

Key Decision Required:	YES	In the Forward Plan:	YES
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CABINET

14 SEPTEMBER 2018

REPORT OF PORTFOLIO HOLDER FOR LEISURE AND TOURISM

A.5 REFURBISHMENT OF PUBLIC CONVENIENCES – ROSEMARY ROAD, CLACTON-ON-SEA AND PROMENADE WAY, BRIGHTLINGSEA

(Report prepared by Ian Taylor)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To implement the earlier decision in respect of the refurbishment of the public convenience in Rosemary Road, Clacton on Sea but not to introduce charging at this time and to seek approval for expenditure relating to the refurbishment of the public convenience at Promenade Way, Brightlingsea.

EXECUTIVE SUMMARY

At its meeting on 16th June 2017 Cabinet adopted a strategy for public conveniences in Tendring along with proposals for the rationalisation and improvement of existing provision and delegated further details to officers to facilitate the delivery.

Cabinet noted that additional reports may be brought forward to consider further refurbishments in accordance with the Strategy.

The recommendations also agreed the introduction of charging at the Rosemary Road, Clacton-on-Sea facility as part of the refurbishment of that site.

In consideration of the above

- The proposed closure of Marks and Spencer along with other retail outlets in Clacton town centre is a reason to reconsider the earlier decision to introduce charges for use of the public conveniences in Rosemary road, Clacton-on-Sea at this time.
- Following discussions and input from Brightlingsea Town Council and in consideration of the facility being a key infrastructure element serving the tourism offer in Brightlingsea it has been agreed to bring forward the refurbishment of the facility at Promenade way. It had been hoped to undertake these works prior to the summer season but this has not been possible.
- The cost of the refurbishment to Promenade Way, Brightlingsea public conveniences requires a report to Cabinet to seek the necessary approval for this expenditure in accordance with the Council's Financial Procedure rules.
- There is no budget for the refurbishment of public conveniences at

Promenade Way but the refurbishment meets the criteria for allocation of s106 funding for public open space and play.

- Allocation of s106 funds for open space and play provision in Brightlingsea has been agreed and will be released subject to the recommendations in this report.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a) approves the refurbishment of public conveniences at Promenade Way, Brightlingsea at an estimated cost of £130,000; and**
- b) agrees to proceed with the refurbishment of the public convenience in Rosemary Road, Clacton-on-Sea, but to not introduce charges at this time.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The recommendations if approved will contribute to the following corporate priorities:

Our Council / Our Community

- Deliver High Quality Affordable Services
- Make the most of our Assets
- Support the vulnerable
- Transform the way we work

Our Opportunities

Supports

- Vision for economic growth and prosperity
- Our Coast
- Tourism

Our Challenges

- Improving poor infrastructure
- Reducing budgets while delivering key services

Our Values

- Innovative, flexible professional staff committed to delivering excellence

FINANCE, OTHER RESOURCES AND RISK

Funding is currently available for the refurbishment of both facilities.

The decision of the Cabinet in respect of public convenience provision and rationalisation along with the adoption of a public convenience strategy for Tendring provided budget for the refurbishment of Rosemary Road, Clacton-on-Sea.

Tendring District Council has agreed to allocate s106 money for the refurbishment of

the public convenience in Promenade Way, Brightlingsea.

The refurbishment of facilities at Promenade Way, Brightlingsea and Rosemary Road Clacton-on-Sea will result in a reduction of future maintenance and cleaning costs as outlined in the Council's strategy for public conveniences.

A decision to not introduce charges at Rosemary Road will reduce potential future income to the Council estimated at £20,000 pa.

However, the additional cost of adapting the Rosemary Road site for a charging facility is estimated at £30,000.

The location of the facility in Rosemary Road and past experiences suggests there will be ongoing additional maintenance costs to consider arising from the charging facilities as well as administrative costs associated with cash handling such as collection, banking, auditing of accounts.

A decision to not introduce the charges at this time to Rosemary Road Clacton-on-Sea will reduce income available to the Public Realm service and to some extent, funds available for investment in public convenience refurbishments elsewhere in the District. However there are other risks associated with the introduction of charges to a town centre public convenience at a time when High Street retail outlets are struggling and competing for business both online and from out of town shopping facilities.

LEGAL

The Council has legal powers to introduce charging to public conveniences but is not under any obligation to do so.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district. The refurbishment of public conveniences in Clacton town centre and in the tourist area of Promenade Way, Brightlingsea is for the benefit of the District and its visitors and there are no restrictions within the Council's legal title of this land.

The procurement process has been undertaken in accordance with the Council's Procurement Rules as set out in Part 5 of the Council's Constitution.

OTHER IMPLICATIONS

Consideration has been given to the implications of the recommendations proposed and any significant issues are set out below.

The proposals, if agreed, will support the Council's vision to put community leadership at the heart of everything it does, supporting the improvement of town centres, seafronts and Council assets in line with tourism and inward investment strategies and policies helping to reduce budgets while delivering key services.

Consultation/Public Engagement – The proposal if agreed will raise the profile of Brightlingsea and will support Clacton town centre at a difficult time for town centres in Tendring generally.

Brightlingsea Town Council has been consulted over the proposals and is keen to see the works progress as soon as is practical

Recent evidence from petitions received by the Council and from feedback directly to services within the Council supports a view that charging for town centre public conveniences would not be popular at this time.

