



FULL COUNCIL - INFORMATION REPORT

Date Written	1st September 2021 **
Report Author	Susan Gow
Service Area	Environmental Health
Exempt/Non-Exempt	Non-Exempt
Committee Date	6 th October 2021

To: *Mayor, Ladies and Gentlemen*

Local Toilet Strategy Interim Progress Review

1.0 SUMMARY OF THE REPORT

- 1.1 The Public Health (Wales) Act 2017 required each local authority in Wales to prepare and publish a local toilets strategy for its area by 31st May 2019. The Councils local toilet strategy was published on 18th April 2019.
- 1.2 There is a requirement for the strategy to be periodically reviewed every 2 years commencing from when the Council last published, or 2 years from the date of the last post-election review of the strategy. Publication of the review is required within 6 months.
- 1.3 This report details the review which covers the 2-year period from 18th April 2019 to 18th April 2021 with the inclusion of some more recent updates. The review assesses progress against each of the Councils proposals aimed at improving the provision of clean, safe, accessible and sustainable toilets for residents and visitors to the Borough at locations where need has been identified.
- 1.4 The review concluded that the strategy remains relevant and despite the challenges posed because of the global Covid 19 pandemic some significant progress has been made. There have been improvements in signposting of publicly available toilets on the national toilet map on the Lle website and increased provision of toilet facilities in the town centre ward with the opening of the new bus interchange.

2.0 INTRODUCTION AND BACKGROUND

- 2.1 Toilets for public use matter to everybody who goes “away from home”. They are, however, even more important to certain groups within society, including older people, people with disabilities, people with needs (including certain medical problems), women, children and young people and their families. These groups can be disproportionately affected by poor provision; for example, poor provision is understood to have negative impacts on older people, as some may be less likely to leave their homes without having confidence that adequate facilities will be available to them. This can contribute to increased social isolation and inactivity, as well as affecting people’s ability to maintain independence and dignity in later life.
 - 2.2 Consequently, the provision of toilets accessible to the public provides the infrastructure necessary to facilitate the enjoyment of the County Borough by visitors and residents alike. Well managed and maintained toilets can make a significant impact upon the comfort of individuals and families who visit public spaces in the area, and their perception of Merthyr Tydfil as a desirable place to visit.
 - 2.3 The Public Health (Wales) Act 2017 required each local authority in Wales to prepare and publish a local toilets strategy for its area by 31st May 2019. As an integral part of the process, we engaged in extensive public consultation aimed firstly at assessing need and secondly seeking views on our draft strategy. A summary of the needs assessment and the consultation responses is included at Appendix 1 of the review document titled “*Local Toilet Strategy Interim Progress Review*”.
 - 2.4 Our strategy was approved by Council and subsequently published on 18th April 2019. Its overarching aim is “the provision of clean, safe, accessible and sustainable toilets for residents and visitors to the Borough where the need for such facilities was identified”.
 - 2.5 Following the initial publication, the Local Authority is required to conduct a review of progress against the proposals contained in the strategy in accordance with statutory timescales. The interim progress statement must cover a two-year period beginning on the last published strategy date (“the statement period”) and must be published within six months from the last day of the two-year period.
 - 2.6 This interim review covers the two-year period between the 18th of April 2019 and 18th April 2021; however, it has been updated prior to the 6-month publication date to reference the opening of the new bus interchange which took place in June 2021 and the reopening of the park toilets as part of the Covid recovery plan.
- 3.0 What were our proposals to secure the provision of clean, safe, accessible, and sustainable toilets for residents and visitors to the Borough?**

- 3.1 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. In considering the provision and maintenance of toilets for public use, the Council must balance a competing local demand for a broad range of public services. Therefore, the Council has taken a strategic view on how facilities can be provided and accessed by the local population.
- 3.2 When we published our strategy in April 2019 the Council had suffered from years of austerity and this was viewed as a significant challenge going forward. However, no one could have predicted a global pandemic that would have such an enormous impact on the way we have had to live our lives, and this too has impacted on our progress.
- 3.3 At the time the strategy was published the Council committed to the following actions to mitigate the gaps between what toileting provision was available and the identified need:

3.4 **Provide facilities suitable for the location**

Review provision of publicly available toilets at key transport interchanges and key entry points including the bus and train station stations located in the Town centre. This has been identified as the area where the greatest needs gap exists. It is proposed that new public toilets will be provided that will be owned and managed by the Council. Use of the toilets will incur a charge to aid with sustainable upkeep and reduce antisocial behaviour. The toilets will be in the proposed new bus station development which is part of a wider programme of town centre regeneration. Consideration to be given to location of the new toilets bearing in mind the BTA recommendation that people should not have to walk more than 500m to a toilet facility

3.5 **Clean, well maintained, and safe**

An undertaking that all toilets in Merthyr Tydfil Council County Borough Council and Merthyr Tydfil Leisure Trust (Wellbeing@Merthyr) buildings will be open and signposted for public use. (except for schools, care homes and other buildings where the facilities are in sensitive areas not accessible to the public). The Council will review cleansing operations and standards on a periodic basis to ensure the most efficient and effective provision within allocated resources. The Council will continue to work with the Police, Community Safety and residents, community groups and others to ensure that the facilities are as safe as possible.

