention. | Enables senior management to be regularly briefed on workforce equalities issues/trends so they can endorse recommendations to address areas requiring improvement. | Enables workforce and recruitment data to be reviewed regularly by Workers Forum and Trade Union representatives, issues/trends highlighted and required actions discussed. |
| Resources Required | Management Information Officer , HR Systems Team and other HR staff, external providers of HR management information and recruitment systems, external agency provider. | Internal Communications, Workers Fora, Trade Unions, Communities and Equality Team. | Management Information Officer, HR Systems Team. | Communities & Equality Team, Senior Analysis & Research Officer. | Head of Coaching and Advice, Management Information Officer. | Management Information Officer, HR staff, Resources within council's external contracted agency worker provider, Internal communications. | HR Systems Team, Workers Fora, Trade Unions, Communities & Equality team, Performance Analysis and Research Team (consultation portal). | HR Business Partners, Policy and Projects Team. | Workers Forums, Trade Unions, HR staff, Communities & Equality Team, HR Systems Team, Policy and Projects Team. |

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| Key Action (repeat) | Improve the capture, quality, analysis and reporting of equalities workforce information to senior management | Develop an approach that increases the number of staff providing their equality information and focussing on service areas where participation is low | Produce equalities non-disclosure lists as part of monthly workforce data reports to Executive Leadership Team and Directorate Management Teams | Review and update workforce targets by comparing the workforce profile, wherever possible, with the City's economically active community profile | Improve the monitoring system for cases of alleged discrimination/ harassment to include whether the discrimination/ harassment is based on an individual's protected characteristic(s) | Establish a monitoring process that captures information on casual/agency workers by service area and grade | Review and improve the process by which staff who are leaving can feedback their experience of working for the council | Produce regular quarterly management information reports (including recruitment data and non-disclosure lists) to Executive Leadership Team and Directorate Management Teams highlighting issues/trends for review and action | Provide workforce equality information including recruitment data regularly to the WEG highlighting issues/trends for review and action |
| Progress Made | Funding obtained for an additional post in HR to support development, analysis and reporting of improved workforce information. Equalities monitoring form has been revised. | Equalities monitoring form has been revised. Completion of the monitoring form is mandatory for applicants applying for vacancies online. Recent audit carried out and employees asked to complete/update their personal equality monitoring information. | Recruitment of Management Information Officer underway. Non-disclosure lists will start going to senior managers in July. | Work has started to review workforce targets including setting a target for LGB group. | PIER * system has been developed to enable this data to be captured and reported on. * "PIER" is the council's HR payroll & employment information system | Work is underway to capture equality monitoring data for casual workers. | Work is underway to review the current process (including the content of current questionnaire) and to increase return rates. | Recruitment of Management Information Officer underway. Non-disclosure lists will start going to senior managers in July. | Terms of Reference for the WEG have been refreshed. Composition of the group has been expanded to include Trade Union representatives. HR and BME Workers' Forum representatives attended joint training on analysing and understanding management information. Review of workforce information planned for July meeting of the WEG. |
| Deadlines for Completion | April 2014 | September 2013 | End of July 2013 | End July 2013 | End of December 2013 | End of December 2013 | End of September 2013 | Dummy quarter Dec - Mar. Live from April 2014 | First report to be completed by end of July |
| Accountable Officer | Executive Director of Finance and Resources | Head of Human Resources and Organisational Development | Policy and Projects Manager | Head of HR and OD | Head of HR and OD | Head of HR and OD | Head of HR and OD | Policy and Projects Manager | Policy and Projects Manager |
| Officer responsible for implementation | Head of HR Strategy, Policy and Projects | Policy and Projects Manager | Senior Systems Analyst | Policy and Projects Manager | Policy and Projects Manager | Policy and Projects Manager | Policy and Projects Manager | Management Information Officer | Management Information Officer |

| Recruitment and Retention | | | | | | |
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| Objective | To engage with communities of interest to develop an approach that will encourage applications from groups that are currently underrepresented within the council's workforce and monitoring success rates to identify trends. To develop an approach that will create a working environment that will facilitate the retention of under-represented groups so they can fulfil their potential. | | | | | |
| Key Action | Re-establish a relationship between the BME voluntary and community organisations and the council | Gain an understanding of the council's image as an employer within the BME and white other communities | Re-visit the previous advertising campaign that was successful in attracting applications from groups under-represented within the council's workforce | Emphasise to all potential job applicants the importance of disclosing their personal equality monitoring information | Improve information about different ethnic groups within the City to enable informed analysis of recruitment data | Review content of recruitment and selection training to ensure it addresses equality and diversity issues effectively and make it mandatory for recruiting managers |
| Summary of Impact | Dialogue with communities will assist in shaping our approach to marketing of our jobs & apprenticeships. The council becoming an employer of choice for local people from minority groups. | Increase in applications from communities engaged with. Improved relationship with communities. | Increase in applications from communities engaged with. | Improvement in diversity monitoring by exploring best practice across the country. An organisation responds better to its clients if they are represented in the organisation's workforce. | More detailed and extensive data, information and knowledge about the different ethnic groups in the city that can be used across all services in the council to inform their service design and delivery. | Ensure consistency of practice tied to organisational values and procedures. Recruitment and selection training addressing key equality issues such as unconscious bias. |
| Resources Required | HR Recruitment representatives will work with 'Interested Champions' from around the organisation, Communities and Equality Team, Community Safety Team, Time needed to attend community meetings. | Financial resources required to undertake independent review of councils perception as an employer by local communities (TMPW), Information gathered will influence contact with communities and involvement in the development of the DiverseCity recruitment branding. | Communications, Financial resources required in building on our current DiverseCity branding. Review Census data in improving knowledge of communities. | Time & resources to amend current information. Included in discussions with communities. Consider best practice nationally. | HR Systems Team, HR Policy and Projects Team, Community Safety, Research and Consultation; Communities and Equality Team. | Recruitment strategy and delivery teams support in delivery. Resource for delivery from current Workforce Development & Children's Team. |
| Progress Made | This work will build on the work already being done by teams listed above, there are already some established relationships with communities in the City. | This work will build on the existing DiverseCity branding / campaign and will build on existing community links. | This work will build on the existing DiverseCity branding / campaign and will build on existing community links. | Online applications now have the monitoring form as mandatory, although applicant can still tick 'Prefer not to say'. | Steering group established and a BME state of the city statistical snapshot to be completed by July 2013. Following which the steering group will oversee any engagement process to gather more detailed and specific data to respond to gaps and issues identified in the snapshot. | Meeting with officers to look at content and reviewing who delivers. Meeting with Head of HR, Business Partners and Head of Coaching and Advice to identify joint working and delivery. Recruitment and Selection e learning training has been reviewed and amended to incorporate values and behaviours and reflect Global HPO recommendations agreed with Recruitment Strategy & Delivery Manager and |

