

SWAFFHAM TOWN COUNCIL

Minutes of an extraordinary meeting of the Town Council to be held on Wednesday 13th January 2010 at 6.45 p.m. at the Town Hall, Swaffham

Present:- Mr. D. Harman (in the chair)

Councillors:- Mrs. C. Baker, Mr. D. Butters, Mr. P. Darby, Mr. C. Gunner, Mr. T. Jennison, Mrs. S. Lister, Mrs. S. Matthews, Mr. F. Sharpe, Mr. J. Skinner, Mrs. P. Wade and Mr. D. Wickerson.

Town Clerk: Mr. R. Bishop
Deputy Town Clerk: Mrs. M. Meyrick

Public: 75

1627. To receive APOLOGIES and reasons for absence.

1627.1 Cllr I. Sherwood – family commitments.

1628. To receive DECLARATIONS OF INTEREST for items included on the agenda.

1628.1 Cllr D. Butters declared a personal interest as museum director.

The meeting was adjourned at 6.47 to allow members of the public to address the Council.

The meeting reconvened at 7.07

1629. To receive and consider report and recommendations from the Public Toilet Working Group in relation to the COMMUNITY TOILET SCHEME by the Town Clerk.

The Town Clerk outlined a few notes for the Council to take into account as follows:

At the full Council meeting next week the remainder of outstanding correspondence is included in the meeting pack distributed at the meeting. There are 8 letters relating to the Community Toilet Scheme. All issues raised are similar to those raised in previous correspondence already taken into account by the Working Group resulting in their report.

There are also two further letters which deal with management issues, one relating to the early closing of toilets on two previous occasions and the other suggesting improvements to the disabled toilet provision. These are management issues the Council can discuss but may wish to consider referring to the Working Group.

The Town Clerk highlighted issues within each section and answered questions from Councillors at the end of each section, either following or during the debate. All of the recommendations are dealt with at the end as the Working Group felt that all of the issues are inter-linked and it is better to have the debate then decide a plan of action. The debate may throw up improvements that might amend the recommendations.

1630.1. Community Toilet Scheme – implementation/practicalities

1630.1.1 The Public Toilets Working Group met on three occasions: Monday 7th and Thursday 17th December 2009 and Tuesday 5th January 2010. They were tasked with looking specifically at the feasibility of a Community Toilet Scheme with the aim of having this operational by 31st March 2010.

1630.1.2 In order to review all issues relating to the community toilet scheme it was necessary to take account of any national or local information of comparative schemes elsewhere, government guidance or strategies and correspondence received. This is in addition to the 'public toilet review' which was considered by the Town Council at their October 2009 meeting.

1630.1.4 The Working Group identified 21 local businesses that potentially could participate in the scheme. Letters were sent to each business and followed up by a telephone call to arrange a personal visit by the Town Clerk. A total of nine businesses agreed to meet, with eight meetings taking place in week commencing 14th December (with Star Fish Restaurant, Market Cross, Legends Café, Stratton Hotel, Icen Partnership, Red Lion, Mother Hubbard's, Town Council and one (East Garden Chinese Restaurant) experiencing personal problem, then changed their mind.

1630.1.5 Of the remaining 12 businesses, 1 (the Museum) called an extra-ordinary meeting and responded by letter as not in favour, 1 (the Kings Arms) was un-contactable, 1 (White Hart) had not yet opened, 1 (George Hotel) passed the letter on to head office who failed to respond, 2 (the betting shops Corals and William Hill) were restricted to adult access only and failed to see the purpose of a meeting, 1 (Pedlars Café) was extremely rude and the remainder (Nico's, Horse & Groom, Rasputin's, Tea Pot, Mr. Chips, and the Greyhound) for one reason or another were not interested.

1630.1.6 Of the eight businesses who agreed to meet the majority were not interested in the community toilet scheme, in fact only two reluctantly agreed to participate in the scheme apart from the Town Council itself but only as a last resort. This would be in the event that the current toilets were going to be closed, and to ensure there was toilet provision in the town. The Town Council agreed to allow the Town Hall's disabled toilet to be a part of the scheme during their public opening hours; this was the only firm commitment to the scheme.

1630.1.7 At the December Town Council meeting it was suggested businesses outside of the Town Centre area should also be contacted with a view to being a part of the Community Toilet Scheme. This was contrary to the main objective to provide alternative toilets in the town centre. The outlying areas being in a scheme would be of little benefit if there is no support in the town centre. The Working Group rejected this idea at their second meeting for this reason. It was deemed detrimental to the Town to encourage business away from the Town Centre. It may well have added value to the Community Toilet Scheme if there was sufficient take up within the Town Centre itself, but not as an alternative.

