

CARDIFF COUNCIL LOCAL TOILETS STRATEGY

**CLEAN STREETS, RECYCLING AND ENVIRONMENT
(COUNCILLOR MICHAEL MICHAEL)**

AGENDA ITEM: 2

Reason for this Report

1. To consider the findings of the public consultation on the draft Cardiff Council Local Toilets Strategy, and approve the updated strategy.

Background

2. In July 2017, the Public Health (Wales) Act 2017 received Royal Assent, bringing together a range of practical actions for improving and protecting health. Part 8 of the Act includes Provision of Toilets and introduces new responsibilities for Local Authorities to provide local toilet strategies.
3. To deliver a strategic approach to the provision of toilets across Wales, the Public Health (Wales) Act 2017 requires Local Authorities including Cardiff Council to assess local needs and facilities, and to publish a local toilets strategy for its area.
4. Local authorities in Wales now have the responsibility to:
 - assess the need for toilet provision for their communities;
 - plan to meet those needs;
 - produce a local toilets strategy; and
 - review the strategy, update and publicise revisions
5. Although the Welsh Government, Public Health (Wales) Act 2017, Part 8 focuses on 'Provision of Toilets', the provision and maintenance of toilets in public places is a discretionary function of local authorities who have the power under section 87 of the Public Health Act 1936 to provide public conveniences. There is no duty for local authorities to provide public toilets directly.
6. However, Local Authorities must action a strategic view on how facilities can be provided and accessed; addressing such things as location, accessibility, facilities, frequency of use and quality of existing sites, as well as determining whether additional or fewer sites are required by their local population.

7. Furthermore, the Public Health (Wales) Act 2017 as published by Welsh Government has no funding opportunities for local authorities to utilise or additional provisions attached to it.
8. Cardiff Council holds the provision and value by which public conveniences are provided in critical importance. Having undertaken three separate reviews of toilet provision across the city and a partner in the 2018 scoping activity to assess changing place provision across the region over the last 10 years; making this new strategy now under the dedicated legislation of the Public Health (Wales) Act 2017, the third and most comprehensive, far reaching strategy to be developed and adopted by the Authority.
9. These historic reviews have highlighted a number of key considerations including the cost effectiveness of public conveniences in comparison to tax payer value, impact of antisocial behaviour on sustainability of provision and factors relating to quality and accessibility. In some cases this has resulted in the removal of expensive non-inclusive / inaccessible public conveniences including automatic public conveniences (APCS).
10. To support the requirements of the Act, Cardiff Council are adopting an integrated community centred approach to the provision of Public Conveniences. Actively supporting communities through providing access to high quality provision via existing toilets in Core Council buildings as well as developing targeted relevant provision within community Hubs, libraries sports/ leisure services enabling people to have confidence in using publicly available and supported locations.
11. This strategy establishes a 2-year implementation action plan and encompasses future consideration and opportunities whilst assessing the evolving needs of local communities. The delivery of improvements focuses on the provision of improvingly abundant high quality public conveniences within Cardiff.
12. A survey of all toilets under Cardiff Council ownership will take place to ascertain the quality of the facilities and develop a plan of prioritised improvements supported by identified funding.

Issues

13. A total of 1,038 responses were received and have been included in this analysis; the results of which are detailed in the Local Toilet Strategy Consultation Report (Appendix A) and have been used to influence the content of this strategy. A list of organisations separately consulted is detailed in the report.
14. Cardiff holds a commitment that every citizen, regardless of their race, gender, abilities or inherited wealth should have the chance to fulfil their potential and play a full part in the life of our city.
15. In order to satisfy this ambition and succeed; our local toilet strategy needs to integrate with and compliment other existing strategies and

plans including the Councils Corporate Plan 2019 – 22 and the Cardiff Council Local Well-being Plan 2018 – 2023.

16. Historically public conveniences have been provided through the erection of standalone dedicated toilet facilities. Therefore, there are obvious benefits in creating partnerships and co-locating provision in existing buildings. This often reducing issues such as anti-social behaviour, vandalism and higher operating costs; in turn improving quality, cleanliness and security.
17. The increase in socialising and the 24hour economy has generated extended opening hours and improved convenience through commercial, retail centres entertainment and visitor attractions. This all satisfies the needs of their customers and the public as a whole, which also promotes the need for the improved availability and frequency of publicly accessible toilets, delivered through an ever increasing range of community buildings and partnership arrangements.
18. Importantly although the Welsh Government, Public Health (Wales) Act 2017, Part 8 focuses on 'Provision of Toilets', the provision and maintenance of toilets in public places is a discretionary function of local authorities who have the power under section 87 of the Public Health Act 1936 to provide public conveniences. The provision of local toilets for public use is not a statutory requirement of local authorities in Wales.
19. Due to rationalising services Cardiff Council, similarly to all local authorities in Wales, has been forced to close some traditional toilet facilities. This strategy is designed to mitigate potential impacts of the loss of this important provision; partly by making toilets within council properties available for public use and instilling a mentality of coproduction and partnership with the private sector.
20. Cardiff Council has maintained the current provision of public toilet facilities across the city, in recent years investing in our core and leisure buildings to augment provision and at the same time ensuring that Public Conveniences are free for all to use.
21. Over the last 5 years Cardiff Council has continued to invest in its services and council owned properties to further mitigate against the rationalisation of public conveniences. This has been achieved through major investment in superior facilities within our community hubs and other appropriate council buildings. Works have included creating accessible toilets and changing places facilities in many of our community buildings, as well as ensuring that facilities can be accessed by mixed carer couples/support. This in addition to generally improving standards and specifications through utilising superior fixtures and furnishings (automatic soap, water and hand dryer fittings), ensuring vandal proof, aesthetically pleasing, accessible and hygienic away from home provision. This investment demonstrates Cardiff Council's commitment to investing in the future of communities.

