

**AGENDA ITEM NO.7**

**ARUN DISTRICT COUNCIL**

**REPORT TO AND DECISION OF CABINET  
ON 9 APRIL 2018**

**PART A : REPORT**

**SUBJECT:** POLICY FOR THE PROVISION OF PUBLIC TOILETS

**REPORT AUTHOR:** Nigel Lynn **DATE:** 21 March 2018 **EXTN:** 37760

**EXECUTIVE SUMMARY:**

This report has been requested by the Leader following reference to the issue at the last Full Council meeting on 7 March 2018. The purpose of the report is to provide clarity regarding the Council's position in the provision of self-contained and integrated public toilets.

**RECOMMENDATIONS:**

That Cabinet endorses the provision of self-contained and integrated public toilets within Arun wherever is reasonably practical and appropriate.

**1. BACKGROUND:**

In accordance with Cabinet Procedure rule 4.1, the Chief Executive has been requested to prepare a report for this meeting by the Leader of the Council to consider the adoption of a policy for the future provision of self-contained and integrated toilets (i.e. gender neutral). This follows the concerns raised at the Full Council meeting on 7 March 2018 under Cabinet Minute 415 (Environment & Leisure Working Group – 19 December 2017) over the Cabinet not accepting the final recommendation of the Working Group, which had asked Cabinet to confirm or not a policy of moving to 'unisex' toilets. The reason the Cabinet had not considered this recommendation had been based on advice they had received from the Chief Executive. The Chief Executive had confirmed that this was not a decision for Cabinet as it was an operational matter as defined in the Council's Constitution Part 4 – Officer Scheme of Delegation. – Section 1.

In making this request, the Leader is not proposing a change to the Officer Scheme of Delegation as she recognises the basis of the advice provided to the Cabinet meeting on 12 February 2018. It is in view of the concern raised by Councillors at Full Council that she feels this matter should be considered by the Cabinet and that this policy be brought before this meeting.

The Chief Executive has confirmed to the Leader that this report does not form part of the plans and strategies of the Policy Framework, as defined at Article 4 of the Constitution, and, therefore it is for Cabinet to determine whether the recommendation should be agreed or not.

The Council has a number of public toilets. We have no records that confirm there has ever been a defined policy agreed by Members (or indeed requested) to direct officers on how these facilities are used until now. Rather this has always been an operational decision taken by Officers under the Scheme of Delegation as part of the maintenance and review of Council owned buildings. This was therefore the basis of the Chief Executive's advice to Cabinet on 12 February 2018.

Public attitudes to the provision of public toilets, like many social attitudes, changes over time and differences of opinion can vary markedly by age group. Anecdotal evidence suggests older age groups are less inclined to support such changes than younger age groups. For example, one group of institutions where such changes to public toilets are being introduced quicker than others is in universities, other educational establishments and community facilities where the younger population is more inclined to embrace or even start changes in social attitudes.

Most people will understand that what might have been acceptable language and behaviour even as recently as the late 1990s would not be tolerated today. For the majority of the population born after 2000 the provision of self-contained cubicle toilets is highly unlikely to be an issue.

Many new public toilets are self-contained and fully integrated, thereby being fully accessible to all. An example would be the public toilets behind Marks & Spencers in Chichester which receive 200,000 visits per annum. These toilets are self-contained cubicles.

Cabinet are reminded that, in 2014, the Council approved its Equality Policy, part of which states:

*"Arun is a diverse district, containing a wide mix of ages, abilities, ethnicities and people with many other differential characteristics. Arun District Council is determined to create an inclusive environment and to positively address any issues brought about by this diversity, both as an employer and as a service provider. We are committed to creating an environment where equality of treatment and of opportunity is both accepted and expected for all employees, potential employees, and users of Council services."*

Furthermore, the Public Sector Equality Duty (PSED) came into force on 5 April 2011 and consists of a General Equality Duty (set out in section 149 of the Equality Act 2010 itself), plus some specific duties which came into law in England on the 10 September 2011. The PSED should be implemented appropriately given the Council's size and the nature of its functions. It includes *"everything that we are required to do, as well as everything that we are allowed to do"*. The duty requires Arun District Council to eliminate unlawful conduct such as discrimination, or harassment, advance equality of opportunity for all and foster good relations between people who share a protected characteristic and those who do not. Arun's equality policy includes the recommendations of an Independent Steering Group's October 2013 review of the PSED.

Compliance with the general equality duty is a legal obligation, but it also makes good business sense. An organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently, or effectively. A workforce that has a supportive working environment is more productive and we expect to

find it beneficial if we draw on a broader range of talent and, therefore, better represent the community we serve. Compliance with the duty should result in better informed decision-making and policy development, as well as better policy outcomes. As a result, we expect that services will become more appropriate to the user, more effective and more cost-effective, leading to increased customer satisfaction.

It would therefore be consistent with both the Arun Equality Policy and the legal requirements placed upon the Council to positively promote the provision of self-contained and integrated public toilets. To not do so would not be consistent with the tenor of the above and, in making an explicit decision not to support such provision, would suggest that Arun is not working in the best interest of all of the people of Arun and beyond.

**2. PROPOSAL(S):**

That Cabinet endorses the provision of self-contained and integrated public toilets wherever is reasonably practical and appropriate.

**3. OPTIONS:**

To agree this recommendation or reject it.

**4. CONSULTATION:**

| Has consultation been undertaken with: | YES | NO |
|--|-----|----|
| Relevant Town/Parish Council           |     | x  |
| Relevant District Ward Councillors     |     | x  |
| Other groups/persons (please specify)  |     |    |

**5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)**

|   | YES | NO |
|---|-----|----|
| Financial   |     | x  |
| Legal   |     | x  |
| Human Rights/Equality Impact Assessment                       | x   |    |
| Community Safety including Section 17 of Crime & Disorder Act |     | x  |
| Sustainability  |     | x  |
| Asset Management/Property/Land                                |     | x  |
| Technology  |     | x  |
| Safeguarding  |     | x  |
| Other (please explain)  |     | x  |

**6. IMPLICATIONS:**

To not support the policy would suggest that Arun is not working in the best interest of all of the people of Arun and beyond.

**7. REASON FOR THE DECISION:**

To be consistent with both the Arun Equality Policy and the legal requirements placed upon the Council to positively promote the provision of self-contained and integrated public toilets.

**8. BACKGROUND PAPERS:**

[Full Council - & March 2018 Cabinet Minute 415](#)

Equality Impact Assessment