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| | | | | | | Policy & Projects Manager. Data on recruiting Managers to be shared quarterly from the recruitment Strategy and Delivery Team to allow cross referencing Surf2Learn and Pier L&D data to confirm attendance of workshop in last 3 years and E-learning in last year. |
| Key Action (repeat) | Re-establish a relationship between the BME voluntary and community organisations and the council | Gain an understanding of the council's image as an employer within the BME and white other communities | Re-visit the previous advertising campaign that was successful in attracting applications from groups under-represented within the council's workforce | Emphasise to all potential job applicants the importance of disclosing their personal equality monitoring information | Improve information about different ethnic groups within the City to enable informed analysis of recruitment data | Review content of recruitment and selection training to ensure it addresses equality and diversity issues effectively and make it mandatory for recruiting managers |
| Deadlines for Completion | Ongoing process of engagement | December 2013 | November 2013 | September 2013 | December 2013 | October 2013 |
| Interdependencies | Links with the BME needs assessment work. Linked to work around apprenticeships and with links to Job Centre Plus. | Communications Team | The building of the brand needs to build on the community engagement undertaken previously and have the support of the forums. | Links to Recruitment and Selection Policy. Linked to community engagement work to explore reasons for non-disclosure. | BME Needs Assessment currently underway - key mechanism for achieving this action. | Monitoring of managers who have attended recruitment and selection training cross referenced with Recruitment and Selection data of recruiting managers actively recruiting. Follow up action if recruitment policy not followed tied to equality monitoring and informed analysis of recruitment data. |
| Accountable Officer | Head of HR and OD | Head of HR and OD | Head of HR and OD | Head of HR Strategy, Policy and Projects | Head of Communities and Equality | Head of Workforce Development |
| Officer responsible for implementation | Recruitment strategy and delivery manager | Recruitment strategy and delivery manager | Recruitment strategy and delivery manager | Recruitment strategy and delivery manager | Senior Analysis and Research Officer | Workforce Development Manager |

Training and Development

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| Objective | To review and improve training for all staff, Councillors and workers forums ensuring that Equalities and Diversity issues are effectively addressed | | | | | |
| Key Action | Review and improve Equality and Diversity training, including elearning, to ensure it effectively addresses equality and diversity issues | Review and improve management development programmes to ensure managing diversity is integral and managers are equipped to understand their role in supporting staff with protected characteristics | Review and improve induction training to ensure it addresses Equality and Diversity effectively | Establish a mechanism for Steering Group members of the Workers' Forums to learn about, and from, each other and collaborate more | To ensure an appropriate Equality and Diversity briefing, engagement and training programme is available to all Councillors | To ensure an appropriate trans awareness training programme is available all staff and councillors focussing initially on those working in customer-facing roles |
| Summary of Impact | Specific E & D learning and development interventions will enable participants to understand and model appropriate values and behaviours. | Leadership and management qualification programmes with embedded, integrated E & D will enable managers to understand and model appropriate values and behaviours and challenge colleagues when standards are not met. | The review will identify strengths & weaknesses in current induction programme and areas to develop. New staff to the Council or those who change roles will understand the Council's approach to E & D and be able to model appropriate values and behaviours. | Better understanding between the forums of the challenges they share and have different. Identification of joint action they can take and benefit of group learning. | Specific E & D learning and development interventions will enable Members to understand and model appropriate values and behaviours. | Specific trans awareness learning and development interventions will enable staff and Members to understand and model appropriate values and behaviours. |
| Resources Required | Existing resources to commission or deliver learning and development interventions. Additional budget may be required depending on the extent of the programmes. Involvement of the Communities and Equality team. Involvement of forums in shaping offer. | Existing resources to commission or deliver accredited learning and development interventions. Additional budget may be required depending on the extent of the programmes. Involvement of the Communities and Equality team. | Existing resources to commission or deliver induction training. Involvement of the Communities and Equality team. Colleagues in O.D. to help articulate organisational need & expectations re induction. | Funding to secure external training if in-house provision unsuitable, Communities and Equality Team staff time. | Workforce Development Manager Involvement of the Communities and Equality Team. | Democratic Services Involvement of Communities and Equality Team Additional budget may be required depending on the extent of the programmes. |
| Progress Made | Chief Executive has met some of our external training providers to outline her expectations. Begun to identify potential external providers of both e-learning and workshops. Review of E&D e-learning in progress. Reviewing all corporate offers to identify how E&D incorporated into delivery when appropriate. | Chief Executive has met some of our external training providers to outline her expectations. Meetings booked with CMI management programme providers. Met with Coaching and Mentoring training providers to share Global HPO findings and recommendations. | Values and Behaviours now being incorporated into Induction training. Foundation Learning Programme being reviewed, which will inform cross-referencing with ASC and CYPT induction requirements to ensure values and behaviours are incorporated so there is a consistent equality and diversity message through all inductions. | Draft learning and development programme produced with the forums. This will be revisited following the elections of new steering group members for 2013/14 which has been delayed whilst new terms of reference have been produced and agreed between the forums and the executive leadership team. Joint fora meetings have been called approx. every three months and an induction plan is in place for new steering group members. | Meeting held to discuss training. E&D training for Members being organised. Suggested format is overarching E&D course plus 3 courses with guest speakers on Race, Transgender and Disability. Course outlines provided. Due to run end of July. Evaluation of course to inform future training. SharePoint site for Members in development to hold all training materials for future reference. | Procurement of Trans awareness training for Housing staff is underway. Equalities L&D Programme for Members includes a Transgender Awareness Workshop to be delivered in July 2013. |