3.6 **Sustainable provision within the budget available.**

The Council is committed to sustainability in its own operations, including the provision of toilet facilities, as well as across the district more widely through climate change and carbon management plans. Going forward sustainability will be factored into all new Council developments.

3.7 To provide accessible information via mapping of toilet provision.

Improve awareness and information available on toilet provision in the County Borough by updating information on the Lle open access data repository with WG and also updating the Dewis website. A link will be provided from the Merthyr Tydfil Council website.

3.8 Easily found facilities with good direction signage and individual facility information signs.

Not everybody has access to the internet or mobile technology, particularly the older generation. The provision of physical signposts to direct the public to available toilets in areas associated with transportation hubs e.g., indoor market and the new bus station is seen as important. Display of the toilet logo using stickers displayed at entrances at all Council, Merthyr Tydfil Leisure Trust, Cwm Taf Health Board, community facilities and businesses that have agreed to being mapped will help to promote awareness about the locations of publicly available toilets.

3.9 Maximise availability through partnership and commercial provision.

Continue to work with local businesses to promote use of their toilet facilities. Explore possible ways to financially incentivise businesses to open their toilets up to the public in areas where gaps in provision have been identified by the needs assessment. Explore options to increase local toilet provision through sponsorship, advertising and partnership working.

3.10 Liaise and work with Town and Community Councils to provide toilets in as many locations as possible.

Explore opportunities to increase the provision of publicly accessible toilets in key rural locations along the Taff Trail by working with community groups.

3.11 Letting policies

Although there are currently no Council owned commercial town centre properties available consideration could be given to the introduction of a clause in future Council leasing agreements. The clause would require suitable business like a shop or café, to include public access to toilet facilities. This would need to be balanced against any potential backlash such as a decrease in rental income or that the requirement could conceivably deter prospective tenants from taking a lease.

3.12 Provision of adequate toilet facilities by the promoters/organisers at one-off events

Toilet facilities for people attending special, one-off outdoor events need to be considered, whether through temporary installations or using existing facilities at or near the event location, by agreement with the Council. The Events Safety Advisory Group provides guidance for event organisers and including the use of land for events in the open, including highways under the direct control of the Council. Advice

and guidance on temporary toilet facilities is provided as part of a consistent, proactive, and integrated approach to the provision of support services and regulatory functions for events and a sound financial framework for this support, as well as ensuring compliance with Health & Safety standards. The Event Safety Advisory Group will continue to work with event organisers to ensure they provide adequate toilet facilities for people attending. Smaller temporary events organised at short notice are more challenging, but the Council will work with organisers to try to secure adequate toilet provision.

3.13 Green spaces.

Merthyr Tydfil County Borough Council recognises that there are strong links applicable to the need for toilet facilities in parks including play areas and more informal green spaces such as the country parks. Popular attractions such as Cyfartha Park and Parc Taf Bargoed attract tourists and residents and include children's play areas. It is unlikely that there will be other facilities close by which people can use, whilst enjoying the park therefore the Council will strive to maintain toilet provision in these areas and explore ways that might allow for extended opening hours. For example- Once the Parc Taf Bargoed Hydro Project is revenue producing and lease obligations fully complied with it may be possible to permit the current warden post to be fully funded from the Project. This could provide the release of funds from current park warden budgets to provide additional facilities e.g., baby changing and additional opening hours.

3.14 Tackling homelessness.

Explore options for providing facilities for the rough sleepers to reduce the amount of human fouling in the town centre and along the Taff Trail.

3.15 Legal powers.

Powers may be used to ensure that public toilets are provided and maintained for public use in relevant commercial premises. The Local Government (Miscellaneous Provisions) Act 1976 section 20 allows a local authority to require any business classed as a place of entertainment or selling food and drink to the public for consumption on the premises, to provide public toilets. These powers will be exercised where possible.

3.16 Consideration will be given to including local toilet provision in the Community Infrastructure Levy.

Community Infrastructure Levy enables the Merthyr Tydfil County Borough Council to raise funds from developers undertaking certain new building projects in their area. The funds can be used for a wide range of infrastructure costs, such as education, highways etc., that is needed because of new housing for example. This may be one way to secure funding for future public toilet provision within or near new developments, on a need and demand-driven basis and depending on the prioritisation between new infrastructure needs.

4.0 What Progress has been made towards achieving our aim of securing the provision of clean, safe, accessible and sustainable toilets for residents and visitors to the Borough?

