

28 JAN 2016

E.2  
AGENDA ITEM  
6.1 REFERS

26 MAY 2016

LEDBURY TOWN COUNCIL

## Appendix 5: Extra Information

A request to provide further information was received from Cllr Bettington issued 1<sup>st</sup> December 2015. The additional queries are listed below:

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**From:** Phill Bettington <[pbettington@gmail.com](mailto:pbettington@gmail.com)>

**Date:** 1 December 2015 at 15:25:49 GMT

**To:** Ledbury Town Council <[clerk@ledburytowncouncil.gov.uk](mailto:clerk@ledburytowncouncil.gov.uk)>

**Subject:** Extra information

After reading the attached paperwork supplied by Cllr Harvey and the request for the Council to fund Bye Street toilets I would ask for the extra information as follows =

1. Committee Structure - As stated in Cllr Harvey's report dated 5<sup>th</sup> August 2014, a start-up AGM was to take place in September. Did this happen and who are the committee members and what are their roles?
2. Audited accounts. To include details of the grant issued by the Town Council, all donations/sponsorship received to date and finally what expenditure costs were incurred on set up and running Bye Street toilets since August 2014.
3. When do they foresee becoming a "Charity" as I see that the Legal team at Coop UK are partly responsible for the delay but this committee was started in July 2014, eighteen months ago?
4. Under running costs it was stated "Scoped & de-risked" does this mean that Love Ledbury can't continue to find funds for the toilets?

Kindest regards  
Cllr Phill Bettington

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**Q1: Committee Structure - As stated in Cllr Harvey's report dated 5<sup>th</sup> August 2014, a start-up AGM was to take place in September. Did this happen and who are the committee members and what are their roles?**

The committee remains in its interim state on advice from Coop UK legal team pending the registration documentation being approved. Signatories on the bank account are any two of Liz Harvey, Rich Hadley and Annette Crowe with Griff Holliday and Ian James providing input and advice on charity start-up, as needed. Liz Harvey has role of Interim Chairman. Rich Hadley currently acts as secretary. [NOTE: Annette tendered her resignation in December due to work commitments, and a replacement will be sought as part of registration process.]

Progression of the broader objects of the CBS has been hampered pending formal registration, but a few community events have been organised and supported (litter picks, poo leaflet – cost covered by business sponsorship, covering insurance of Community Day & Community Picnic via overarching CBS public liability).

The main responsibility has been keeping the loos open, which has been a struggle because registration delays have meant that business sponsorship has also been delayed – although it does now mean that we have use data to inform prospective advertisers.

Love Ledbury	
<b>Income Statement</b>	
Love Donations	1,745.06
Coin Lock Income	1,800.55
Ledbury Council	7,400.00
Loan	10,000.00
	20,945.61
Cleaning	(5,405.00)
Maintenance	(555.60)
Utilities	(2,530.00)
Consumables	(295.00)
Forecourt	(110.00)
Signage	(2,000.00)
Locks	(3,456.00)
Bank Charge	(6.00)
Insurance 14/15	(243.80)
Insurance 15/16	(243.80)
Print	(239.00)
Interest	6.37
Legal and Prof	(1,310.00)
	(16,387.83)
Reserve	4,557.78
<b>Balance Sheet</b>	
LL Bank presented	2,736.38
LL Bank unrepresented	700.00
Creditors	(8,878.60)
Reserve	(5,442.22)
Loan	10,000.00
	4,557.78
Unallocated LTC	1,944.00

**Q2: Audited accounts. To include details of the grant issued by the Town Council, all donations/sponsorship received to date and finally what expenditure costs were incurred on set up and running Bye Street toilets since August 2014.**

Love Ledbury does not have audited accounts presently. The CBS isn't formally constituted and committee members judged it not to be a good use of society funds to go through a formal audit process at this time. In the hope that it helps answer Cllr Bettington's query, Andrew Harrison has undertaken a cash book review of the bank statements to provide you with this overview.

Of the £7,400 grant provided by the Town Council, for coin lock, signage and start-up costs some £1,944 remains unallocated.

A zero interest loan of £10,000 has been provided to deal with cash flow issues relating to registration delays which keeps the account in credit.

**Q3: When do they foresee becoming a "Charity" as I see that the Legal team at Coop UK are partly responsible for the delay but this committee was started in July 2014, eighteen months ago?**

Progress on this has been frustratingly slow. Due in part to all those involved also volunteering significant amounts of time on other community based activities. Not an excuse – just a reason.

Final paperwork has been received from the Coop legal team in late November and following consultation with a local group interested to work in partnership with Love Ledbury, we expect to be submitting registration pack to the Charity Commissioners by the end of January.

We are advised that registration is likely to take a further 3 months once paperwork is submitted, so our current estimate is that registration will be secured by the end of the financial year.

**Q4: Under running costs it was stated "Scoped & de-risked" does this mean that Love Ledbury can't continue to find funds for the toilets?**

The term 'scoped and de-risked' referred to the fact that the time taken in operating the loos since August 2014 means the work involved and the running costs are not the unknown prospect that they were when the council last considered accepting responsibility for the service.

