

# Report

## Cabinet

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### Part 1

Date: 11<sup>th</sup> November 2020

**Subject** Local Toilet Strategy

**Purpose** To recommend to Cabinet the adoption of a Local Toilet Strategy

**Author** Regulatory Services Manager (Environment & Community)

**Ward** City Wide

**Summary** Each Local Authority in Wales is required to adopt and implement a Local Toilet Strategy as required by the Public Health (Wales) Act 2017. The duty to prepare a Strategy does not require local authorities to provide and maintain public toilets directly.

The Council must take a strategic view on how toilet facilities can be provided and accessed by their local population. The Strategy aims to facilitate ongoing toilet facility provision, through direct and indirect methods and commits the Council and our partners to a sustainable long term decision making in this public health area. The Strategy places a requirement on Newport City Council and its partners across the public and private sectors to assess and consider the needs of the public in the decisions they make on toilet provision, now and in the future.

**Proposal** That Cabinet formally approves and adopts the Local Toilet Strategy and Action Plan.

**Action by** Head of Law & Regulation

**Timetable** Immediate

**This report was prepared after consultation with:**

- Head of Law & Regulation
- Head of Finance
- Head of People & Business Change

**Signed:**

## **Background**

### **1.1 Legislative Background**

The Public Health (Wales) Act 2017 (*“the Act”*) places a duty on each Local Authority (LA) in Wales to prepare and publish a local toilets strategy for its area. The Act does not place a requirement on a LA to run and operate toilets. It requires each LA to identify the needs of their public, both local residents and visitors for work or recreation and ensure their need is met. The Act does not stipulate delivery methods but endorses a collaborative approach to Service provision.

The Well-being of Future Generations Act 2015 places a duty on all LA’s and public bodies to ensure that their actions are sustainable. Decisions taken by a LA must be bound by 5 guiding principles.

Statutory guidance on the application and interpretation of the Act provides further direction to LA’s and is available at Appendix 2.

### **1.2 Operational Background**

Councils have historically operated traditional standalone toilet blocks or facilities within buildings, but over the years they have been reduced in number due to budget pressures and difficulties with managing anti-social behaviour associated with them. The last of these ‘traditional’ toilets in Newport were closed to make budget savings for 2018/19. One Toilet facility has been transferred to a third party organisation for operation.

The needs of the public for access to suitable toilet facilities has not diminished. 30% of consultation respondents identified they would use Public Toilets, 19% said they were unaware of Public Toilet locations in Newport.

### **1.3 Progress to date**

Development of Newport’s Local Toilet Strategy commenced in 2018. Through 2019, a public needs assessment and consultation was undertaken based on the draft report. That report was presented to Newport City Council Scrutiny and Oversight Committee on 1<sup>st</sup> November 2019 and the draft strategy has been amended, where necessary, to reflect the comments from Scrutiny Committee

## **2 The next stage**

**2.1** Approval and Adoption of the Strategy.

**2.2** Implementation of the 14 point action plan at Section 9 of the Strategy. The Action plan places duties on individual Council service areas.

**2.3** Section 10 of the strategy requires the Council to report on progress at defined stages. These are stipulated in the Act and associated guidance and include:

**2.3.1** A published progress statement within 2 years of each review of the Strategy

**2.3.2** Review and re-publication of the strategy within one year of each Local Election

**2.4** Service areas identified within the action plan are to report performance against their actions on a quarterly basis to The Strategic Director for Place who is responsible for the implementation of the Strategy.

## **3 Conclusion**

The Strategy sets out actions for implementation of the strategy, ensuring regulatory compliance, and protecting and improving the public health. The Strategy confirms the central role that the

Council holds in assessing, co-ordinating and supporting the long term provision of Local Toilet Facilities through engagement, considered decision making and collaboration with partners.

#### 4 Financial Summary

There are no specific financial implications arising from the adoption of the Local Toilet Strategy. The implementation of individual actions within the action Plan will be matters for individual service areas and will be delivered within existing resources

#### 5 Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to implement a Toilet Strategy as required by the Public Health Act.	M	L	Strategy has been developed.  Delays to adoption and implementation have been experienced and exacerbated by Covid-19	Strategic Director for Place
Financial Risk	M	L	Strategy recognises that facilitation of other partners providing access to toilet facilities is an option, not just Council operated or run provision.	Strategic Director for Place  Finance
Reputational Risk	L	M	Regular updates to Cabinet members on progress of the Strategy	Head of Law and Regulation
Failure to adequately assess and provide suitable local Toilet provision resulting in deterioration of health to those who rely on public provision	M	M	Clear list of existing toilet facility provision published.	Strategic Director for Place
Crime and disorder associated with street urination.	L	M	ASB Officers and Street wardens Liaison with Police	Head of Law and Regulation

#### 6 Links to Council Policies and Priorities

Newport City Council Corporate Plan 2017 – 2022 outlines 4 key objectives in support of the Council’s Mission to “improving people’s lives” in everything we do. Wellbeing objective 4 aims to ensure the public are “healthy, independent and resilient”. This Strategy directly supports this objective by ensuring long access to a facilities while people are away from their home or workplace. The Strategy focuses on toilet provision, but recognises in both the needs assessment

and the consultation responses the ancillary benefits of baby changing facilities and enhanced access for people with reduced mobility or the need for a carer to support them.

The Strategy outlines one toilet facility that has been transferred to a community provider. Asset Transfer is endorsed in the Corporate Plan and aids resilience, increases societal ownership and can instil sense of pride in community facilities.