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| Key Action (repeat) | Review and improve Equality and Diversity training, including elearning, to ensure it effectively addresses equality and diversity issues | Review and improve management development programmes to ensure managing diversity is integral and managers are equipped to understand their role in supporting staff with protected characteristics | Review and improve induction training to ensure it addresses Equality and Diversity effectively | Establish a mechanism for Steering Group members of the Workers' Forums to learn about, and from, each other and collaborate more | To ensure an appropriate Equality and Diversity briefing, engagement and training programme is available to all Councillors | To ensure an appropriate trans awareness training programme is available all staff and councillors focussing initially on those working in customer-facing roles |
| Deadlines for Completion | October 2013 | September 2013 | October 2013 review completion. Where the opportunity arises there will be adjustments to the current offer pending a more fully revised offer. Fully revised programme to commence April 2014. | July/August 2013 and then ongoing to delivery. | August 2013 and then repeated after 2015 elections. | To be explored in 2013 |
| Interdependencies | A comprehensive assessment of organisational L & D needs is being undertaken including elearning. | Formal programmes commissioned from external providers will contextualise E & D topics. Detail will be provided by in-house training or specific E & D training as agreed. | Corporate induction part of the Foundation Learning Programme. The comprehensive assessment of L&D needs to include e-learning. Colleagues in OD to articulate organisational need in relation to induction, equalities, values and behaviours. | Agreement of the new terms of reference for the workers forum and elections for steering group members 2013/14. | Needs to reflect the Code of Conduct for Members embedding the values and behaviours. Members support the Corporate Plan priority on Reducing Inequality. | Exploration underway as to whether we can join up with other public training providers. |
| Accountable Officer | Head of HR and OD | Executive Director for Finance and Resources / Head of HR and OD | Executive Director for Finance and Resources / Head of HR and OD | Head of Policy | Head of Democratic Services | Head of Workforce Development |
| Officer responsible for implementation | Workforce Development Manager | Workforce Development Manager | Workforce Development Managers | Head of Communities and Equality | Democratic Services Manager | Workforce Development Manager |

