

**PUBLIC CONVENIENCES –  
AGENCY ARRANGEMENTS & FUTURE PROGRAMME  
(Report by Head of Environment & Transport)**

**1. INTRODUCTION**

1.1 This report provides for Cabinet;

- (a) an update on discussions with Town Councils in respect of the future maintenance of public conveniences;
- (b) a review of matters which impact on the possible refurbishment or renewal of public conveniences since the issue was last considered by Cabinet; and
- (c) seeks approval to the release of funding to implement the decisions of Cabinet at their meeting on 4 December 2003.

**2. BACKGROUND**

2.1 The Cabinet have considered a number of reports the most recent of which, at their meeting on 4 December 2003, detailed the deliberations of the Public Conveniences Advisory Group. At that meeting Cabinet resolved (Minute 132) –

- (a) that the existing Town Centre public conveniences be replaced by semi-automated facilities based on an individual cubicle design with direct access;
- (b) that the Head of Environment and Transport be requested to contact Godmanchester, Ramsey, St Ives, St Neots and Huntingdon Town Councils to ascertain whether they wish initially to enter into an agency agreement on a temporary basis and ultimately to tender for a contract to maintain and clean those public conveniences in their towns;
- (c) that the Head of Environment and Transport be requested to invite separate tenders for the external design/construction, maintenance and cleaning of public conveniences in the Town Centres as part of one contract and for a design/construction contract only;
- (d) that the Medium Term Plan Bid relating to the cessation of the Automatic Public Convenience service in the villages be supported; and
- (e) that the Overview and Scrutiny Panel (Service Delivery and Resources) be informed of the deliberations of the meeting of the Advisory Group.

2.2 At the same meeting the Cabinet also resolved (Minute 121) –

that a review of District Council services (statutory and non-statutory), their priorities and levels of provision, be commissioned with a view to the outcomes being available within a timeframe that will enable them to be considered at the outset of deliberations on the budget and MTP for 2005/06;

- 2.3 The implementation of the Cabinet's decisions (a), (c) and (d) at paragraph 2.1 above, therefore, were deferred pending the review referred to in paragraph 2.2 above. Public perceptions of the town centre and village public conveniences provided by the District Council now have been tested as part of the consultation on service budgets and priorities. The outcome of this consultation is detailed in section 4 of this report.

### **3. NEGOTIATIONS WITH TOWN COUNCILS**

- 3.1 It was clear from initial contacts that Godmanchester and Ramsey Town Councils had no interest in assuming any direct responsibility for the operation of public conveniences. However, a dialogue has developed with Huntingdon, St Ives and St Neots Town Councils which has explored possible arrangements for their involvement in the future operation of public conveniences. This interest includes the provision of a service in respect of public conveniences in Godmanchester and Ramsey.
- 3.2 Throughout the discussions with Huntingdon, St Ives and St Neots Town Councils they have expressed a preference for the transfer of the District Council's assets and funding to them such that they can assume direct responsibility for public conveniences in their towns. Setting aside this aspiration, however, the discussions have identified a possible approach, that subject to further detailed discussion, might provide the basis for an agreement with the three Town Councils.
- 3.3 The three Town Councils have proposed that they form a consortium for the delivery of the cleaning, maintenance and repair of the town centre public conveniences in all five towns. Although the legal form of the consortium is unresolved it is assumed that it would be capable of employing staff and would be governed by a board on which each of the three participating Town Councils would be represented.
- 3.4 Issues that the District Council would need to consider in such an arrangement would include:-
- the option of waiving competitive tendering;
  - in the absence of competition the use of open-book accounting to demonstrate that funding provided is being applied by the consortium for the intended purpose;
  - in the absence of competition the potential for sharing in any efficiency saving achieved by the consortium;
  - quality control arrangements;
  - arrangements for future capital investment; and
  - representation on the consortium board.
- 3.5 As an interim arrangement the Huntingdon and St Ives Town Councils have indicated that they may be prepared to enter into an agency agreement in the form currently operated with St Neots Town Council for the cleaning of the public conveniences. This would be

conditional on the District Council indicating a commitment, through the agreement of heads of terms, to concluding an agreement which would facilitate the formation of the consortium.

- 3.6 Although the agency agreements would be bi-lateral between the District Council and each Town Council the latter would seek to establish joint arrangements that could be easily adapted to the final consortium.
- 3.7 More recently, and subsequent to the joint discussion with the three Town Councils it has emerged that Huntingdon Town Council may be prepared to enter into an agency agreement that would not be conditional on a commitment to the consortium arrangement.

#### **4. FUTURE PROVISION OF PUBLIC CONVENIENCES**

- 4.1 The public consultation supported the decision taken by Cabinet in December 2003 to remove automatic public conveniences from village locations. It is proposed, therefore, to now proceed with their removal in order to maximise the overall saving from the early termination of the agreement with their provider.
- 4.2 The public consultation confirmed that there was support for the provision of town centre public conveniences and for the planned investment in upgrading the quality of the provision, subject to priorities in other service areas having first been achieved. Accordingly, consideration has now been given to implementing Cabinet's earlier decision in respect of these assets.
- 4.3 Since December 2003 a number of proposals have come forward that impact directly on the future of a number of town centre public conveniences. It is now proposed that improvement of the following assets, and the associated funding in the MTP, is deferred until 2009/10, for the reasons given –

**Huntingdon Bus Station** The retention of the bus station on its existing site is uncertain and pending a decision in that regard it is proposed that upgrading of the toilets is deferred.

**Huntingdon Riverside** The future of the riverside area, including the football pitches and pavilion which house the public conveniences, in its present configuration has been challenged by a recent study.