22. A vital part of the strategy is to ensure that people are aware of which locations are participating in the partnership; and effectively where they can use a toilet facility. As such it has been important to gain information about the location, its opening times, accessibility and type of facilities available so that people are well informed and information is simple to access.
23. These locations and facilities will be listed and compiled into a database and publicised for the use of the general public as the Welsh Government 'Lle' map. Cardiff Council will insure this list is provided to a national community resource; jointly contributed to by the other local authorities to produce the national dataset for the "Lle" map. "Lle" is a geo-portal that serves as a hub for data and information covering a wide spectrum of topics, but primarily around the environment. "Lle" will generate all Wales maps based on the datasets provided by local authorities that can be configured to focus on the national picture, or on local areas. The data included in the "Lle" map will be available as an open data service accessible to everyone. The link to the "Lle" portal is: <http://lle.gov.wales/home>
24. The council will periodically review and update the Welsh Government "Lle" data repository to allow access to accurate information by guide and map publishers, residents and visitors.

Changing Places

25. Changing Places also needs to be considered within the strategy, as people with limited mobility may need equipment or support from 1 or 2 carers to use the facilities. It is worth noting that many standard accessible toilets do not provide changing benches or hoists and most are too small to accommodate more than one person, with changing places required to be 8m², with sufficient space for a carer on either side of the toilet. Those with illnesses that can't be seen are also considered, with approximately 10,000 people in Wales living with a stoma, signage to reflect their need to access changing places is key to providing access to all that need the facilities. The provision of Changing Places across the city would enable more citizens to go out with the same dignity afforded to them as those able to use standard toilets. The work that has already been carried out to ensure changing places provision across the city should be noted, with changing places provided within a number of Community Hubs and Libraries across the city. There are also noticeable improvements in the provision of changing places across tourist sites, retail partners and mobile facilities for events. Examples of these can be seen at St Fagan's Museum, Cardiff Museum as well as in St David's shopping centre, the Senedd and the Wales Millennium Centre.

Reason for Recommendations

26. To comply with the statutory requirement to develop and publish a Local Toilets Strategy (Appendix B)

Financial Implications

27. Any financial implications arising from the implementation of the Local Toilet Strategy will be funded from existing resources.

Legal Implications

Equality Duty.

28. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of 'protected characteristics'. The 'Protected characteristics' are:
- Age
 - Gender reassignment
 - Sex
 - Race – including ethnic or national origin, colour or nationality
 - Disability
 - Pregnancy and maternity
 - Marriage and civil partnership
 - Sexual orientation
 - Religion or belief – including lack of belief.
29. As noted in the report, consideration has been given to the requirements to carry out Equality Impact Assessments ('EIA') and an EIA is attached to this report so that the decision maker may understand the potential impacts of the proposals in terms of equality. This assists the decision maker to ensure that it is making proportionate and rational decisions having due regard to the public sector equality duty. The decision maker must consider and have due regard to the Equality Impact Assessment prior to making the decisions recommended in the report.
30. Where a decision is likely to result in a detrimental impact on any group sharing a Protected Characteristic, consideration must be given to possible ways to mitigate the harm. If the harm cannot be avoided, the decision maker must balance the detrimental impact against the strength of the legitimate public need to pursue the recommended approach. The decision maker must be satisfied that having regard to all the relevant circumstances and the PSED, the proposals can be justified, and that all reasonable efforts have been made to mitigate the harm.

Well Being of Future Generations (Wales) Act 2015 - Standard legal imps

31. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

32. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2019-22. When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
33. The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
- Look to the long term
 - Focus on prevention by understanding the root causes of problems
 - Deliver an integrated approach to achieving the 7 national well-being goals
 - Work in collaboration with others to find shared sustainable solutions
 - Involve people from all sections of the community in the decisions which affect them
34. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

General

35. The decision maker should be satisfied that the proposal is in accordance within the financial and budgetary policy and represents value for money for the council.
36. The decision maker should also have regard to, when making its decision, to the Council's wider obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.
37. The report also sets out the consultation has been undertaken with the public. Any consultation must be adequate and fair. The carrying out of consultation gives rise to a legitimate expectation that the outcome of the consultation should be considered as part of the decision making process.

RECOMMENDATIONS

Cabinet is recommended to

1. approve the Cardiff Council Local Toilet Strategy (Appendix B)
2. delegate authority to the Director of Planning, Transport & Environment to review the Cardiff Council Local Toilet Strategy according to legislation.

SENIOR RESPONSIBLE OFFICER	Andrew Gregory Director Planning, Transport and Environment
	13 December 2019

The following appendices are attached:

Appendix A – Local Toilets Strategy Consultation Report

Appendix B – Cardiff Council Local Toilets Strategy

Appendix C – Equality Impact Assessment

The following background papers have been taken into account

The Provision of Toilets in Wales: Local Toilets Strategy – Draft Statutory Guidance

Cardiff & Vale Changing Places Scoping Report 2019 (draft)