However, it is clear from the financial summary already provided to councillors, that the income from the coin locks alone is less than 25% of the total operating costs of the facilities. We have

already stated that generating advertising and sponsorship from local businesses has been hampered by registration delays.

We have delayed committing to new signage in case it becomes more appropriate to feature the Town Council as the service provider.

If the council does not wish to make provision for the continued operation of the Bye Street facilities from 2016-17 onwards it will be necessary for the members and directors of the CBS, once constituted, to consider the options and to consult with the community, local businesses and surrounding parishes as regards people's views on the matter.

The strong signal from the council that these facilities are not supported by councillors will need to be taken into careful consideration by Directors in the prioritising the activities of the charity.

**NOTE:** The question of whether the Town Council wishes to accept responsibility for the public loos in Bye Street is separate from the operation and activities of 'Love Ledbury' as a CBS in the town.

It was never the intention of the founding members of Love Ledbury that the main occupation of the society should be to raise funds to keep loos in the town open to the public. Taking on the loos when the council refused to do it was an act of civic responsibility.

Every other market town council in the county has accepted local responsibility for these services when this has proved necessary. The cost and work involved is better understood as a result of Love Ledbury stepping into the breach. The actual commitment is significantly less than the perceived risk 2 years ago – which included even £32k p.a. pro rata provision for a 'toilet clerk'!

Other market towns have set up their own CBS in order to operate services and to undertake activities of benefit to the community in a tax efficient manner. As the only sizeable council in the county without the capacity to operate a General Power of Competence, it is unclear whether Ledbury Town Council is able to take similar action for some time to come.

It is clear from the original report that Love Ledbury's interim committee is offering to continue to run the facilities, if the tax efficiencies resulting from the charity doing so are valued by the Town Council.

It is now appropriate to request that the council considers accepting responsibility for this critical piece of community infrastructure – all same every other market town council in the county.

Cllr EPJ Harvey

Interim Chairman – Love Ledbury

January 2016



# Bye Street Loos

## Proposal

That the Town Council now accepts responsibility for the cost of operating the public loos in Bye Street with immediate effect. The annual net cost of running the loos is £9,000 (excl business rates).

## Background

- In 2013 Herefordshire Council gave notice that it would close one of the sets of public loos in Ledbury w.e.f. December 2013.
- The Town Council undertook to pay for the loos to remain open until April 2014 whilst they considered the possible costs involved in the commitment.
- Cost estimates for the running of the loos were produced by the, then chairman of F&GP which indicated that the costs could be as high as £30,000 p.a. This was considered too much of a risk for the council to take on at the time, and councillors voted not to support the continued operation of the loos.
- The newly forming community benefit society called 'Love Ledbury' stepped in and offered to keep the loos open. This charity was being set up by a number of local people, who were aware of the importance of the loos to the health of the town centre and to its visitor economy.
- The charity applied successfully to the Town Council for £7,400 grant assistance in fitting coin locks to two of the loo cubicles to provide some revenue towards the cost of running the facilities in July 2014. These locks were fitted in September 2014.

## Position

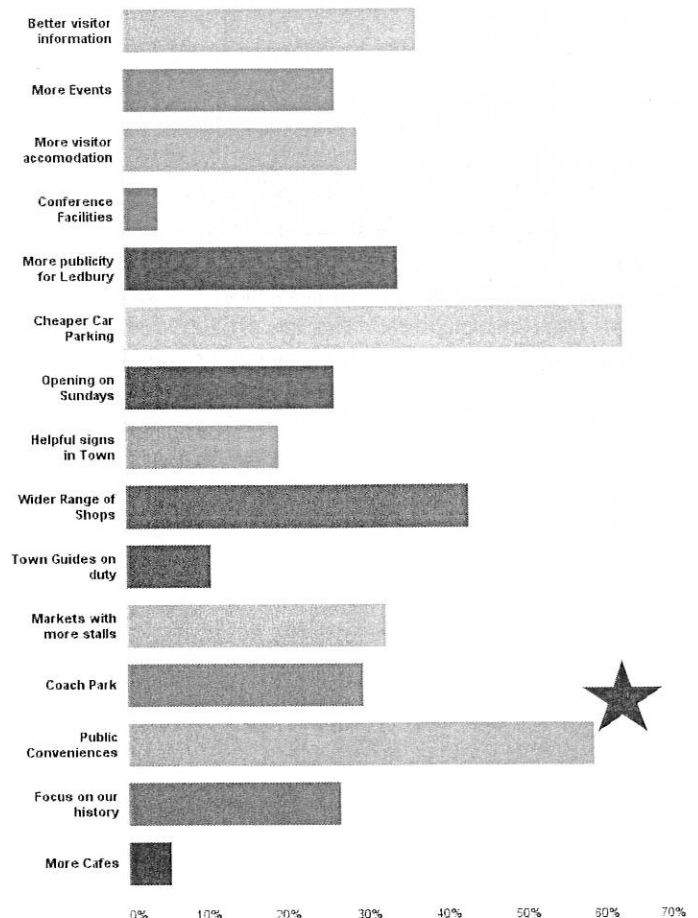
The public loos are important facilities for local people and visitors to the town centre.

The Town Plan data shows that local people value the facilities highly. Asking "What do you think will make visitors stay longer and spend more in Ledbury?" 97% (2,770 people) answered the question. See graph.