4.1 The background paper titled “*Local Toilet Strategy Interim Progress Review*” dated September 2021, which accompanies this report, details the progress which has been made against each of the individual proposals listed above. However, there are 2 important highlights:

- During the 2-year review period all the publicly available toilet facilities have been signposted and mapped on the Lle national toilet map, so that residents and visitors will know where to find them, when they are open and what facilities are available. We are also updating our Visit Merthyr interactive web pages to include toilets open for public use.
- The completion of the new bus interchange during the review period, which opened in June 2021 represents an important milestone in our progress against the strategy. It brings about a significant improvement in toilet provision at a major entry point to the town where a lack of clean, safe toilets had been identified as a hot spot for lack of provision.

5.0 What is customer feedback telling us?

5.1 As part of this interim review, we have looked at customer complaints and compliments to inform our progress. This involved obtaining information from our corporate complaints officer, corporate communications, and individual departments responsible for cleansing and enforcement. The feedback below relates to toilet provision generally.

5.2 During the review period the Council received **4** complaints and there were a further **5** posts on social media. The complaints related to:

- the lack of toilet provision in the town centre (**3**), which has since been improved with the opening of the new bus interchange.
- the temporary closure of the toilet facilities in the parks because of the Covid pandemic (**2**), which have now reopened.
- poor cleanliness of the toilets in a local supermarket (**1**),
- lack of hot water in the toilet facilities in a local supermarket (**1**),
- a licenced premise with no disabled toilets (2). This was investigated and found to be due to the buildings listed status restricting alterations.

6.0 What happens Next?

6.1 There is no evidence to indicate that we need to change our overall approach and the strategy remains relevant. The focus now is to build on our successes to date and concentrate on progressing any outstanding and ongoing actions which have been identified as part of the review.

6.2 Specific Follow up Actions:

To provide accessible information via mapping of toilet provision.

- Ongoing ownership of signposting to make sure the national toilet map on the Lle website is kept as up to date as possible.
- Completion of the upgrade of the Visit Merthyr interactive map to include publicly available toilets.

The aim is to complete these actions by the date of publication of the review.

Easily found facilities with good direction signage and individual facility information signs.

- Ensure that provision of directional signage to publicly available toilets is included and delivered as an integral part of the “Placemaking Plan 2019-2035”.

Maximise availability through partnership and commercial provision.

- Continue to try to maximise availability of toilets available for public use through partnership and commercial provision. At every opportunity encourage participation e.g., at the point of licensing applications, new businesses registrations, lease agreements etc.

Tackling homelessness

- Keep under review the duty to provide accommodation for homeless persons implemented during the pandemic and the potential impact the removal of this duty may have.

7.0 Date of next review

- 7.1 The statutory guidance requires that the “LA must also review the local toilet strategy within a year of each ordinary election for its area. The next election date in Wales is Thursday 5 May 2022 so the latest date for review is 4 May 2023. If no changes are made to the strategy following the post-election review, then the Council must publish an interim progress statement covering a two-year period commencing from the date of the last election

8.0 FINANCIAL IMPLICATIONS

- 8.1 There are currently no financial implications however, these may arise when the matters under review are implemented with or without any modifications and may include for example: costs associated with physical signage in town centre.

9.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Neutral/Not Applicable	
1. Merthyr Tydfil Well-being Objectives	3 of 4	0 of 4	1 of 4	
2. Sustainable Development Principles - How have you considered the five ways of working? <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 	5 of 5	0 of 5	0 of 5	
3. Protected Characteristics (including Welsh Language)	5 of 10	0 of 10	5 of 10	
4. Socio-economic Disadvantage	2 of 6	0 of 6	4 of 6	
5. Consultation and Engagement	Undertaken	Due to be Undertaken	Not Required	
	1 of 1	0 of 1	0 of 1	
6. Data and Evidence to inform the proposal	Yes		No	
	1 of 1		0 of 1	
7. Biodiversity and the resilience of Ecosystems	Maintained	Enhanced	Reduced	Neutral/Not Applicable
	0 of 1	0 of 1	0 of 1	1 of 1
Summary				
The main positive impacts are:	Improved signposting of toilets available for public use on the national toilet map and Visit Merthyr interactive web pages. Improved provision of clean, safe, publicly available toilets at a major entry point to the town centre at the new bus interchange.			

ALYN OWEN
DEPUTY CHIEF EXECUTIVE

COUNCILLOR KEVIN O'NEILL
CABINET MEMBER FOR
REGENERATION PUBLIC PROTECTION
AND HOUSING

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
<ul style="list-style-type: none"> Local Toilet Strategy Full Council Report 	17 th April 2019	
<ul style="list-style-type: none"> Local Toilet Strategy 	April 2019	https://www.merthyr.gov.uk/resident/pests-pollution-and-food-hygiene/merthyr-tydfil-toilet-strategy/
<ul style="list-style-type: none"> Local Toilet Strategy Interim Progress Review 	September 2021	
Does the report contain any issue that may impact the Council's Constitution?		No

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.