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**REPORT TO: MORAY COUNCIL EMERGENCY CABINET 12 AUGUST 2020**

**SUBJECT: PUBLIC CONVENIENCES**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMIC GROWTH, HOUSING & ENVIRONMENTAL SUSTAINABILITY COMMITTEE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Emergency Cabinet on progress in developing an alternative delivery model in partnership with Visit Moray and Speyside due to the corona virus pandemic.
- 1.2 This report is submitted to the Cabinet following a decision of Moray Council on 25 March 2020 to temporarily suspend all delegations to Committees as a result of the Covid-19 pandemic (para 2 of the minute refers).

**2. RECOMMENDATION**

**2.1 It is recommended that the Emergency Cabinet:**

- (i) **notes that due to the corona virus pandemic an alternative delivery model has not yet been developed due to the circumstances described in paragraph 3.7 of this report;**
- (ii) **agrees one of the options outlined in paragraph 5.1 and 5.2 of this report.**

**3. BACKGROUND**

- 3.1 In setting its budget on 3 March 2020, the Council reviewed an earlier decision made on the 12 February 2020 when the Council agreed to close public toilets listed below from the 1 October 2020 (paragraph 20 of the minute refers):

- Newlands Lane, Buckie
- Seaview Road, Cummington
- Albert Place, Dufftown
- Cooper Park, Elgin
- West Dunes (North), Findhorn
- Grant Park, Forres
- Old Station, Ballindalloch
- Tomnabat Lane, Tomintoul

- Spey Street, Garmouth
- Regent Square, Keith
- East Street, Fochabers
- Esplanade, Lossiemouth
- Victoria Road, Craigellachie
- New Street, Rothes

3.2 This list excluded the 5 harbour toilets given that all five harbours have trading fishermen operating from them, and so require to have toilet facilities and access to fresh water both as a matter of health and hygiene, and as a reasonable expectation of services provided in relation to harbour fees.

3.3 The proposal removed 2 posts and affected 4 members of staff and consultation with staff would be required in accordance with existing policies and procedures if this proposal was to be implemented. The staff that are potentially affected are aware of the impact of a decision to close toilets as this has been a recurring issue over several years and in light of this HR have confirmed there is no requirement for this report to be considered in confidence.

3.4 The saving from this proposal was £63,000, profiled across two years as follows: £32,000 in 2020/21 and £31,000 in 2021/22.

3.5 The Special meeting of Moray Council on 3 March 2020 reviewed this earlier decision and agreed to the following (Para 3 of the minute refers):

*“a commitment from the Administration to work with communities and other organisations on alternative delivery models for toilet provision in relation to the toilets that Council agreed in January 2020 (sic) to close from October 2020; and*

*if an alternative delivery model is not achieved then the Administration Group will bring back this agreed saving to a Council meeting in August for review, setting out any progress made by that time and provide Councillors with an opportunity to take an alternative way forward for the service. “*

3.6 Moray Council Officers have had on-going discussions with Visit Moray & Speyside, the Tourism BID company, and its predecessor Moray Speyside Tourism to investigate viable models of operation which would enable key public conveniences to be secured for the long-term.

3.7 The Corona Virus pandemic has meant that the Tourism BID’s Board of Directors have not yet had an opportunity to meet in person to consider how, or if the organisation can help deliver a new model for public conveniences. The subject will be discussed at a board meeting in early August and it is hoped that a clearer picture of the possible options will be identified. If the Tourism BID Directors are supportive, further work will take place to identify possible partners, funding and revenue streams.

3.8 If supported by the Tourism BID Directors it is likely that any arrangement will be subject to the Council and the Tourism Bid Company working together with communities and looking to secure third party funding.

#### 4. CURRENT POSITION

- 4.1 In line with the Scottish Government's announcement to open up tourism a number of toilets were reopened on the 13 July 2020 as detailed in para 4.3 below.
- 4.2 Current guidance indicates additional cleaning would be required. Given the reduced number of toilets that were reopened, the additional daily clean was resourced from existing staff and vehicles. To have opened any more toilets would have required additional resources to service these. The decision as to which toilets were opened was taken in consultation with Visit Moray & Speyside.
- 4.3 The following is a list of toilets which were approved for reopening at the Response and Recovery Management Team on the 30 June 2020 and reviewed by the Sounding Board on the 2 July 2020.
- West Dunes (North), Findhorn
  - Cooper Park, Elgin
  - Victoria St, Craigellachie
  - Regent Square, Keith
  - Tomnabat Lane, Tomintoul
  - Grant Park, Forres
  - Esplanade, Lossiemouth
  - Albert Place, Dufftown

All the above are open all year round except Cooper Park which is seasonal and closes 1 October 2020.

- 4.4 A complete list of the current status of all the toilets is included in **Appendix A**.