In 2013 Herefordshire Council launched a 'Community Toilet Scheme' to welcome non-customers to use business facilities. No cafes, pubs or restaurants in Ledbury have opted to join the scheme then or since. A number of premises have prominent notices refusing use of their facilities to non-customers.

The charity operation of the loos has confirmed that running costs – which are less than 1/3 of the Town Council's assumed costs in 2013.

The City & other Market Towns in Herefordshire have all accepted responsibility for the running of their public loos.



## Running Costs

'Love Ledbury' has scoped and de-risked the proposition of running the loos and now requests that the Town Council accepts ongoing responsibility for the facility on behalf of all local residents and as a service to support the economy of the town centre.

The breakdown of operating costs since August 2014 is given below:

Operating Costs & Budgets	2014		2015			2016	Comment
	Budget	Actual	Budget	Actual	Forecast	Budget	
Business Rates	Paid	Nil	Nil	Nil	Nil	1,200	Business rates will not be payable while managed by charity *see also NALC note on lobbying
Electric	200	176	400	134	220	300	Reduced costs of operation by ~50% due to combination of two cubicles in operation and efficiencies from coin operated systems
Water/Sewerage	800	554	1,600	722	1,500	1,500	As above
Operating costs & materials							Cleaning + Consumables + Repairs/Maintenance
Consumables		95		154	250	300	
Maintenance				556	750	1,000	Electrical repairs, light replacements, guttering maintenance, etc
Investment						1,000	New latch mechanisms required for both loos - est £1,000
Cleaning	3,800	1,425	5,700	5,700	6,120	6,600	Monthly costs inc to £535 w.e.f. Sept 2015 due to VAT registration
Insurance	125	244	250	244	244	100	Full liability insce + Buildings in 2015
Coin Lock Income	(300)	(624)	(1,500)	(974)	(1,750)	(1,750)	2 of the 4 cubicles in regular use - all open free for events
<b>Total</b>	<b>4,625</b>	<b>1,870</b>	<b>6,450</b>	<b>6,536</b>	<b>7,334</b>	<b>10,250</b>	
Incl full cleaning:		£ 4,245					

NOTE: Reduced by £2,375 due to 5 months operation donated free by cleaning company

## NOTES

'Love Ledbury' would be happy to continue to operate the loos on the council's behalf if the council wishes to take advantage of the let-off on business rates for which the charity is eligible.

The charity would also only seek a contribution towards its Public Liability Insurance, as this insurance cost is only partially associated with the liability of operating the loos.

The cleaning contract has recently increased due to the local company involved needing to become VAT registered this autumn.

All 4 cubicles are opened free of charge for all the following community events:

- Boxing Day Hunt
- Community Day
- Carnival
- October Fair – both days
- Christmas Lights switch-on

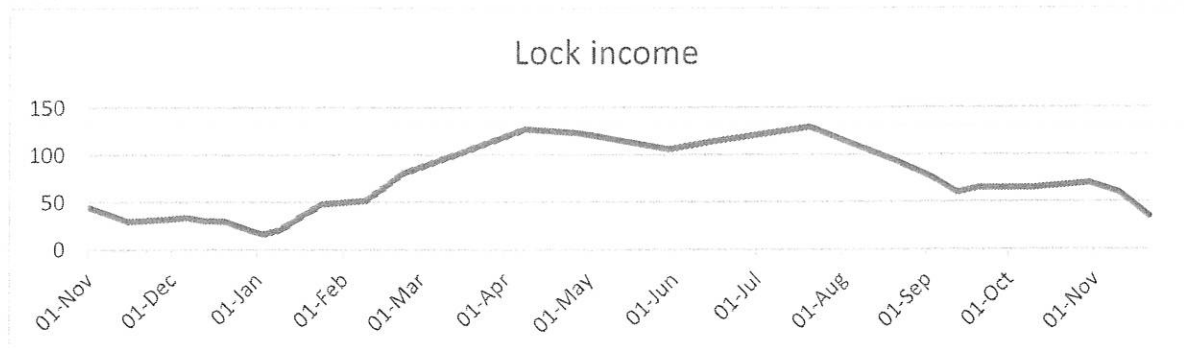
Even with the entry charge to use these facilities, we estimate in excess of 10,000 people per year use the facilities – taking account of the free community days, polite door holding, and latch malfunctions which need to be addressed (see Investment line in the costing above).

Liz Harvey – Chairman 'Love Ledbury'

November 2015

## Appendix 1: Town Council Queries

### Income from the coin locks Nov 2014-Nov 2015



From Easter onwards the usage rises and drops off again in September. Over the year of full operation Nov-Nov the income has been £1,781.40p which equates well with the original estimate of £1,750 for a full financial year.

**NOTE:** Some income is being lost due to faulty latch operation on cubicle 1 (men's urinal). All latch mechanisms are contemporary with the building and we would recommend renewal of these mechanisms – at least for the coin operated cubicles, in 2016-17.

One donation of £500 has been received from a local business specifically towards the running of the loos. Presently the variance between expenditure and income is being covered by general donations to the benefit society. This is hampering our efforts to undertake other community projects in Ledbury – which was the original intention of the society.