Policies

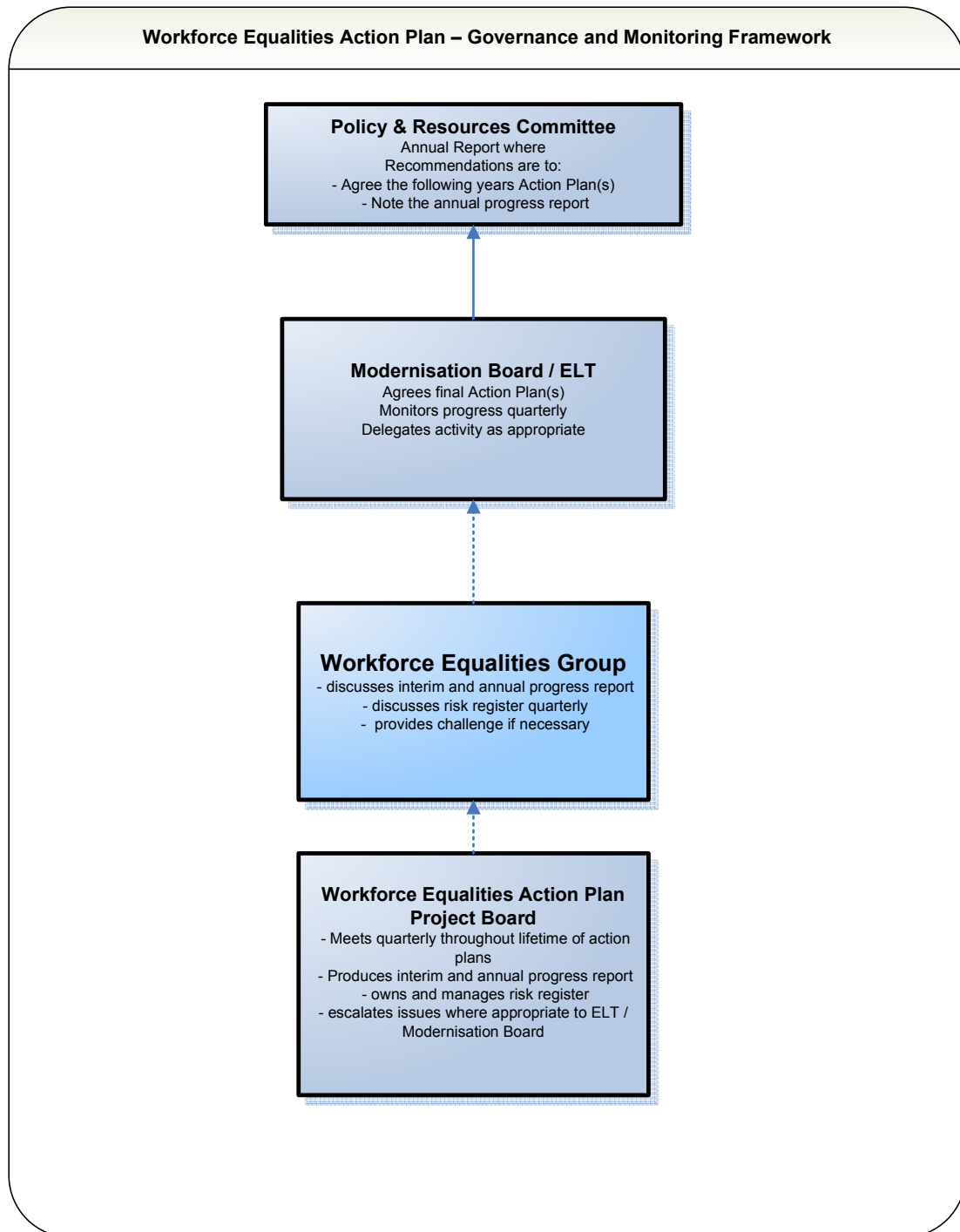
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| Objective | To ensure that the council has a comprehensive framework of HR and OD policies and procedures that through regular reviews including the use of EIAs continue to reflect legislation and best practice | | | | | |
| Key Action | Provide Equality Impact Assessment training for staff, prioritising Human Resources staff | Regularly review Human Resources & Organisational Development policies and procedures to ensure they reflect legislation and best practice | Re-launch the revised Dignity and Respect at Work Policy raising awareness of the organisation's values and behaviours | Improve and re-launch mediation as a method of resolving conflict in working relationships without the need to use formal procedures | Review the Trans Toolkit * taking into account the recommendations of the Trans Equality Scrutiny Panel <i>* The "Trans Toolkit" provides advice and guidance for staff and managers to enable the effective inclusion of trans people in the workplace</i> | Review the recruitment and selection policy and practices to ensure they are applied in a clear, consistent, fair and reasonable manner, taking a positive action approach when appropriate |
| Summary of Impact | Staff understand how to complete effective and meaningful EIAs, their link with equality monitoring and engagement, how they improve service delivery and how they enable us to meet our legal duties. | Provides a framework that enables managers to manage their staff effectively and in a way that is consistent with the council's values and behaviours. | Supports the development of a respectful and inclusive culture where discrimination, bullying and harassment are not tolerated. | An easily accessible and well promoted mediation service will encourage the early resolution of conflict before problems become entrenched or enter in formal processes. This will reduce costs and stress involved and improves employee relations. | Supports the effective inclusion of trans people within the workplace. | Enables the council to attract, recruit and promote the best talented individuals regardless of their protected characteristic(s). |
| Resources Required | Communities & Equality Team time and time for teams receiving training. | Trade Unions, Workers Forums, HR Coaching & Advice and Business Partners, Communities & Equality team, Employment Lawyer, Internal Communications. | Internal Communications Team, HR Coaching & Advice and Business Partners. | Procurement, Trade Unions, Workers Fora, HR Coaching and Advice Team, interested senior managers/other staff as required. | Trade unions, Workers Forums (particularly LGBT), HR Coaching & Advice and Business Partners, Employment Lawyer, external source of expertise in trans issues, internal communications team. | Workers Forums, Trade Unions, managers/Head teachers, HR Coaching & Advice and Business Partners, Recruitment team, HR Business Improvement Team, OD Team, Communities & Equality team, JobCentre Plus, Employment Lawyer, Internal Communications Team. |
| Progress Made | Training will be provided on a rolling programme starting, from the establishment of Directorate Equality Groups and will be evaluated annually. | Employee Code of Conduct has been reviewed to incorporate Values and Behaviour. | Policy is being refreshed to reflect the organisation's values and behaviours and revised process for raising complaints. | Initial scoping of project and defining possible approach complete. | Work is underway to review the Toolkit. | Review underway for recruiting progress for casual workers. |

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| Key Action (repeat) | Provide Equality Impact Assessment training for staff, prioritising Human Resources staff | Regularly review Human Resources & Organisational Development policies and procedures to ensure they reflect legislation and best practice | Re-launch the revised Dignity and Respect at Work Policy raising awareness of the organisation's values and behaviours | Improve and re-launch mediation as a method of resolving conflict in working relationships without the need to use formal procedures | Review the Trans Toolkit taking into account the recommendations of the Trans Equality Scrutiny Panel | Review the recruitment and selection policy and practices to ensure they are applied in a clear, consistent, fair and reasonable manner, taking a positive action approach when appropriate. |
| Deadlines for Completion | Rolling programme to commence following Directorate Equalities Groups relaunch. | Rolling programme to commence following Directorate Equalities Groups relaunch. | End of June 2013 | Launch by 1 October 2013 | April 2014 | April 2014 |
| Interdependencies | Directorate Equalities Groups, which have been reinstated and meetings are commencing. | Ensure consistency with OD policies and L&D training/induction programmes. | Ensure consistency with council's values and behaviours. Ensure behaviours supporting dignity and respect in the workplace are embedded within L&D induction and manager training programmes. | Will be linked to reviews of the Dignity and Respect at Work Policy. | Trans awareness training being procured by L&D. Ensure trans issues are incorporated in E&D training programmes including elearning. Trans Equality Scrutiny Panel. | Change of recruitment software (scheduled for later in 2013). |
| Accountable Officer | Head of Communities and Equality | Head of HR Strategy, Policy and Projects | Head of HR Strategy, Policy and Projects | Head of HR Strategy, Policy and Projects | Head of HR Strategy, Policy and Projects | Head of HR Strategy, Policy and Projects |
| Officer responsible for implementation | Equalities Coordinator | Policy and Projects Manager | Policy and Projects Manager | Head of Coaching and Advice | Policy and Projects Manager | Recruitment strategy and delivery manager and Policy and Projects Manager |

Workforce Equalities Action Plan

Governance and Monitoring Framework

This diagram details how progress of the action plan will be monitored and how an annual progress report will be produced and reported upon.