#### 5. OPTIONS

- 5.1 Approve the Council decision of the 12 February 2020 to close all the toilets after 1 October 2020 with the exception of the harbour toilets subject to staff consultation and a report back to committee only if any unexpected issues arise. The saving arising from this option will be £32,000 in 2020/21 and £31,000 in 2021/22.
- 5.2 Continue discussions with Tourism BID and/or communities and review the position in January 2021 as part of budget preparations for setting 2021/22 budget and meantime either:
- a) Keep open the toilets listed in paragraph 4.3 except seasonal closures until the end of March 2021. This will reduce the savings identified in paragraph 6.1 from £32,000 to £5,258 or
  - b) In addition to paragraph 5.2 a) reopen the remaining 6 toilets as listed below. This will eliminate the £32,000 savings identified in paragraph 5.1 and cost the Council an additional £13,252. The toilets would take at least a week to get checked and tested for legionella, before they could reopen.
- Newlands Lane, Buckie. (Open all year)

- Cummingston.(Seasonal)
- East Street, Fochabers. (Open all year)
- Playing field, Garmouth.(Seasonal)
- Off New Street, Rothes.(Open all year)
- Old Station Ballindalloch (Seasonal)

5.3 It should be noted that given that Tourism BID is a new organisation with recently newly appointed directors there will be a number of priorities that it will have to contend with, therefore rather than Tourism BID taking over the toilets it is likely that their role will be to support the Council to seek external grant funding and in supporting community takeover of toilets.

## **6. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Council's Corporate Plan 2019/24, approved in draft by council on 3 March 2020, will provide direction and focus for financial planning and the alignment of budgets to priorities.

The Recovery and Renewal Strategy agreed for consultation on 24 June 2020 at Emergency Cabinet relating to the recovery process sets out aims and objectives which include reference to considering redesigning services before proceeding to recover them and the need to be equitable as well as sustainable.

### **(b) Policy and Legal**

No legal requirement to provide public toilets.

### **(c) Financial implications**

Corporate Management Team Additional Expenditure Warning.

When the Council approved the budget for 2019/20 on 27 February 2019 (para 4 of the Minute refers), the three year indicative budget before the council showed savings required in 2020/21 of £12.2 million and £6.7 in 2021/22. Although the final figures will vary, it is clear that the council will have to reduce its costs significantly across all services in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed. In making this determination the committee should consider:

- Is there a statutory requirement to incur the expenditure?
- Are there any alternative actions available to avoid or reduce the cost?
- Are there alternative ways in which the service could be provided?
- What are the risks and consequences of not allocating the funding?
- Does the expenditure contribute to long term financial stability?

If in light of these factors the spend is considered essential, the relevant Committee should consider how it could be accommodated within the

service budget, including what other activity would have to cease or diminish with what impact and risk. Only following these considerations should request be made to the Council for additional budget allocation.

The Council is forecast to have a budget gap of £5.4m in 2020/21 and £6.7m in 2021/22 without taking account of the impact from Covid-19 virus.

**(d) Risk Implications**

There is a risk that the Tourism Bid directors do not support a partnership approach to the management of public toilets. Community interest in respect of the toilets on the list at para 3.1 has been limited which is why they have not transferred across into community ownership/operation as some others have.

**(e) Staffing Implications**

There are implications for the workforce in the budget proposal contained in this report with one full time and one part time post being removed. Four individuals will be placed at risk of redundancy if the savings option outlined in paragraph 5.1 is agreed by the Council with three individuals in a group at risk and one as an individual at risk. The Transform process will be activated in order to manage and mitigate any possible redundancies with a view to avoiding this wherever possible. Transform involves managing vacancies and giving employees preferential treatment and support in securing alternative employment with the Council, including options that are outside their current service.

As the timescales in which to manage the potential workforce reduction is relatively short, at this stage it is anticipated that it may not be possible to secure alternative employment within the Council for the employees affected. As part of the Transform process, the employees concerned will be offered the opportunity to voluntary early exit options should it prove difficult to find suitable alternative employment within the Council.

While it is not possible to provide an accurate figure at this point, estimated total redundancy costs are likely to be in the region of £32,000.

**(f) Property**

If the Committee is minded to close the public toilets as listed in paragraph 3.1 this would result in 14 public conveniences becoming surplus to the Council's property requirements

**(g) Equalities/Socio Economic Impact**

An Equality Impact Assessment Statement (EIA) had been prepared for the proposed saving and considered when the saving was agreed in February, due to the potential impact on people with protected characteristic.

The justification for proposing the closure of toilets is primarily based on reducing costs thus contributing towards balancing the Councils budget. It is noted that this is not a statutory service. The mitigation for the closures proposed in February 2020 was that we had been working with a number of communities to take over toilets through CATS and leases and with businesses to open up their premises for comfort schemes. Four toilets currently on lease arrangements. While the comfort schemes have ceased due to social distance constraints we will still work with communities to encourage community running of the toilets. Mitigations are considered to be reasonable.

#### **(h) Consultations**

This report has been prepared in consultation with the Depute Chief Executive (Economy, Environment & Finance), Head of HR, ICT & Organisational Development, The Principal Accountant, Legal Services Manager, Environmental Protection Manager, Democratic Services Manager and the Equalities Officer. Any comments have been taken into consideration.

### **7. CONCLUSION**

- 7.1 While there have been discussions with Visit Moray & Speyside little progress has been made, given that Tourism BID directors have not had an opportunity to discuss if they are supportive of working in partnership with the Council on either taking on toilets or working with the Council to assist communities to take on the running of the toilets. Early discussions would suggest that their role would be in enabling communities to taking on the running of the toilets rather than Tourism BID itself doing this.**

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