Approaches to local businesses for sponsorship and regular donations have been held up by delays in charity registration partly due to changes of personnel in the legal team at Coop UK.

### Expenditure

In addition to the Cleaning, Insurance, Electricity and Water charges in the previous report, the main expenditure has been on Consumables, and technician call-outs for lighting and electrical problems. A summary of the costs incurred is given below:

Cost type	Item	£	Supplier	Comments
Consumables	Loo Rolls	160.00	Hygiene Services	
	Soap	15.00	Hygiene Services	
	Freshener Units & spray	75.00	Hygiene Services	
	Drain Rods	35.00	J-Mart	
	Bin Bags	10.00	Coop	
	Sharps Bin	-	Donation from Surgery	
Forecourt	Flowers	50.00	Homebase	
	Planters	60.00	Homebase	
Repairs	Lighting	60.00	B Farley	Call out and fitting of replacement flourescent tubes to 3 cubicles
	Lighting	60.00	B Farley	Call out and fitting of replacement flourescent tubes to 2 cubicles & service area
	EM Latch malfunction	288.00	D&T Engineering	Callout for door latch malfunction
	EM Latch malfunction	147.60	Berry & Davies	Callout for door latch malfunction
		<u>960.60</u>		
Set-up	Signage	2,000.00	Pending	

**NOTE:** £2,000 held in reserve to cover signage outside the loos and inside the cubicles. Procurement of signage has been delayed pending charity registration and reconsideration of service responsibility by the Town Council. Draft 'Love Ledbury' signage scheme is provided for information at **Appendix 2**.

### **Licence & Maintenance Responsibilities**

The licence between 'Love Ledbury' and Herefordshire Council is included at **Appendix 3a**. In summary local responsibility is required for payment of the portion of the county council's Buildings Insurance which, so far, has not been sought. The building remains the property of the council at the moment and, although damage falls to the licensee to repair, maintenance of the alarm system and safety of the electrical system remains the responsibility of the council (electrical checks have taken place this week on all wiring on the premises). Minimum 3<sup>rd</sup> party liability insurance of £5m is required and we undertake this independently.

The cleaning schedule is included at **Appendix 3b** for information.

### **What other Market Towns are Doing**

I have discussed the responsibilities undertaken in the other market towns with the parish clerks of these councils and they report the following:

**Leominster:** Currently run 2 loo blocks – central car park & Grange. Both were of a poor standard when they were taken on and an upgrade programme is required to bring them to an acceptable modern standard. The council's plan is to upgrade two of the loos and to repurpose the remainder of the building to form a café kiosk to generate income. The costs are as set out below.

Central: Comprising Disabled, Ladies x2, Gents cubicle & urinal. Business Rates £1,700, Water £1,600, Electricity £700, Cleaning £4,000 – Total £8,000

Grange: Comprising Disabled, Ladies x2, Gents cubicle & urinal. Business Rates £1,500, Water £1,400, Electricity £800, Cleaning £4,000 – Total £8,000

The council is proposing to take on a third set of loos in Westbury Street w.e.f. 2016-17. These are already upgraded which accounts for their increased use of water, and comprise Disabled, Unisex x4. Business Rates £3,000, Water £3,200, Electricity £1,600, Cleaning £10,000 – Total £17,800

In total they are budgeting £38,500 for their loos next year. Additionally they are planning to run a funded community toilet scheme where they offer £1,000 p.a. to any business which is prepared to open up its facilities for non-customers to use.

In addition next year they plan to take on the maintenance of all open spaces and play areas at a cost of £17,000-£20,000. They are taking on the running of their market and the next profit to them on that is expected to be around £10,000. They also undertake street cleaning and the emptying of some litter and dog waste bins.

Overall they are planning to uplift their precept by 40% which will equate to £30 p.a. for a Band D property going up from £79-£110. With 78% of their properties are in bands A-C they are not a wealthy community but the town council feel their role is to take responsibility for the appearance of the town for the benefit of everyone.

**Ross:** Own two sets of loos in Wye Street and at Red Meadow Car Park. They have been able to reduce significantly the running costs by adjusting the timing mechanisms for use of water and electricity and putting in low energy lighting.

They are finding that, on average, they are having to call out a plumber around once a month to deal with maintenance or repair issues, and they have had to deal with a significant amount of vandalism and damage at the Red Meadow site when the loos are used by Travellers.

Their cleaning costs are kept to a minimum by using the same firm that is employed to clean the council offices and the kitchen in the Market House – another recent asset transfer.

Business rates are currently charged at £3,500 for Red Meadow and £1,780 for Wye Street.

**Hereford:** Taken on 2 loo units in the city and both have had coin locks fitted at an entry charge of 20p. One of the councillors cleaned both loos free of charge to keep them open for 18 months while the costs were assessed. The report attached at **Appendix 4** shows the helpful options assessment undertaken by the Town Clerk to the city council.

As a result of the research undertaken by the clerk, the council considered taking on a third unit as an operating pilot prior to making a decision as regards asset transfer. The city currently budgets £35,000 for the upkeep and running of 3 single unisex toilets in locations around the city centre. This is split £20,000 for operation and £15,000 for vandalism and repairs both of which are quite high in the city.