1630.1.8 Further information related to the community toilet scheme that needs to be drawn to the attention of the Council:

- a) There is far more involved with the community toilet scheme in terms of the impact on existing Town Council staff than was first thought. This would be to inspect the premises on a regular basis and monitor the service level agreements. Whilst the scheme is promoted as a Town Council scheme all complaints will still be directed to the Town Council at the Town Hall.
- b) In general Community Toilet Schemes have only been successful where they have been introduced to compliment public toilets not to replace them. In the limited amount of time available for research no examples of Community Toilet Schemes were found where public toilets have been closed and replaced by the scheme. Very few examples have been found where Community Toilet Schemes operate in rural areas and all examples found are in Towns with a much greater population than Swaffham.

1630.2. Service delivery agreement for public toilets

1630.2.1 Plan b and beyond? There are many factors to consider before formulating Plan b; first of all we have a service level agreement in place until 31st March 2010. There is an option to carry this on for a further three years or on a month by month basis or change things completely by using Town Council staff.

1630.2.2 The status quo is an option with the only concern being what happens in four years time when the money runs out? How therefore can we improve the current service and reduce the costs?

1630.2.3 The current service level agreement has had its problems. At certain times of the year additional cleans are needed. At certain times of the week primarily Saturday's the toilets would benefit from an additional clean and a more visible site presence. At certain times of the year i.e. the school summer holiday period and the Thursford show season the toilets would benefit from being open for longer periods. Contractors would inevitably charge more money to give this improved service.

1630.2.4 Initially the unknown element of managing the toilets moved the Council towards using contractors for the cleaning and the maintenance of the toilets. Using the experience of the past two years it may be more feasible to use staff as an alternative to provide a more flexible service at similar or reasonable cost.

1630.2.5 In the tender documents for the former TIC building an offer was made by KC Cars to act as a watchdog in regard to the toilets. To report problems to the Council and carry out minor repairs at little or no cost.

1630.3. Impact of managing toilets on Town Council staff.

1630.3.1 The impact of Town Council staff managing the Community Toilet Scheme is highlighted at 1.8 (a). The impact of Town Council staff managing the toilets as they are at present cannot be ignored and is a hidden cost that is difficult to estimate.

1630.3.2 Staff time is dependant on so many things such as the number and level of complaints in terms of administration; responding to correspondence, telephone calls or face to face at the Town Hall. Outside staff deals with the minor blockages or damage caused by vandalism or meeting with contractors.

1630.3.3 The toilets also take up time within Council meetings, separate meetings with Councillors and policy making. These are the kind of issues that will not go away whichever way the Council manages toilets in the future.

1630.4. Morals and responsibility, financial implications, who pays, who should pay?

1630.4.1 The Town Council's morals have been called into account since the October 2009 meeting. This is disappointing as all Council's have a duty to explore whatever means possible of delivering services either at a more reasonable cost or by alternative means to deliver a better service. Swaffham Town Council operates under best value principles and constantly challenges service delivery, costs and strives to make improvements.

1630.4.2 The provision of public toilets is discretionary – this is a fact. But the importance of public toilets to any market town has to be weighed heavily in its economic well-being. The financial implications are argued strongly in economic terms, as businesses see public toilet provision as essential, even with the proposed Community Toilet Scheme. The latter is seen as a second rate option which simply would not work in Swaffham.

1630.4.3 The question of who pays is where the Town Council is coming from. The whole exercise of a Community Toilet Scheme was put forward as a cost cutting exercise from the Council Tax payer's perspective. This is why the feasibility is being looked at now; whilst there is an opportunity to use the capital in a more innovative way. There is no direct benefit to the Town Council one way or the other.

1630.4.4 So who pays? Right now there is no problem; there are sufficient funds to pay for the toilets for the next few years at least out of the commuted sum received from Breckland Council. The problem is after that money has run out by default all the cost of running the toilets would be paid by the Council Tax Payer. The figure of £9.60 at Band D has been well publicized as the cost for anyone living in Swaffham each year.

1630.4.5 Do we use some of the capital to make it possible to accept a charge of 20p – would the Thursford Coaches still pass Swaffham by because of the charge? How do we overcome the possibility of increased vandalism and deal with the high risk for staff collecting money from slot machines? Is the principle of the public paying right?

1630.4.6 There is a line of argument to say that the biggest benefactors are the businesses in town for keeping toilets open in the town, so should they be the ones to pay? Businesses will argue that they pay enough non-domestic rates as it is, but none of this comes back to the Town it goes into the national pot.