OVERVIEW & SCRUTINY COMMITTEE

Agenda Item 6

Brighton & Hove City Council

| | | | |
|--------------------------|---|--|---------------------|
| Subject: | OSC Work Programme: Update | | |
| Date of Meeting: | 15 July 2013 | | |
| Report of: | Head of Law (Monitoring Officer) | | |
| Contact Officer: | Name: | Giles Rossington | Tel: 29-1038 |
| | Email: | Giles.rossington@brighton-hove.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report updates members on the scrutiny panel work currently being undertaken, work scheduled to begin imminently, and suggestions and requests for the establishment of new scrutiny panels or workshops. A list of current, planned and suggested panels is included as **Appendix 1** to this report.
- 1.2 In terms of panel requests, this report briefly outlines the reasons for each request and recommends an appropriate course of action for each, bearing in mind the resources available to the scrutiny team, the demands that scrutiny panels place on elected members, corporate and citywide priorities, and the potential for scrutiny involvement to make a positive difference to each issue. **Appendix 2** to this report includes a summary of each panel request and recommendations for how the matter might best be pursued.

2. RECOMMENDATIONS:

- 2.1 That OSC members note the information on the OSC work programme (**Appendix 1**);
- 2.2 That OSC members agree the recommended actions in relation to each scrutiny request (**Appendix 2**)

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 We are currently running a number of scrutiny panels. Work is ongoing or will imminently commence on panels relating to: **Youth Justice (1)**, **Homelessness (2)**, **Alcohol (4)**, **Social Value in Procurement (5)**, **Services for Children with Autistic Spectrum Conditions (6)**, and **Bullying in Schools (7)**. We have also agreed to hold a scrutiny workshop in September on **Alternative Service Design (ASC) (17)**. The panel on **Public Toilet Provision (3)** has now concluded, and the panel's report will be presented to the July 15 2013 OSC meeting. (Numerals refer to the table of Scrutiny & Policy Review Panels 2013/14 included as **Appendix 1** to this report.)
- 3.2 In addition there are several panels which have been agreed, but where work has not yet begun:
- **Cultural Provision for Older People (8)**. This is on hold whilst the Age Friendly City initiative (led by Public Health) maps current provision.
 - **Community Mental Health (9)**. This is on hold until it becomes clearer whether recent changes to community mental health services have led to improved outcomes for service users and higher user satisfaction rates.
 - **Benefit changes/financial inclusion (17)**. This is on hold until we have a clearer idea of the impacts, whether positive or negative, of recent changes to a variety of benefits.
- 3.3 **Communication with Tenants (14)**. This is a referral to the newly established Tenant Scrutiny Panel (TSP) and is included for information only. The TSP is independent of BHCC scrutiny and will determine its own work programme, although there may well be value in seeking to co-ordinate aspects of our respective work plans going forward.
- 3.4 There are seven outstanding requests for the establishment of scrutiny panels. The requests relate to: the **Community Engagement Framework (10)**, **Seafront Infrastructure (11)**, **Models of Service Delivery (12)**, **Party Houses (13)**, **Community Use of School Playing Fields (15)**, **Credit Unions/Payday Loans (18)**, and **BHCC Interactions with Debtors (19)**. These are summarised in **Appendix 2** to this report, and a course of action for each request is recommended. In each instance the recommendations seek to capture:
- a) **resource demands**. There is a limited amount of scrutiny officer support available to OSC and we need to ensure that we are using what support is available as effectively and strategically as possible. Unfortunately, there is simply not enough officer support available to progress every scrutiny request. Scrutiny panels can also be very demanding in terms of member time and this also needs to be born in mind.

- b) **corporate and citywide priorities.** The scrutiny function is intended to support the council's decision making generally, and the work of cross-party policy committees in particular. In a recent letter to Policy & Resources committee, Cllrs Morgan and Rufus (writing as OSC and HWOSC Chairs) reminded P&R members and senior officers of this key link between policy and scrutiny committees and asked for more issues to be referred from P&R/ELT: [http://present.brighton-hove.gov.uk/Published/C00000689/M00004090/\\$\\$ADocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000689/M00004090/$$ADocPackPublic.pdf)
- c) **time pressures.** Some issues are more urgent than others and this needs to be reflected in scrutiny work planning. A scrutiny work programme that simply dealt with issues sequentially depending on when they were first suggested/accepted would risk missing significant opportunities with regard to urgent issues.
- d) **value added.** When considering issues for the scrutiny work programme it is important to be mindful not only of the inherent value or worthiness of the issue suggested, but of the opportunity for a scrutiny panel of elected members to make a positive difference. In practice, this may mean prioritising issues where there is a good chance of making a difference over those where opportunities are more limited (e.g. where a matter is determined at a national rather than a local level, or where an issue has already received a good deal of local attention and it seems unlikely that member involvement will add very much).
- e) **appropriate actions.** Scrutiny panels can be an excellent way to explore issues, but not all issues are necessarily suited to this approach. It may be that an informal one-meeting 'summit/workshop' is actually a more effective response as well as making fewer demands on officer and member resources. In other instances, it may not be currently clear what, if any, action by scrutiny is warranted, and in such instances it will generally be wise to request a more detailed report to committee before any final decision to proceed is taken.
- f) **potential duplication/synergy.** Obviously we should seek to avoid having scrutiny panels which duplicate one another or similar pieces of work undertaken by other bodies that have recently taken place or are scheduled to take place soon. However, we should be alert to the potential for doing complementary pieces of work – either in terms of just the scrutiny work programme or in terms of the work plans of other council bodies, partners etc.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 None at this stage. Where appropriate, scrutiny will engage with local communities and community representative groups whilst scoping and evidence-gathering for panels.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 None. All scrutiny panel work will be delivered within existing scrutiny team budgets.