Crime and Disorder – Improving assets is part of a wider strategy to combat anti-social behaviour by improving the appearance of public realm, generating increased pride, awareness and responsibility for our District. There is a clear correlation between neat well managed assets and lower crime as opposed to poorly maintained assets.

The introduction of charges to Rosemary Road may help reduce misuse and anti-social behaviour in the facility but may equally increase vandalism to the cash collection mechanisms.

Equality and Diversity / Health Inequalities – The proposal if agreed will support existing Council policies and further support the most vulnerable members of the community, raising the profile and reputation of the Council. The refurbishments will include improved disabled provision and baby changing facilities.

Area or Ward affected – Brightlingsea, Pier Ward

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Tendring District Council like all local authorities is not obligated to provide public conveniences but is able to provide them if it chooses to do so.

Traditionally Tendring has provided a high number of public conveniences. However many were introduced into areas when demand for their use was different and generally higher than today and are in locations, or housed in buildings that are old, or no longer fit for purpose.

At a meeting on 16th June 2017 Cabinet adopted a strategy for public conveniences in Tendring along with proposals for the rationalisation and improvement of existing provision and delegated further details to officers to facilitate the delivery.

Cabinet noted that additional reports may be bought forward to consider further refurbishments in accordance with the Strategy.

The recommendations also agreed the introduction of charging at the Rosemary Road, Clacton-on-Sea facility as part of the refurbishment of that site.

CURRENT POSITION

Rosemary Road, Clacton-on-Sea

The public toilets in Rosemary Road are the busiest year round facilities in Tendring. These toilets are subject to frequent misuse and were identified in the public convenience Strategy as in need of refurbishment.

The council decision of the 16th June 2017 agreed the refurbishment of this public convenience and allocated £70,000 for the purpose.

The decision also set aside a further £70,000 in reserves for the refurbishment of additional facilities throughout the District.

There is an agreement with in-house services to undertake the necessary work at Rosemary Road which is due to commence later this year. The in-house solution will ensure a full refurbishment is achievable within budget.

However, to facilitate the introduction of charges to this site an additional £30,000 will be required to provide the necessary infrastructure, which will in turn reduce capital budget available for additional refurbishments of public conveniences elsewhere in the District.

In addition a number of high profile closures of prime retailers in Clacton town centre are planned in the near future.

The refurbishment of Rosemary Road toilets in Clacton will benefit Clacton town centre, promoting town centre rejuvenation as well as supporting the existing and future visitor economy. A refurbished modern town centre public convenience in Clacton will also reduce future operating costs.

Promenade Way, Brightlingsea

This is a seafront location and is the main visitor area of Brightlingsea.

There have been many requests in recent years from all sections of the local community and seafront users for improvement to the general seafront infrastructure in this location.

The public conveniences at Promenade Way Brightlingsea support the visitor economy of the town and its blue flag beach area and are an important local asset.

The work programme for in-house services is very extensive at present resulting in no available capacity for the Brightlingsea refurbishment. An open tender exercise was sought for the refurbishment by outside contractors and the lowest bid is in the region of £130,000.

There is no current budget available for this work other than by means of an application for s106 money which has been approved pending the decision within this report.

OPTIONS CONSIDERED AND PROPOSAL

Rosemary Road, Clacton-on-Sea

Options considered have been to utilise some of the remaining £70,000 available to provide the necessary additional capital for the introduction of charges.

However this will substantially reduce the ability of the service to undertake other much needed work elsewhere.

Other options considered have been to reduce the standard of the refurbishment. However doing this will limit opportunities for future revenue savings from new infrastructure.

The proposal is at this time to not introduce charging on this site but to consider charging both at this site and others at a future date in order to further support the aims of the public convenience Strategy for Tendring. As technology advances, particularly with tap and go type technology, the risks to cash based charging systems can be all but removed. This will be kept under review but at this juncture no charging mechanism will be put in place at this facility.

Promenade Way, Brightlingsea

The proposal is to support the refurbishment of this facility by utilising available s106 money for the area.

This funding has been provisionally agreed and is available subject to approval within the terms of this report.

There are no realistic alternative options for this site other than to defer the refurbishment until such time as the Council's in-house service has sufficient resource and availability to undertake the work, or to scale down the proposed refurbishment to the extent the improvements amount to little more than minor repairs and a new coat of paint.

CONCLUSION AND WAY AHEAD

The recommendations if agreed will ensure the provision of high quality facilities in two important locations within the District and make an important contribution to meeting the aims and objectives of the previously agreed public convenience Strategy for Tendring.

S106 money obtained from developers for improvement to open space and play in the District is allocated to the District Council. Whilst the money is ring fenced to be spent in specified areas it nevertheless remains District Council money to be allocated according to Tendring District Council priorities.

The refurbishment of public conveniences in Brightlingsea has been an important priority for the local community and therefore allocation of money for this purpose would be supported locally.

The decision to not introduce charging at the Rosemary Road public conveniences

will provide an opportunity for the Council to proceed with a much needed refurbishment whilst retaining funds for other important projects.

It is important to note that the principle of charging for public toilets remains a worthwhile proposal and a sensible means of ensuring funding will be available in future for necessary improvements.

APPENDICES

There are none.

BACKGROUND PAPERS FOR THE DECISION

There are none.