**Bromyard & Kington** – Both these market towns have taken on loo blocks. I have not been able to contact the clerks this week.

End – 26-11-15



## **Method Statements - Cleaning**

### **Objectives**

All surface areas and equipment at the Bye St loos will be operable and will have been cleaned with an approved germicidal agent, be free of dirt, smears, marks, debris and litter.

All fixtures and fittings will be fully operable and clean.

Toilet paper will be full or recently filled, soap and dispensers will be full or recently replaced and waste receptacles (litter, sanitary, sharps) will be empty or no more than half filled and cleansed.

The physical appearance of all walls, ceilings, floors, doors, partitions and windows will be maintained.

The immediate exteriors to the buildings will free from debris and the guttering will be clear.

All fixtures and fittings will be in good useable condition with accurate records having been kept of any works carried out.

### **Cleaning Requirement**

Daily, weekly and 6-monthly cleaning of the Urinal and Unisex/Disabled cubicles at the Bye Street loos will be required as set out in the following schedules.

### **Emergency Cleaning**

The contracted cleaning company will act as the primary point of contact for notification of a requirement for emergency cleaning. Mon-Sat contact will be made via the designated 'Love Ledbury' contact, on Sundays a direct contact number will be used to the contracted cleaning company.

Attendance on site to undertake cleaning outside of the normal cleaning schedule will be required within 2hrs of notification.

### **Opening and Closing of Toilets**

Normally the two cubicles in daily operation will be opened and closed at the designated time (09:00-17:00) on automation and the daily main clean schedule will be carried out each evening if it had not been completed the previous evening depending on the Season.

The opening and closing times are agreed with the designated 'Love Ledbury' contact. The contracted cleaning company is made aware and able to alter the timings to suit the season or indeed local events.

### **Special Events**

All cubicles will be made available for public use at special events. On these occasions the occasional cubicles will be checked and cleaned a week before to ensure all services are functioning and also cleaned afterwards. This cleaning will be undertaken at the same rate as is used for the normal cleaning schedule. Such variations as to opening and closing routines as are required for such events and local requirements will be undertaken through manual operation of the locking mechanisms.

Special Events will include, but are not limited to: August Carnival, October Fair, November Christmas Lights switch-on, Boxing Day meet, June Community Day.

## Daily Cleaning Operations

Tasks that will be carried out every day:

<b>Main CLEAN</b>	
<b>FLOORS &amp; SANITARY FITTINGS</b>	Sweep clean every area of floor at each location including entrance. Using high pressure hose where required, wash all floor area with suitable cleansing agent followed by thorough rinse with clean water. Thoroughly clean and disinfect all surfaces, sanitary channels, gullies, overflows, sinks, traps, wash basins, urinals, urinal filters and water closets. Mop and dry area.
<b>TILES LEDGES &amp; SILLS</b>	This clean should incorporate any door furniture, down pipes and all reflective surfaces. Wipe clean all accessible surfaces with suitable cleansing agent.
<b>WASTE BINS</b>	Empty bins and dispose of collected wastes legally and professionally. Replenish all sundries at all locations.
<b>SHARPS</b>	Record any collected sharps and other drug taking equipment and place in Sharps bin provided in service area.
<b>CONSUMABLES</b>	Check and replenish all consumables (soap disinfectant, lubricant, paper, etc.).
<b>GRAFFITI</b>	Photograph and then remove where practicable all obscene or unsightly defacements using approved solvents. Remove any posters, stickers or gum. An accurate record of graffiti removed will be kept and passed to the authorised officer if graffiti or poster is deemed racially or sexually motivated to enable information to be passed to relevant parties including the Police. Check condition of advertising and sponsorship displays and report any defacements to designated 'Love Ledbury' point of contact.
<b>BLOCKAGES</b>	The blockage of WC pans, waste pipes, urinals, sinks, wash hand basins, flushing systems, outlets and the like will be cleared up to the connection with the main foul system. Blockages deemed past this connection will require notification to the relevant body
<b>ODOURISING</b>	Reapply odour masking gel-blocks and check air-freshener units are operating.
<b>EXTERNAL WORKS</b>	Sweep clean the hard-standing and covered entrance area, litter pick any path or forecourt in immediate vicinity. Wipe down exterior of doors and clean door handles with suitable cleansing agent.
<b>DEPARTURE</b>	Lock service door and check door locks are operating on each unit prior to departure.

### Weekly Cleaning Operations

The cleaner will carry out the following tasks on a weekly basis:

<b>WEEKLY</b>	
<b>SERVICE AREA</b>	Wash/Wipe down and clean thoroughly with a suitable cleansing agent. Remove and debris from drain areas under walkway mesh. Bag & remove any rubbish.
<b>ROOF</b>	Remove any rubbish from roof and guttering systems.
<b>CEILINGS</b>	Thoroughly brush all surface areas to remove any dust and cobwebs.
<b>EXTERNAL WORKS</b>	Remove any weed or plant growth in the immediate vicinity to the facility. Clean excess dirt, graffiti from external walls.