1630.4.7 Responsibility is a word often kicked around like a football between Town, District or County. So where does it sit? Various arguments on tourism, health, morals, age or disabilities are valid, others not so strong. County and District would point the finger back at the Town on the grounds of discretion, as their funds are directed mainly at statutory services. The Town therefore can use their discretionary powers to provide for toilets if the town itself demands the service. Obligated – no, but if the majority of people in the town are prepared to pay for the service then... why not?

1630.5. Consultation to date and possible areas of improvement.

1630.5.1 There was no consultation carried out prior to the Town Council decision taken in October to move towards a Community Toilet Scheme. This should be acknowledged as a mistake by the Council. This has not helped the consultation that has taken place since then by the Working Group. Whilst the outcome may have been the same; the mis-information and bad feeling could have been avoided.

1630.5.2 Previous consultations carried out by the Recreation Ground Committee have all put public toilets as a high priority.

1630.5.3 The work of the Town Partnership Committee and recent launch of the Town Plan 'Advance Swaffham' pays due attention to the importance of public toilets.

1630.5.4 The Working Group raises the question of a survey in the town to see what the public want to do on the key issues of whether to charge or not to charge? And/or whether to put the cost on the Council Tax payer via the precept? There may be other issues which would benefit from specific data to support any future recommendations.

1630.6. Letters received from residents, local businesses and media interest.

1630.6.1 The public toilets are an emotive subject that has attracted considerable correspondence from members of the public. The toilets appeared to strike a chord which angered and upset many people. Some of the criticism the Council have taken on the chin as it is valid, other less relevant or

unwarranted criticism has been dismissed. Interestingly there were as many letters from outside the town as from residents living in Swaffham. Most of the correspondence could have been avoided with prior consultation or could have been taken as part of the consultation process if handled in a different way. The Working Group believe there are lessons to be learned from this and all of the relevant issues raised will be taken into account to improve matters in the future.

1630.6.2 The business community appear to be galvanised in their opposition to the Community Toilet Scheme. In general they feel the toilets are essential to the economic well-being of the town, whilst at the same time believing they should not contribute towards the running costs. They firmly believe costs should be met by the Council Tax and/or partially subsidised by charging an entry fee. There was an odd exception to this view, but in general the majority were in agreement. Some took the opportunity to tell the Town Council everything they have done wrong over the past 30 years, with lack of funding for Christmas lights coming top of a different agenda.

1630.6.3 The media interest has been sustained throughout the past few months. An initial report in the EDP was factually correct but had an unfortunate headline that stirred up opposition to 'public toilets closure'. From that point on the facts were a mere insignificance, as it proved with the Town Council issuing a press release which was taken out of context to poor petrol on the flames.

1630.7. Petition against the closure of public toilets.

1630.7.1 To put this in perspective historically petitions are the easiest method used to demonstrate support for or against a particular issue. They can be organised by a relatively small amount of people and whilst numbers of signatures are always noted; it is widely known that people do not always sign petitions for the right reasons and this is their weakness. They can feel pressurized to sign, or sign without understanding the issue or simply sign to get the person collecting signatures off their case.

1630.7.2 On many occasions in the past Swaffham Town Council has received petitions and have taken them as if receiving from one person. This approach is not uncommon nationally, but notwithstanding this and the above the messages are as follows:-

a) To Swaffham Town Council petition against the closing of Swaffham Toilets (60) representing 56 businesses in town.

b) Petition against closure of public toilets Swaffham Market Traders (43).

c) Petition against closure of public toilets in Swaffham would you mind a small charge?

This petition claims 2000 + public signatures; the petition has some interesting signatures including F. Christmas from Necton and M. Mouse from Swaffham, again demonstrating another weakness of petitions. The signatures have not been comprehensively checked for duplication. It should be noted though that some have name, address and signature, some have name and signature, some have just signature. There are written messages on some sheets, some continuation sheets have no message.

There are three other variations of the message as follows:-

1) To Swaffham Town Council petition against the closing of Swaffham public toilets. Would you be willing to pay a small charge for using the toilets? As one alternative.

2) Petition against closure of public toilets.

3) Petition against the threat of closure of Swaffham Town toilets. We the undersigned oppose any move by certain members of Swaffham Town Council to close the existing toilets. The toilets are an important amenity for the town, it's businesses and visitors. In particular we understand that the toilets were renovated in the past 2 years at considerable public expense (in excess of £100,000 from Breckland Council) accompanied by a similar sum to pay for ongoing running costs. On top of this the Council has just received over £250,000 from the sale of allotment land. We believe any alternative arrangements being considered will in no way substitute for the existing facilities. We therefore request that the Council reconsider it's position.