## **7 Comments of Chief Financial Officer**

There will be no adverse financial impact in the approval of the Local Toilet Strategy and Action Plan. All actions contained within the strategy will be funded through existing budgets.

## **8 Comments of Monitoring Officer**

The Council is required to adopt a Local Toilet Strategy, in accordance with the requirements of the Public Health (Wales) Act 2017, based on an assessment of need for public toilets within the local area. The draft Strategy has been prepared in accordance with statutory guidance issued by Welsh Government. There has been an extensive public consultation exercise to determine the needs for and extent of accessible toilet facilities and, in particular there has been engagement with key stakeholder and disability groups in relation to access to disabled toilets, in accordance with the Council's public sector equality duty under the Equality Act. A full Fairness and Equality Impact Assessment has been carried out, to help inform the development of this strategy. In accordance with the guidance, the draft strategy has also been the subject of consultation with Scrutiny committee. The comments of the Overview & Management Scrutiny Committee have been reflected in the final draft of the strategy but subject to minor changes, the committee were content to recommend the Local Toilet Strategy to Cabinet for adoption. Neither the Toilet Strategy nor the legislation places a duty on the local authority to provide and maintain public toilets but the strategy would need to be taken into account as part of any future decision-making process. The strategy should also inform other decision-making, such as the approval of planning applications and any leases of Council property. The Strategy will need to be reviewed periodically, specifically after each local election, and its implementation will need to be monitored in accordance with the Council's service-planning and performance management framework.

## **9 Comments of Head of People and Business Change**

The Local Toilet Strategy sets out the Council's approach for ensuring that toilet facilities are provided and can be accessed by the local population. The strategy aims to sustain public access to toilets, through direct and indirect provision and recognises their significance in terms of public health, equality and amenity. In line with the statutory requirement a needs assessment has been undertaken which has been informed by extensive public consultation, including engagement with disabilities and equalities groups. This in turn, has informed a detailed Fairness and Equalities Impact Assessment which is included with the strategy.

In terms of wellbeing, access to appropriate toilet provision is known to be of particular importance to families with young children, people with restricted mobility and access needs; and helps them to participate in everyday social and economic activities.

## 10 Scrutiny Committees

The draft Local Toilets Strategy was presented to the Overview & Management Scrutiny Committee on 1 November 2019. There were no significant outcomes or findings of that Scrutiny Committee.

## 11 Equalities Impact Assessment and the Equalities Act 2010

An Equalities Impact Assessment was completed on 21 October 2019 by the Head of Law and Regulation. The full Fairness and Equalities Impact assessment is at Annex A of the Strategy.

Notable outcomes from the consultation response identify that

*24% of respondents identified as themselves as Disabled*

*60% would require toilets with room for a carer,*

*54% of respondents would require wheelchair accessible facilities.*

## 12 Wellbeing of Future Generations (Wales) Act 2015

The council is bound by the Future Generations (Wales) Act to ensure its activities and decisions are undertaken in a Sustainable way. It requires an LA to consider each of five pillars while making decisions. These have been incorporated into the Strategy.

- a) **Long term:** Historic actions have reduced available Toilet facilities across the City. The Strategy places a duty on public bodies and their partners to ensure facilities remain available in the long term through a variety of delivery options.
- b) **Prevention:** The provision of and communication of accessible toilet facilities may reduce anti-social behaviour.
- c) **Integration:** The strategy will have a benefit on our Well-being Objectives and the Well-being Goals. Respondents to consultation highlighted improvements are needed to facilities for those with young children, restricted mobility and enhanced access needs.
- d) **Collaboration:** The strategy requires Newport City Council to work with partners now, and in the future, to ensure access to suitable facilities is maintained or where needed enhanced across the City.
- e) **Involvement:** The provision of facilities will require liaison with other Public Sector organisations, Numerous Council Departments and the Private Sector.

## 13 Crime and Disorder Act 1998

The Local Toilet Strategy has some impact on Crime and Disorder. On consultation, Gwent Police highlight urination in the street as a common form of public disorder and anti-social behaviour. They requested this be considered during the development of the strategy and a specific action is identified in the Action Plan.

## 14 Consultation

- 14.1 **Phase 1.** This phase consisted of electronic consultation with users of the bus network Wi-Fi. A small number of questions were asked of the service users before they were granted

access to the internet. This Phase generated 3,714 responses. Over half of respondents identified that the City Centre was an area where toilet provision was not available.

**14.2Phase 2.** A more detailed public consultation was undertaken between 11 June and 9 July 2019. This comprised of a more detailed set of questions available as an online questionnaire on the Council's 'Have Your Say' webpage. The consultation was also publicised directly to the One Newport Public Services Board and the wider partnership through the One Newport Bulletin. This more detailed questionnaire was completed by only 53 respondents but this still provided some useful data.

**14.3Phase 3.** Phases 1 and 2 informed the initial draft of the Local Toilet Strategy. The draft was publically consulted on, as required by the legislation. Only 19 responses were received in response to the consultation and no changes are necessary to the draft strategy as a result of the points raised. Disability Wales and Age Cymru were informed of the consultation but did not respond to it. Gwent Police and the Newport Access Group responded to the consultation and their views incorporated.

## **15 Background Papers**

## Appendix 1

Draft Local Toilet Strategy – Newport City Council



TRA111624 Local  
Toilets Strategy draf

## Appendix 2

Statutory guidance on Public Health (Wales) Act 2017 – Part 8. Available: [Here](#).