**St Ives Bus Station** The Centre Vision for St Ives identified the bus station as a potential area for redevelopment and this now is being explored as part of a comprehensive review of the eastern part of the town centre.

## Ramsey

Proposals emerging from the Ramsey Area Partnership may result in the need to relocate the existing public conveniences.

- 4.4 The phased refurbishment of the remaining town centre public conveniences provided by the District Council (Riverside, South Street and Tebbuts Road, St Neots; Globe Place, St Ives; and Godmanchester) is now proposed.
- 4.5 Because of the time that has elapsed since the initial exercise to identify an ad-hoc list of potential tenderers in accordance with the Code of Procurement and EU competition regulations this exercise now needs to be repeated. In the circumstances it is proposed that the selection process is started based on the two options previously approved by Cabinet together with an operate/maintain only option. However, the final form of the tender/contract may be influenced by the Cabinet's decision with regard to any long term agreement with the Town Councils.
- 4.6 An indicative programme for the procurement and implementation of the refurbishment of town centre public conveniences follows –

December 2004	OJEU Notice published
February 2005	Decision on arrangements with Town Councils'
March 05	Short list of tenderers approved
May 2005	Tenders received
July 2005	Construction starts
March 2007	Construction complete

## 5. FINANCIAL IMPLICATIONS

- 5.1 Proposed variations to the MTP as a consequence of the delayed termination of the village automatic public conveniences, the deferment of the refurbishment of some town centre public conveniences and the re-programming of works in 2005/06 and 2006/07 are shown at Annex A. The total MTP revenue changes are given in the table below.

	Net Revenue Impact					
	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010
	£000	£000	£000	£000	£000	£000
Approved Budget	69	-84	-39	-93	-93	-93
Proposed Variation	-13	-27	-31	-22	-22	-9
<b>Revised Budget</b>	<b>56</b>	<b>-111</b>	<b>-70</b>	<b>-115</b>	<b>-115</b>	<b>-102</b>

- 5.2 The financial implications of eventually replacing/refurbishing the town centre public conveniences now deferred in the programme (see 4.3 above) will be reported separately at a future date in association

with any other financial implications related to the redevelopment of their sites.

- 5.3 Negotiations with Town Councils have assumed that in the event of an arrangement for the future operation and maintenance of town centre public conveniences being secured this will be funded at a level commensurate with the District Council's current budget provision for this activity of circa £129k annually inclusive of NNDR and services.

## **6. CONCLUSIONS**

- 6.1 The public have confirmed their support for the standard of service now proposed and an early start on the procurement process for the refurbishment of the town centre public conveniences is proposed. However, because of uncertainty about the future of some of the assets it is proposed that their upgrading be deferred allowing it to be given further consideration in association with other redevelopment proposals.
- 6.2 It was initially proposed that the procurement process was taken forward based on two options of either design, build, operate and maintain or as a single contract for design and build only. This would provide the opportunity for comparing the fully inclusive contract cost with a delivery arrangement which includes Town Councils assuming responsibility for the operation and maintenance of the public conveniences following the refurbishment.
- 6.3 When that was proposed the assumption was that all town centre public conveniences would be refurbished as part of a single programme. This now will not be case and the operation and maintenance in the longer term will include a mix of public conveniences in their existing condition and some that have been refurbished. This may make the design, build, operate and maintain option less attractive to contractors who are principally interested only in operation and maintenance involvement with the toilet units which they have refurbished. The separate tendering of the operation and maintenance of all public conveniences may, therefore, have to be pursued if an arrangement is not agreed with Town Councils.
- 6.4 It must be recognised that the Town Councils may not commit to an agency arrangement in the short term if there remains uncertainty about their involvement in the longer term. The early resolution of the negotiations with the Town Councils, therefore, is an imperative and a decision on whether they will be expected to compete for the work in the longer term may be pivotal to this.
- 6.5 Subject to the decision of Cabinet the relevant Parish Councils for villages where automatic public conveniences are sited will be informed immediately of their intended early removal and notice served on the provider of the units. Cabinet will need to authorise the release of MTP funding of £56k in 2004/05 to allow this to be taken forward.

## **7. RECOMMENDATIONS**

7.1 It is recommended that Cabinet:

- a) authorise the Head of Environment & Transport, following consultation with the Executive Councillor for Waste and Streetscene, to negotiate draft heads of terms with Huntingdon, St Ives and St Neots Town Councils for an agreement for the joint operation and maintenance of all town centre public conveniences for a period of not more than seven years and to report the outcome of the negotiations to Cabinet not later than their meeting on 3 February 2005;
- b) authorise the Head of Environment and Transport, following consultation with the Executive Councillor for Waste and Streetscene, to conclude an agency agreements, as provided for in the Local Government Act 1972, with St Ives and/or Huntingdon Town Council(s) for the operation and maintenance from 1 April 2005 of relevant town centre public conveniences for a period initially not exceeding two years;
- c) authorise the placing of notice in the OJEU for expressions of interest from contractors in providing the following services in respect of town centre public conveniences –
  - (i) design, build, operate and maintain;
  - (ii) design and build only; and
  - (iii) operate and maintain only.
- d) authorise the Head of Environment & Transport to serve notice on J C Decaux terminating the agreement in respect of automatic public conveniences in villages from 1 January 2005, and to make arrangements for their removal and for restoration of their sites;
- e) release the MTP funds in 2004/05 required to implement recommendation (d);and
- f) approve the changes to the MTP proposed in the report.

### **Background papers**

Correspondence with Town and Parish Councils  
Agency agreement with St Neots Town Council  
Report on budget/priorities consultation.

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