1630.8. recommendations for action in relation to the public toilets.

RECOMMENDATION 1

Community Toilet Scheme – implementation/practicalities

The prime objective of establishing if a Community Toilet Scheme is feasible by the 31st March 2010 has been achieved. The timescale set was unrealistic and at best very optimistic; July 2010 would be the earliest to implement the scheme. However, there is insufficient support from businesses located in the Town Centre to participate in the scheme to collectively be of an appropriate standard to replace the existing public toilets. There is widespread public opposition to the scheme and far too many concerns to address to ensure that the scheme would work in Swaffham as proposed: It is recommended to look at alternative ways of managing the public toilets and cutting expenditure; as it is not possible to implement the Community Toilet Scheme as proposed at the October 2009 meeting of the Town Council. Recommendation 1 taken was proposed by Cllr F. Sharpe, seconded by Cllr T. Jennison.

It was agreed by 10 votes to 0 with 1 abstention to look at alternative ways of managing the public toilets and cutting expenditure; as it is not possible to implement the Community Toilet Scheme as proposed at the October 2009 meeting of the Town Council.

RECOMMENDATION 2

Service delivery agreement for public toilets

For the Public Toilet Working Group to examine the current Service Delivery Agreement with a view to improving the day to day cleaning of the toilets. To look into the possibility of using additional and existing staff to carry out toilet cleaning duties as an alternative to contractors. To also take advantage of an offer by KC Cars; for reporting and carrying out minor damage to the toilets. It is recommended that the Public Toilet Working Group report back to the Town Council at the earliest opportunity with their recommendations. Recommendation 2 was proposed by Cllr F. Sharpe, seconded by Cllr D. Wickerson.

It was unanimously agreed that the Public Toilet Working Group report back to the Town Council at the earliest opportunity with their recommendations in respect of improving the day to day cleaning of the toilets.

RECOMMENDATION 3

Impact of managing toilets on Town Council staff

The working Group to take into account any staffing issues as part of any future management. The Town Clerk to discuss various staffing issues relating to the toilets with the Personnel Committee. It is recommended that the Personnel Committee make final recommendations to the Town Council for any proposed changes relating to staff. Recommendation 3 was proposed by Cllr F. Sharpe, seconded by Cllr D. Wickerson.

It was unanimously agreed that the Personnel Committee make final recommendations to the Town Council for any proposed changes relating to staff.

RECOMMENDATION 4

Morals and responsibility, financial implication, who pays, who should pay?

There are many unresolved issues that could benefit from further data, as arguments for or against are in the balance. It is recommended that the Working Group be tasked with finding a method of consultation to as a minimum find out if the general public are prepared to accept an increase in Council Tax and/or a 20p charge for toilets. It was proposed by Cllr D. Wickerson, seconded by Cllr P. Darby to defer Recommendation 4.

It unanimously agreed to defer a decision on whether the Working Group should be tasked with finding a method of consultation to as a minimum find out if the general public are prepared to accept an increase in Council Tax and/or a 20p charge for toilets.

RECOMMENDATION 5

Consultation to date and possible areas of improvement

The Town Council should publicly acknowledge that insufficient consultation has taken place on the management and delivery of public toilets in the town. In relation to Recommendation 4 the Working Group has already prepared a draft survey form. It is recommended that this survey is now finalised and carried out as a matter of urgency to allow the Working Group to report back to the Town Council at the earliest opportunity. Recommendation 5 was proposed by Cllr D. Wickerson, seconded by Cllr S. Lister.

It agreed by 10 votes to 1 that a survey is now finalised and carried out as a matter of urgency to allow the Working Group to report back to the Town Council at the earliest opportunity.

RECOMMENDATION 6

Letters received from residents, local businesses and media interest

There are a number of valid points to take into account when the Working Group finalise their recommendations for the Town Council. The Group to consider whether any issues need further consultation, as part of surveys etc. The Group to also revisit standing orders in respect of publicity, information and the local media. It is recommended that the Working Group summarize all points made in correspondence, with concise reason to include or reject as part of future management; in their final recommendations to the Town Council. It was proposed by Cllr D. Wickerson, seconded by Cllr S. Lister.

It was unanimously agreed that the Working Group summarize all points made in correspondence, with concise reason to include or reject as part of future management; in their final recommendations to the Town Council.