Legal Implications:

- 5.2 In accordance with the Council's constitution, and in addition to the point about resources set out at 3.4(a) above, OSC shall have regard to the following considerations in determining whether or not to establish a scrutiny panel:
- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
 - Whether there is evidence that the decision-making rules in the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
 - The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services;
 - What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.);
 - The proposed overview and scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests.

Lawyer Consulted:

Oliver Dixon

Date: 04/07/13

Equalities Implications:

- 5.3 None at this stage. An Equality Impact Assessment will typically be undertaken at the scoping stage of a panel.

Sustainability Implications:

- 5.4 None at this stage.

Crime & Disorder Implications:

- 5.5 None at this stage.

Risk and Opportunity Management Implications:

- 5.6 Scrutiny has limited resources with which to manage an already busy work programme. With so many new suggestions for pieces of work, including work

that will explicitly support corporate objectives, it is important that members consider carefully which issues to prioritise.

Public Health Implications:

5.7 None at this stage.

Corporate / Citywide Implications:

5.8 **Appendix 2** to this report seeks to evaluate outstanding scrutiny requests against, amongst other things, corporate priorities.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 This report recommends that some panel requests should be agreed, some should initially be progressed in an alternative way (e.g. via reports to committee), and that additional information is needed before making a decision on others. These recommendations are based on a considered view of each request, but in all instances members could choose to make an alternative decision.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The recommendations seek to achieve a manageable work programme that is responsive to the concerns of elected members and local communities, but which also helps drive corporate and citywide priorities.

SUPPORTING DOCUMENTATION

Appendices:

1. List of current, pending and mooted panels.
2. Evaluation of recent panel requests.

Documents in Members' Rooms

None

Background Documents

None

Scrutiny & Policy Review Panels 2013/14

Appendix 1

| No | Topic | Members | Notes | Timetable |
|----|--|--|--|--------------------------------|
| 1 | Youth Justice (KV) | Cllrs Pissaridou, Wakefield, Wealls Mark Price, University of Brighton | Light touch review. | July 2012 – December 2013 |
| 2 | Homelessness (GR) | Cllrs Wealls, Robins, Sykes | Ongoing. Writing up report. | September 2012 – Sep 2013 |
| 3 | Public Toilet Provision (KA) | Cllrs Kennedy, Cobb, Robins OPC – John Eyles | Ongoing. | October 2012 – July 2013 |
| 4 | Alcohol (KV) | Cllrs Deane, Marsh, Simson | Scoping June 2013 | July 2013 – |
| 5 | Social Value (GR) | Cllrs Simson, Powell | Scoping July 2013 | July 2013 – |
| 6 | Services for children with autistic spectrum conditions (JR) | Cllrs Jarrett, Pissaridou, Wealls Roise Moore | CYPOSC historic item. | July 2013 – |
| 7 | Bullying in Schools (MvB) | Cllrs Brown, Buckley, Gilbey Amanda Mortensen - Gov Sam Watling - Youth Council rep Prof Robin Banerjee – advisor | 3 evidence gathering meetings scheduled | June 2013 – |
| 8 | Cultural Provision for Older People | TBC | On hold until AFC work on mapping current provision. Cllr Farrow aware. | |
| 9 | Community Mental Health | TBC | | |
| 10 | Community Engagement Framework | Request to July OSC | Request from Cllrs Buckley, Powell & the Fed | |
| 11 | Seafront Infrastructure | Request to July OSC | ELT request. | |
| 12 | Models of Service Delivery | Request to July OSC | ELT request. | Autumn 2013? |
| 13 | Party Houses | Request to July OSC | Request from Cllr Bowden & QP LAT | |
| 14 | Communication with Tenants | Request TBC | Request from Cllrs Powell & Wakefield – refer to Tenant Scrutiny Panel | TSP to take on as first review |
| 15 | Community use of school playing fields | Request to July OSC | Request from Cllr Buckley | |
| 16 | Alternative Service Design (ASC) | TBC | ELT request. Agreed with Cllr Rufus. Private workshop. | Sep 2013 |
| 17 | Benefit changes/financial inclusion | TBC | To commence once benefit changes are in place and have been operating for a while. | Spring 2014 |
| 18 | Credit unions/payday loans | TBC | Request from Communities team | TBC |
| 19 | BHCC interactions with debtors | Request to July OSC | Request from Cllr Littman | TBC |

Appendix 2

OSC Work Programme: Update

Seafront Infrastructure (11)

Requested by: ELT

What's the issue? The council is in the process of refreshing its seafront strategy. An important related issue concerns the state of the seafront infrastructure. The heritage structures and infrastructure managed by the council along the seafront require significant investment – not all existing assets have received the investment needed to meet the changing patterns and demands of usage. Key issues include the condition of the seafront arches which house many businesses and provide structural support to the A259, and Madeira Terrace, which needs extensive refurbishment. There are significant risks for the council here: maintaining seafront infrastructure is currently one of the highest priority issues on the corporate risk register.

However, maintenance and renovation will require considerable resources, and the council will need to prioritise any spending carefully, ensuring that it is targeted so as to best support the aspirations of the Seafront Strategy. The council will also need to investigate how best to fund any renewal programme – i.e. whether some or all of this should come through council borrowing, or through commercial investment, asset transfer etc.

A scrutiny panel would look at the seafront infrastructure, identifying the highest priority areas for work and seek to agree on how this work might best be funded and delivered.

Notes: This is a referral from senior managers following Cllrs Morgan/Rufus writing to P&R requesting more scrutiny involvement in key corporate issues.

Clearly, the seafront is an integral part of the city's offer in terms of tourism, visitors, conferences and retail as well as being an important asset for local people. There is a significant opportunity here for scrutiny to be involved at a formative stage in decisions around the development of the city's seafront – this seems too good an opportunity to miss.