### 6-monthly Cleaning Operations Including "The Deep Clean"

The cleaner, in conjunction with the appointed maintenance engineer, will carry out the following tasks on a biannual basis at each facility. This amounts to the deep clean:

<b>6-MONTH</b>	<b>Deep Clean</b>
<b>LIGHT FITTINGS</b>	Wipe down and clean light fittings removing all dirt and grime with suitable cleansing agent
<b>FILTERS</b>	Replace any heating and ventilation filters.
<b>SANITARY FITTINGS</b>	Remove corrosion, grease, scale, soap and urine salt encrustations where applicable. Treat internal surfaces of pipe work and remove deposits. Clean and disinfect internal and external surfaces of fittings including domical gratings, overflows, waste pipes. Treat and disinfect all taps, plugs, plug chains, water closet chains, handles channels and gullies. Disinfect all contact surfaces including door handles, cubicle areas and tiling surrounds. Replace or remake all defective seams, fillets, joints and grouting to sanitary fittings.
<b>INTERNAL FITTINGS</b>	Thoroughly wash down using a high pressure hose to effectively remove all grease, scale, soap deposits, urine salt encrustations and other grime from – floors, walls, partitions, painted surfaces, doors, windows, work tops, mirrors, pipes, drain covers and all sanitary fittings. Clean, treat and disinfect all traps (removing if necessary), channels and gullies. Disinfect all surfaces.
<b>EXTERNAL WORKS</b>	Using high pressure hose, clean external walls. Clean our guttering systems and downpipes. Dry where possible.

**LICENCE TO OCCUPY**

THIS LICENCE AGREEMENT is made on the <sup>11<sup>th</sup> August</sup> day of May 2014  
between

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL ("the Licensor") c/o Brockington, 35 Hafod Road, Hereford, HR1 1SH and Ledbury & District Community Benefit Society, c/o Councillor Liz Harvey, Glen Helen, No1 Elmsdale Road, Ledbury HR8 2EG

WHEREAS the Licensor as owner of the property known as ~~Church Lane~~ <sup>Bye St</sup> Conveniences, Ledbury, HR8 1DW (the Premises) wishes to grant, and the Licensee wishes to take, a Licence to occupy the premises

2AA  
IT IS AGREED as follows:

1. The Licensor hereby grants the Licensee a right to occupy the Premises, shown edged red on the attached plan, from the date hereof
2. The Licence may be terminated by either party at anytime without previous notice being required
3. The Licence does not give the Licensee exclusive possession of the Premises, which are to be used as public conveniences. The Licensor is entitled to enter the Premises at any time to ensure that the terms of the Licence are complied with

THE Licensee HEREBY AGREES and undertakes with the Licensor as follows:

- a) To pay in advance a Licence Fee of £1 exclusive of VAT on the date hereof (which the Landlord chooses not to collect)
- b) To pay for all taxes, outgoings, rates and supplies in respect of the Licence (and use) to the appropriate authorities. The licensee shall reimburse the licensor for the portion of insurance payable upon the premises within the licensors' block portfolio insurance policy
- c) Not to make any alterations to the Premises structural or otherwise without the prior consent of the Licensor, and to make good any damage to the satisfaction of the Licensor
- d) The Licensee shall use the Premises solely for the agreed purposes of WCs and for no other activity
- e) To keep the Premises, maintained, clean and tidy and free from rubbish and in a safe condition at all times (with the exception of the alarm system, which remains the responsibility of the Licensor).
- f) To conform at their own expense to all statutory and other regulations pertaining to the Premises and to indemnify the Licensor against any claims arising from its use of the Premises including any breach of such regulations. The Licensee shall maintain minimum third party liability cover of £5 million and provide evidence of such insurance on demand
- g) The Licence is personal to the Licensee who shall not allow any other organisation to occupy or use the Premises other than as permitted by this Licence
- h) Not to use or permit the use of the Premises or any part thereof for any dangerous offensive obnoxious noisome illegal or immoral activity or in any manner that may be or become a nuisance or annoyance to the Licensor or to the owner or occupier of any neighbouring premises
- i) Not to act in a way which may result in the Licensor's insurance of the premises being invalidated or the premium increased nor to allow anyone else to do so and to comply with all the requirements and recommendations of the Licensor's insurers