RECOMMENDATION 7

Petition against the closure of public toilets

To record receipt of the messages contained in the various versions of the petition in relation to the public toilets. For the Council to consider a policy on petitions at a future meeting as part of a wider public engagement strategy. To also consider publishing such a strategy on the Town Council's website. It is recommended to include a policy on petitions as part of a public engagement strategy. It was proposed by Cllr C. Gunner, seconded by Cllr T. Jennison.

It was agreed by 7 votes for 0 against and 4 abstentions to include a policy on petitions as part of a public engagement strategy.

1631. To answer any outstanding issues raised in the PUBLIC OPEN FORUM not answered within the report and the subsequent debate.

The Town Clerk answered the issue raised by Mr. Candler regarding the cost of the public toilet refurbishment of £100,000. The specification was prepared by Breckland Council and the Town Council went out to competitive tender with the successful company being based in Swaffham some

£40,000 less than any other company. As the Council had used this builder previously for the Museum refurbishment they could rely on the standard of work being value for money. The Town Clerk commented generally on the issue of finance, as the Budget meeting was attended by only two members of the public last month, how good it would have been to have a similar number to this evening present so they could see that Council decisions are transparent.

1632. To receive brief summary by the Town Clerk and concluding comments from the Mayor.

1632.1 The Town Clerk stated that the Working Group have been given clear instructions and would continue to move matters forward and bring further recommendation back to the Town Council. There had already been a lot of thought and research carried out by individual Councillors who are also volunteers. The Mayor thanked the working party and stated he was glad that the public turned up tonight. He reiterated that the Council always wanted to provide a public toilet facility - he then thanked everyone for their attendance.

1632. ADMISSION TO MEETINGS ACT (PUBLIC BODIES) 1960 – following the exclusion of the public and the press.

1632.1 White Hart application for extension of their licensing hours.– Cllr D. Wickerson proposed the Council object to current application but would suggest licence is granted to midnight. The objection on the ground of public disorder and public nuisance – impact of disturbance to local residents. This was seconded by Cllr S. Lister.

It was agreed unanimously that the Council object to current application but would suggest licence is granted to midnight. The objection on the ground of public disorder and public nuisance – impact of disturbance to local residents

The meeting closed at 8.21pm

Chairman.....Date.....

Notes from the public session

The first point made was that 15 minutes for this subject is ludicrous half an hour is more likely to be required.

- *The Mayor responded by saying that 15 minutes is what is allocated – there is usually no public session at all at an extraordinary meeting.*

Further comment was then made: 15 mins is not sufficient should be looking at a process of dialogue

If the community toilet scheme goes ahead how do we local businesses into the process – how do you keep them in the scheme and if they come out?

This is an indictment of Breckland council that in excess of £100,000 has been spent on the toilets.

Swaffham is an agreeable and attractive town – amenities are shared by visitors of the town – find it disgraceful that readily available and well signposted amenities are not provided for the public – it is embarrassing for the incumbent and for the visitor. Thursford and buses waiting for those facilities need the toilet facilities – suggest to be unable to fund a basic facility is unsatisfactorily – use employees of the Council for the facilities etc. 12 hour system of shift work £50,000-£60,000 budget per year to run the toilets – it is a disgrace if the council cannot run a facility adequately

Regarding Coach Companies - if the toilets close coaches will not bring our people to Swaffham especially November and December. Shop keepers rely on this trade to see them through these months – think its not right to ask the business to allow people to go through their premises.

No where in the report is a detailed costing plan for the toilets? How you can make a decision without that? No toilets will mean fewer visitors – last year the town council had the highest raise in rates in the whole of Norfolk.

Last year in the original review there was some figures of expenditure – the total spend was £19,000 cleaning was £10,700 and water rates is £5,000 – cleaning cost is excessive these are the things that can be looked at to reduce the cost.

The date of this document is 13th January – does that mean it was only ready today? Last year a gentleman was relieving himself at the back of the toilets because they were closed as it was bank holiday. Outside workers use the toilets a lot.

Lots of toilets in shops and restaurants are up and down stairs. A lot of people that visit are elderly, is it feasible for people to seek out the use of toilets, it could be embarrassing.

The only councillor who is not here to face the music tonight is Cllr Sherwood who was the one who was most vocal on this issue.

The Council knew the money would run out what did you plan to do then?

Regarding the swot analysis – prevent vandalism is seen as a strength - how can you be sure a vandal would not do this in businesses premises?

Assembly Rooms is always closed are you going to open the toilets here at the Town Hall for the public?

Are people going to have to go from place to place or will there be a sign?