It is important that any scrutiny work on seafront infrastructure is timed so as to feed into the refresh of the Seafront Strategy – the development of the strategy has been paused to allow a project around infrastructure to be progressed. Timings will be determined with reference to seafront strategy timetables, but, if members want to commit to this issue, it would make sense to agree a panel and choose some members as a matter of urgency since it is likely that work will commence in the near future.

Recommendation: Agree to establish a panel on the issue of seafront infrastructure. To commence ASAP (in line with planning around the Seafront Strategy).

Models of Service Delivery (12)

Requested by: ELT

What's the issue? The current and future financial landscape for local government is such that councils are increasingly having to think innovatively about the services they commission and provide, seeking to reduce costs whilst maintaining or improving quality, and, where possible, generating additional income. This is a key strategic issue and one which is increasingly urgent, with the requirement to make very significant savings from 14/15 budgets following the reduction in local authority funding announced in the recent Government Spending Review.

A major focus here will be on the organisational models used to deliver services – i.e. whether the traditional in-house provider model is best, or whether other models might make more sense – such as sharing services, encouraging the setting up of mutuals, the establishment of arms-length trading companies and out-sourcing..The panel could describe/map/research what those alternative models could look like to help services which are considering this issue.

Notes: Scrutiny members (via HWOSC) have already agreed to be involved in a specific project looking at future service models for adult social care (ASC) provider services. However, ASC has very specific service pressures which make it unlikely that any decision around its organisational models would set a useful precedent for service models in general. (The same can probably be said for any specific piece of work on service models.) Nonetheless, the ASC initiative should still provide a useful reference point for more generic work on service models. This is not an instance of duplication, but rather an opportunity to scrutinise an important issue at both a concrete and an abstract level. To realise maximum advantage from this, the more generic piece of work should succeed the ASC work and ideally should involve the same members.

Rather than look at the specific issues for any given service, the proposed piece of work would seek to look more generically at the challenges facing the council and the pros and cons of particular service models. Although it is unlikely that members will unanimously identify a preferred model or models, the hope is that we will be able to create a map of service models, agreeing how to define specific models, identifying those models that all groups can agree to consider as possible options, and those models that some groups may be implacably opposed to.

A recent Notice of Motion to Full Council saw members from all groups express support for mutuals, and it was agreed that the council's Policy team would be charged with developing this area of thinking. It is proposed that the Models of Service Delivery scrutiny review would also progress this piece of

work as the mutuals option is one of the key models we would be focusing on in any case.

Recommendation: Agree to establish a panel on the issue of future service models, to commence following the scrutiny work on ASC service models (Autumn 13).

Party Houses (13)

Requested by: Cllr Bowden and Queen's Park LAT (also supported by Cllrs Powell, Randall and Morgan)

What's the issue? Cllr Bowden submitted the following letter:

"I would like to request a scrutiny panel be established to look into the issue of 'Party Houses' across the city. The proliferation of premises hosting as many as 15 guests, predominantly, but not exclusively, catering for the stag and hen party market is causing concern about how they are managed, the impact they have on neighbourhoods and whether they being correctly classified as 'temporary holiday lets'.

A cursory Internet search identifies numerous such properties across the city attracting large parties of visitors, offering a range of additional services and activities either at the property or in the local area. Random test bookings on their website indicates that some have the potential of generating as much as £5,000 income per weekend booking.

Recent Local Action Team (LAT) meetings in Queen's Park have highlighted this as an increasing nuisance problem to local residents. However, the estimate of the number of such properties in Brighton & Hove vary widely from as few as 50 to as many as 300. Indeed with such a wide variation in figures the first stage of any such scrutiny review would be to establish the precise proliferation of such premises.

While I acknowledge that properly managed 'party houses' can bring financial benefit to the city contributing to the visitor economy, I and many other councillors across the city are concerned that such premises can cause considerable local disruption, cost and nuisance to local communities.

Often located in residential areas that are unsuitable for this type of operation, the council needs to consider now best to respond to the growth of such operations, as they appear to be creating problems for neighbourhoods which, all too often, have to endure anti social behaviour at all hours of the day. I would urge a focused scrutiny review into this issue taking in licensing, planning, noise control, parking, and community safety.

At the very least the council should be looking to ensure a level of safety as it does with HMO properties and that planning alterations acknowledge that these are, in essence, business premises requiring a change of use. Indeed reclassifying them as businesses could be a means to manage their

expansion, while generating business rates for city. It would also mean that owners would be required to pay for commercial waste disposal.

A scrutiny review of 'party houses' and their impact would seem to present an excellent vehicle to bring together the different council departments that need to respond to the issues I have outlined, alongside partner organisations, such as Sussex Police and East Sussex Fire and Rescue, who also have an interest in these matters."

Notes: This request has been independently supported by several members, and the issue is clearly of considerable concern across a number of city wards. Although council officers have explored related issues before, it is evident that the number of party houses is growing quickly, significantly increasing the impact of these 'businesses' on local communities. This is therefore a timely issue. It is also one that relates directly to broad issues about how we define Brighton & Hove – and specifically how we balance the economic benefits of our 'party' culture against the rights of local people to be protected from noise, nuisance and anti social behaviour.

Recommendation: Agree to establish a scrutiny panel.

Credit Unions and Pay Day Loans (18)

Requested by: Communities Team

What's the issue? The phenomenal growth of pay day loan companies, offering short term loans at very high interest rates, is now having a major impact across the country, and is causing particular problems for the most deprived communities (with similar problems caused by illegal loan-sharks).

Local authorities have a important role to play in this issue, both because of our general legal and ethical duties to support vulnerable people and because we have a direct financial interest in local people being able to meet their financial commitments in a sustainable manner (as we need residents to be able to pay council Tax, social housing rents etc).

