

SUBJECT: DRAFT LOCAL TOILETS STRATEGY

Does the draft Local Toilets Strategy;

- provide the Council with the right level of strategic direction to ensure the provision of toilets for public use and,**
- support any future decisions the Council may need to take in relation to this provision.**

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Report Summary

- **The Public Health (Wales) Act 2017 sets a statutory requirement for all local authorities in Wales to establish a local toilets strategy.**
- **The Act does not require local authorities to provide public toilets themselves, but to make an assessment of need and work with others to improve access to toilets beyond any local authority provision.**
- **The Act requires local authorities to use the Strategy to seek alternative provision if it needs to take a decision in the future to reduce its own provision.**
- **We have spoken with lots of people during 2018 and they told us that:**
 - **Some toilets are not cleaned often enough**
 - **Parents struggle with space for pushchairs**
 - **Sometimes baby changing cubicles are only in ladies toilets and of no use to fathers with babies**
 - **There are not enough accessible toilets, especially in Pontypool – and very limited access on a Monday afternoon**
 - **There are other places in Torfaen where there are no public toilets**
- **Cabinet will be presented with the final strategy in April 2019.**

1. Introduction and Scrutiny Activity

- 1.1 The Public Health (Wales) Act 2017, Part 8, requires local authorities to undertake an assessment of need in relation to public toilets and to use this assessment of need to inform a Local Toilets Strategy. The reasoning behind this is to help people to feel confident and safe to go out and about in communities and open spaces

across Wales and so reduce loneliness and social isolation – which can have a very negative effect on people's health and well-being and contributes to early death for some people. The statutory guidance to Part 8 is very prescriptive on what should be included in these documents and the timescales, along with a forward programme for monitoring and progress reporting.

- 1.2 The Act acknowledges the pressures on local authority budgets and so does not require local authorities to necessarily provide public toilets themselves. However, the Act does require us to use the assessment of need and local toilets strategy to work with others to improve access to toilets and add to current local authority provision. The Act also acknowledges that local authorities may need to make decisions in the future to close or reduce current provision and does not seek to prevent such decisions; instead, if such circumstances arise, the Act requires us to use the Strategy to maintain provision by working with private businesses, community groups and other public services to offer alternative facilities within the area.
- 1.3 We must publish the Strategy by 31st May 2019 and the PSSU has carried out the bulk of work with regards to the assessment of need and drafting the Strategy. Colleagues from Neighbourhood Services have provided information and are being supportive of the work to date. We will continue to work together through approval and into implementation.
- 1.4 We have engaged with members of the public and, with partners in the public and private sectors in carrying out the needs assessment and in drafting the Strategy; however time constraints and limited resources mean we have more to do to involve people. Some of this is being done during the consultation period (15th November 2018 to 7th February 2019) and some of this will be part of the Strategy itself. The draft Strategy can be seen at **Appendix 1**, with a brief 'Strategy on a Page' at **Appendix 2**.
- 1.5 Members are invited to:
 - Offer view on the consultation process undertaken to date.
 - Review the content of the draft strategy to determine if it provides sufficient information on;
 - Current provision,
 - Extending provision, including resource implications, and
 - Actions the Council will take should there be any indication of future reduction / change to provision.
 - Offer views on what improvements, if any, are required to the draft strategy before it is presented to Cabinet for approval and adoption in April 2019.

2. Information/Results

- 2.1 Torfaen CBC currently provide a number of public toilets across the borough to which there are no plans currently, to close or reduce this provision. In addition there is public access to toilets in most council buildings; however, the legislation requires local toilets strategy's to go much wider.

- 2.2 A mapping exercise of all current provision, those provided by TCBC and by other public services as well as those from private businesses (such as Cwmbran Shopping) and retailers shows that Torfaen is mostly well-served at this moment in time.
- 2.3 Engagement with the public over the summer has provided information on need, in relation to location and type of provision, as well as picking up comments on quality and access.
- 2.4 Whilst there are many facilities across the borough, there are restrictions on opening times in most places. Not all communities are served by public access to toilets and this will not be possible to remedy where there are no local businesses, community facilities or other public services that can fill this gap.
- 2.5 There are areas for improvement, such as providing gender neutral baby changing cubicles as these are often within female toilets, so barring fathers from using them. There is only one location with a Changing Places facility for older children and adults needing specific space and equipment and this is located at Asda in Cwmbran town centre.
- 2.6 The draft Strategy sets out the findings of the assessment of need and possible ways these needs can be met going forward. This includes working with community groups and private businesses, as well as with public services, to increase access across the borough.
- 2.7 The assessment of need and the mapping data both available as background papers.
- 2.8 The statutory guidance to carrying out an assessment of need and setting a local toilet strategy is provided by Welsh Government and can be viewed for reference at: <https://gov.wales/topics/health/nhswales/act/publictoilets/?lang=en>

Consultation

- 2.9 Engagement has taken place as indicated above, with individuals, community groups and some toilet service providers. During this 12 week consultation period, further work is taking place with partners to reach as many people as possible, through our communities, public service partners and businesses.