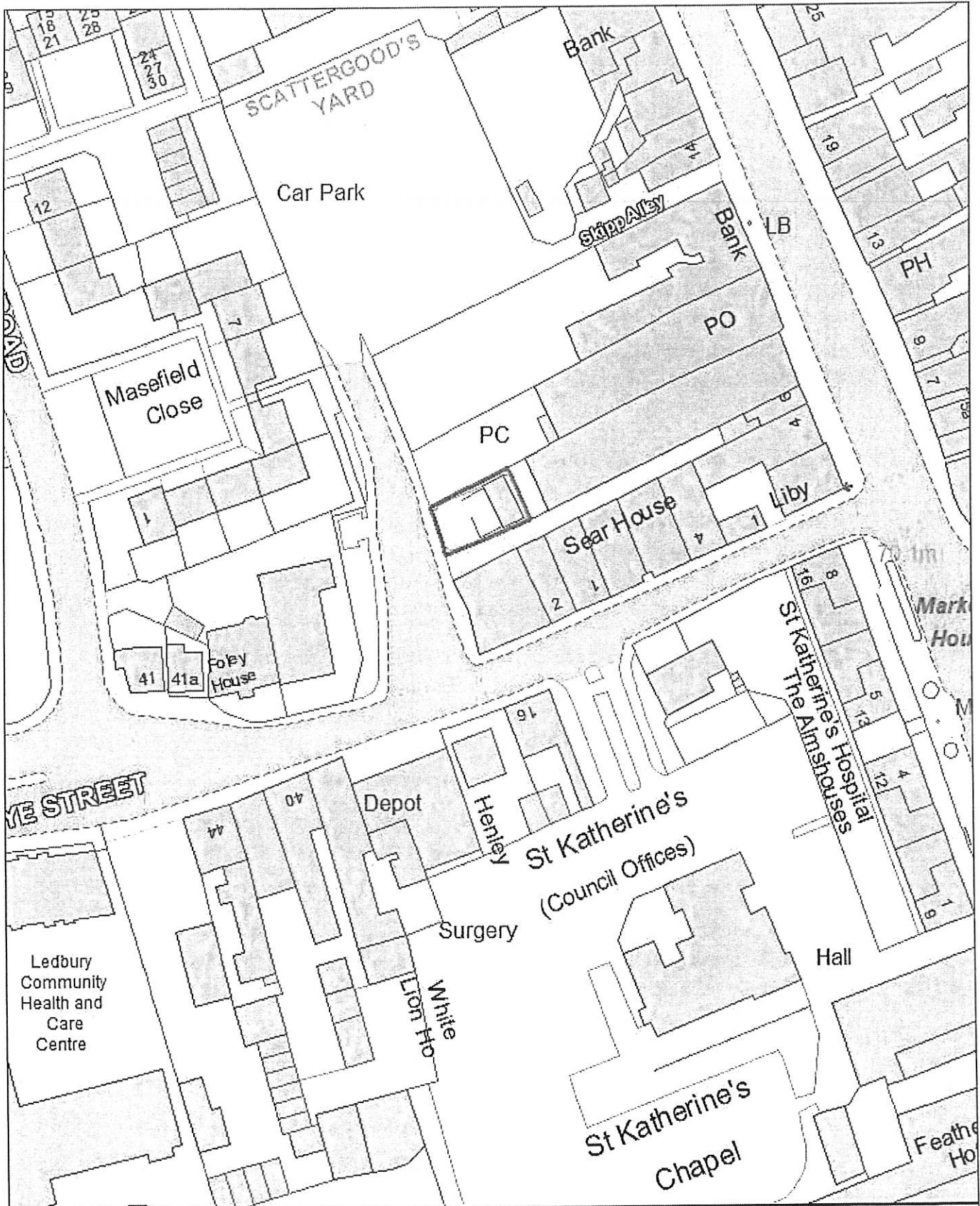
IN WITNESS hereof:

LICENSOR:   
CORPORATE ASSET MANAGER

DATE: 12.8.14

LICENSEE:   
LEDBURY & DISTRICT COMMUNITY BENEFIT SOCIETY

DATE: 12th August 2014



NORTH  
SCALE 1:850

### LOCATION PLAN Ledbury\_Bye\_Street\_Public\_Convenience

© Crown copyright and database rights (2013) Ordnance Survey (100024168)  
 Only an official copy of a title plan or register obtained from the Land Registry may be used for legal or other official purposes.  
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Herefordshire Council, Asset Management, PO Box 4, Hereford HR4 0XH [propertyinformation@herefordshire.gov.uk](mailto:propertyinformation@herefordshire.gov.uk)

## HEREFORD CITY COUNCIL

COMMUNITY DEVELOPMENT COMMITTEE 30th September 2014

### Public Toilets

#### 1. Background

- 1.1 Following the abrupt closure of some of Hereford's public toilets, and the announcement of likely closure of all of them within a year, there was a strong and very negative public reaction. An initiative to seek support from Vennture and local churches to take over operations failed and the Council resolved to take over two units and operate under a license from Herefordshire Council as part of possible programme of wider service devolution.
- 1.2 The pilot applied to the single unit in Union Street and one of the units in East Street. Both units were modified to take a coin operated lock, with a charge of 20 pence per visit. Despite a few teething problems with lock adjustments the operation of the equipment has generally worked and there has been no significant issue with vandalism. The toilets are modern all metal units and much more are resistant to casual vandalism than the more traditional ceramic sinks and wc's with exposed metal pipework.
- 1.3 From time to time public toilets are used by people self-injecting, usually with non-prescription drugs. This can lead to discarded paraphenalia including slips of foil, syringes and sharps. These must be disposed of safely as clinical waste and each unit should have a sharps bin provided, and a suitable arrangement entered into with a licensed contractor for collecting and hygienically disposing of the sharps and other waste.
- 1.4 The period of the license operation and pilot is now drawing to a close and the Committee needs to decide whether to recommend to Council that we take over the operation, including an asset transfer or lease of the two units.
- 1.5 In addition, a further unit adjacent to the Leisure Centre in St Martin's is now earmarked for closure, HALO having withdrawn from discussions about taking it over. In accordance with the general agreement achieved with Herefordshire that no more toilets will be closed until the City Council has had an opportunity to consider taking them over, we have been approached to see if we would wish to enter into an agreement to transfer this unit, or whether to take a temporary license.
- 1.6 Longer term they may also be a possibility of the Friends of Castle Green taking over the operation of a modernised unit there to retain the service in future years. Nothing is agreed on that yet and if there is a Council involvement in that matter it will be the subject of a further report.