Glasgow city council has recently launched a scheme in which every local teenager is given a credit union account (with £10 in it). The intention is, that by offering people an affordable and sustainable way to borrow money (whilst also encouraging them to save), many will be diverted from pay day loans and illegal lenders. More on this scheme:

<http://www.glasgow.gov.uk/index.aspx?articleid=10084>

Other possible actions include blocking pay day loan companies from advertising in council publications or on the council's website, offering advice and support to particular groups of people etc.

Notes: The Scrutiny team has close links with our colleagues in Communities, and we have worked very effectively with them in the past, notably around trans equalities scrutiny.

It is evident that the issue of pay day loan companies, and more generally of individuals and debt, is one that is of great concern to a wide range of members and to the organisation as a whole.

This would be a short, focused piece of work, ideally in the form of a one meeting workshop style event, with the Communities team presenting a number of ideas to help tackle the problem of pay day lenders to members. There would therefore not be a great demand on scrutiny resources.

Recommendation: Agree to hold a scrutiny workshop in partnership with the Communities team on the issue of credit unions and pay day loans.

BHCC Interactions with Debtors (19)

Requested by: Cllr Littman

What's the issue? The council is currently reviewing its corporate debt policy. Individuals may owe the council money for a variety of reasons – e.g. due to housing rents, Council Tax, other fees or charges etc. In general it appears to be the case that we collect these debts in different ways rather than having a single, unified approach to debt collection, debtor advice, debt consolidation etc. There are clear benefits in agreeing a universal approach to individual debtors, and to the various council departments concerned working together rather than separately (and potentially in competition with each other).

Given the current national financial situation this is obviously a timely issue, as the number of people owing the council money is likely to increase in the near future. Whilst the impacts of recent and imminent benefit changes are still unclear, intelligence from the pilot sites does indicate that some benefit changes may, at least in the short term, lead to greater indebtedness (for example, paying Housing Benefit directly to tenants).

Notes: this is a referral from Cllr Littman, who has asked for OSC involvement prior to the new corporate debt policy being agreed and presented to P&R. In terms of OSC playing a part in the development of policy and the furtherance of corporate objectives this is therefore a very welcome proposal.

Agreeing a common approach to corporate debt will be a complex task, and one which for the most part will be undertaken by an officer-led steering group. Scrutiny involvement would be relatively limited, with members being used as a sounding-board for ideas rather than being expected to themselves offer solutions to the more difficult problems inherent in the project. Therefore there would only be a limited demand on scrutiny resources.

Again, the intention would be to progress this work via a single scrutiny workshop, with input from the policy steering group.

There are obvious synergies between this request and that focusing on pay day loans. However, the plan would be them to form relatively discrete pieces of work in terms of organising meetings – largely because the council 'clients'

are different in each case. It may be however, that OSC would prefer both panels to be undertaken by the same members and/or a report to encompass both workshops.

Recommendation: Agree a scrutiny workshop on this issue.

Community Engagement Framework (10)

Requested by: Cllrs Powell, Buckley and the FED

What's the issue? This request questions whether the Community Engagement Framework (CEF) is being used properly, or whether BHCC departments (and others) are ignoring the CEF when engaging with local people and representative groups around development plans.

Notes: There is potentially a significant issue here: the CEF sets out agreed ways for consulting with local communities and it is important that all signatories to the CEF do actually use it in the ways it was intended. However, it is unclear what value a scrutiny panel would add, at least at this point. Instead it might be useful initially to have a committee report on the CEF and to invite the FED and CVSF to contribute. This would allow members to better gauge whether the CEF is being adhered to before deciding on further action – which might include a panel or the OSC Chair writing a letter to senior officers.

Recommendation: Report to the next OSC meeting setting out CEF successes and challenges (with an opportunity for the FED and CVSF to contribute).

Community Use of School Playing Fields (15)

Requested by: Cllr Buckley

What's the issue? Cllr Buckley submitted the following letter:

"In light of recent events regarding the BHASVIC Field, Government changes to the amount of outdoor space schools require and the possibility of public spaces being used for school's PE curriculum, I would like to request a scrutiny to look into:

- 1. How school playing fields can be shared with the local community*
- 2. Legalities, safeguarding and liability issues*
- 3. How other authorities and countries use their green spaces e.g., in London, schools are already using public parks; in the US, streets are closed in front of schools to allow a space for children to play*
- 4. Compromise agreements between parties going forward, in light of diminishing open/green space*
- 5. Setting up community boards to oversee use*
- 6. Research into raising income through sports clubs, events and activities*
- 7. Requesting an up-to-date Open Spaces Strategy"*

Notes: There are two main issues here: the potential for greater community use of school playing fields, and the potential for schools to make better use of community spaces and public leisure facilities. (There's obviously a potential quid pro quo where a school might encourage community access of its facilities in return for improved access to community facilities, but it seems likely that the schools most eager to use community facilities will be those that have few facilities of their own.)

There are some really interesting ideas in this scrutiny request, but it would be useful to find out more about practical issues and problems before doing in-depth scrutiny work – e.g. who owns school playing-fields and who ultimately controls access; whether the council has already attempted to negotiate with schools over community access to playing fields etc. Without this additional information it is not currently clear how much practical potential there is to develop these ideas – i.e. if it's ultimately up to schools whether or not to allow community access to their fields, and if it's clear that schools are generally disinclined to do this, then there may not be much value in pursuing the idea.

Recommendation: Report to the next committee meeting addressing the potential for a) increasing community access to school playing fields/leisure facilities; b) developing schools access to community leisure facilities. The report should also clarify: (1) who owns city school playing fields; (2) who ultimately determines access to playing fields both in and outside school opening hours; (3) best practice nationally; (4) pertinent legal, safeguarding and liability issues.