Well-being Assessment

- 2.10 A Well-being Assessment has been completed and can be seen at **Appendix 3**.
1. We have used the five ways of working (from the Well-being of Future Generations (Wales) Act 2015) throughout our activity so far and will continue to apply them as we progress to the final Strategy and its implementation. We have included a section on the five ways of working within the Strategy.
 2. The Strategy will maximize contribution to the well-being goals by enabling more people to feel confident to go out and about, whether this is for employment, learning, commerce, exercise, sport or social activities.
 3. The information we will produce with regard to toilet provision will be bi-lingual so people who use the Welsh language will not be disadvantaged.

4. The Strategy will seek to improve equal access to public toilets and therefore complies with the Equality Act 2010 (Statutory Duties) (Wales) Regulations (2011).
5. The Strategy will support sustainable and environmental friendly provision of toilets in all refurbishment and new build provisions. Implementation of the Strategy will enhance people accessing open spaces and their ability to contribute to the protection and enhancement of biodiversity.

Risks

- 2.11 At this point, the risk is around non-compliance to produce a local toilet strategy that follows the statutory guidance and failure to publish such a strategy by 31st May 2019. There is no indication of penalties but, there would be loss of reputation should Torfaen CBC not comply and Welsh Government, Public Health Wales, or members of the public lay a complaint against the Council or make known such non-compliance / lack of care or duty in this matter.

Measures of Success

- 2.12 Primarily the Strategy is aimed at supporting the Council's Corporate Plan priority to support Torfaen's most vulnerable residents. Improving access to toilets will support more people to go out and about and participate in communities across the borough. The Strategy will also support a clean and green Torfaen as additional facilities, if provided by other organisations, will reduce pressure on the Council to provide all facilities in-house in the future.
- 2.13 The Act simply requires local authorities to produce a Local Toilets Strategy. However, success could be measured in the number of facilities available to the public in Torfaen that offer safe, clean toilet access; and that provide equal access. We are using the consultation period to understand if such measures are required, realistic and achievable.

3 Discussion

- 3.1 The Draft Local Toilets Strategy (**Appendix 1**) sets out consultation questions under each section of the strategy (a total of 8 questions). Members may wish to address these questions through the process of their scrutiny activity.
- 3.2 Furthermore, the brief strategy on a page (**Appendix 2**) highlights some the most substantial issues raised so far in discussing the local toilet strategy;
 - Some toilets are not cleaned often enough,
 - Parents struggle with space for pushchairs,
 - Sometimes baby changing cubicles are only in ladies toilets and of no use to fathers with babies,
 - There are not enough accessible toilets, especially in Pontypool – and very limited access on a Monday afternoon, and
 - There are other places in Torfaen where there are no public toilets.

4 Implications

- 4.1 Cabinet will be presented with the final strategy in April 2019. We will take people's views into account when finalising this Strategy, along with any recommendations from the Cross-Cutting Resources and Business Overview and Scrutiny committee in the final document.
- 4.2 The final Strategy will have an appendix detailing the process we have followed and the people we have consulted with, as well as a summary of their responses.
- 4.3 The Act requires local authorities to undertake regular reviews of the local Strategy and provide progress reports. These should be done on a two year cycle, except where there is a general local authority election in which case the review should be carried out within one year of the election and either the Strategy redrafted or, an interim progress report provided.
- 4.4 Timescales for our planned review and reporting cycle is set out within the Draft Local Toilets Strategy (**Appendix 1**).

5 Conclusion

- 5.1 The Public Health (Wales) Act 2017 requires us to set a local toilets strategy for Torfaen. In line with the legislation and statutory guidance an assessment of need for toilet provision has been carried out and a full document produced.
- 5.2 Using this assessment and supporting information from the engagement carried out during the summer 2018, a draft strategy has been set out that identifies current provision; gaps, with suggestions on how they can be met; and proposals for action going forward.

6. Scrutiny activity

- 6.1 Members are invited to:
 - Review the content of the draft strategy to determine if it provides sufficient information on;
 - Current provision
 - Extending provision
 - Actions the Council will take should there be any indication of future reduction / change to provision.
 - Offer views on what improvements, if any, are required to the draft strategy before it is presented to Cabinet for approval and adoption in April 2019.

Appendices	<ol style="list-style-type: none">1. The Draft Torfaen Local Toilets Strategy2. Strategy on a Page3. Well-being Assessment for the Local Toilets Strategy.
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Background Papers	<ol style="list-style-type: none">1. Torfaen Local Toilet Strategy Assessment of Need2. Mapping Data <p>Note: Members of the public are entitled, under the Local Government Act 1972, to inspect background papers to reports. The following is a list of the background papers used in the production of this report.</p> <p>Officers must list here any material on which the report is largely based (or from which quotes have been taken), unless that material is 'published work' and provided it is not exempt. Published work includes documents within the public domain (e.g. previous committee reports and minutes, acts of parliament, WAG or WLGA guidance etc.).</p>
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For a copy of the background papers or for further information about this report, please telephone: Sue Browne, Partnerships and Policy Manager.
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