#### 2. Implications of Taking Over Two Units Permanently

- 2.1 The units make approximately £30-35 per week in door takings so we can cautiously project, bearing in mind the pilot has included most of the tourist season, a weekly average through

the year of £20-25 each. This gives a projected income of £2,340, based on the median point of that range, if the assumption about the effect of tourism on numbers is correct.

2.2 The provision of a cleaning and replenishment service by the Chairman and Vice Chairman as a voluntary exercise is not a viable long term solution, although their efforts in this regard should be acknowledged. If the Council is going to take over the operation of two toilet units we will need to enter into a contract for cleaning and replenishment of toilet paper, soap etc. A quote has been received for this, indicating a cost of around £4,000 for cleaning plus materials. For comparison a second quote from another supplier of cleaning services is being sought. In addition a calculation has been done of the likely in-house cost if we were to employ a cleaner directly, 52 weeks a year, 7 days a week for one hour a day (which is the minimum necessary to carry out a basic clean at both sites). This in-house figure is based on salary at national minimum wage, cover for leave, a notional sum for sick cover and employer's on costs and is slightly higher than the contract quote offered. In addition, if we did employ someone we would take responsibility for personal protective equipment including gloves, training and health and safety which no-one in the staff team is currently qualified to provide to a cleaner and would have to be bought in to satisfy our legal obligations to our employee. It appears that the in-house option is thus uncompetitive on grounds of cost.

2.3 The Council will acquire costs for National Non-Domestic Rates for the units it operates and metered water. These have been previously reported to Council but to remind members the costs are :

East Street\* rates payable £1,483.65, water £2,810.04, electricity £639.20 per annum = £4,932.89

\*These figures are based on quotes for the whole site from Herefordshire Council. In fact the Council operates one unit and one storage and control area, with three units being closed. If these costs can be clarified to refer to two units out of five on the site we could reasonably expect the rates to be 40% and water and electricity to be 25%.

This gives an estimated annual cost of :

Rates £593.46, water £702.51, electricity £159.80 = £1,455.77

2.4 There are no figures available for the Union Street single unit as it had been closed for some time before we re-opened it. A unit of similar size elsewhere in the City generates costs of:

Rates £162.50, water £522.84, electricity £307.73 = £993.071

2.5 Total estimated cost of running two units is therefore £2,438.84. Allowing around £4,000 for cleaning contract costs and £500 per annum for consumables (which is likely to be an over-estimate based on use over the last six months) and sharps the reasonable estimate of the total cost of taking over the two units permanently is in the region of £9,377.68.

2.6 Against this we can set the projected income of £2,340 and therefore an estimated net cost in a year of £7,037.68. The council currently holds a budget of £35,000 for operating public

toilets, £15,000 of which is earmarked for repairs and maintenance. This gives a budget of £20,000 for running costs which will cover the projected costs set out above.

### **3. Recommendation**

**3.1 That the Committee resolves whether to recommend to Council that the City Council enters into an agreement for the asset transfer of the two units at East Street and Union Street and to continue to operate them as public toilets.**

**3.2 That the Committee authorises the Town Clerk to enter into a contract at the best price available for cleaning and consumables as soon as the third quote is received.**

**3.3 That Committee authorises the Town Clerk to enter into an appropriate contract for the safe collection and disposal of discarded drugs paraphernalia including sharps.**

### **4. Further Possible Provision**

4.1 The St Martin's site was one of those indicated by the City Council in consultation as a facility we felt ought to remain open. In the early stages of discussions about licenses for operation of units this was parked pending the outcome of discussion between Herefordshire Council and HALO. These discussions have not resulted in HALO adopting the toilet and Herefordshire have enquired if we wish to take over the unit. The Clerk has intimated that our policy of operating a pilot before making a long term decision still stands, and officers of Herefordshire have indicated that some arrangement along these lines might well be possible to avoid immediate closure.

4.2 Issues that will need to be resolved include confirming that the unit is fitted out in damage resistant aluminium and not traditional ceramics and pipe work, that there are no structural problems or urgent wants of repair that could generate a costly liability for the City Council, installing a lock for coin operation, adding the new unit to our licensing contract and sharps disposal arrangements and arranging for collection of cash given that the site is more remote than East Street and Union Street which can be periodically emptied by Council officers without detriment to their other duties.

4.3 At this stage it is only necessary for the Committee to state whether they still feel this unit is valuable and should be retained. If that is the Committee's position it can resolve to take on the unit as a pilot for six months. If the Committee wishes to skip that stage (which is not recommended by the author) it will need to seek Council's approval to move straight to an asset transfer and long term operation.

### **5. Recommendation**

**5.1 That the Committee authorises the Town Clerk to hold discussions with Herefordshire Council to resolve the above issues, and if these can be satisfactorily resolved to authorise the Clerk to enter into a pilot agreement for six months on the St Martins site for a single unit on coin operated entry.**