

Response to proposed closure of some toilets in East Cambs by East Cambs District Council.

I speak as Chairman of the East Cambridgeshire Access Group. These comments relate to Agenda Item 6 Asset Development Committee ECDC held on 1/2/2016.

We agree it is right that that East Cambs District Council (ECDC) should review the provision and condition of Public Toilets in the district on a regular basis, also that the public should be consulted.

However, this review, in its' stated purpose, does not include ensuring that a satisfactory service is provided. It appears to be based only on economics.

Indeed I have been unable to find out how often a maintenance review is carried out to ensure high standards are kept. I have asked ECDC:

- When was the previous revue carried out?
- What were the findings?
- What action was taken?

Their reply is, and I quote, 'as far as I am aware this is the first revue .....Before this and they continue to do so, cleaners are in there every day (morning and night) and would report issues to the facilities team if there were any.'

**Agenda Item 6: 5.2**

No Equality Impact Assessment (EIA) was carried out before recommendations were made to the Asset Development Committee on 1/2/16. The Public Sector Equality Duty (PSED) requires District Councils to have 'due regard' to those with 'protected characteristics'; an EIA must be carried out and taken into account before recommendations are made (Equality and Human Rights Commission, Equality Impact Assessment Guide). After this meeting, this requirement was pointed out to the report author. Their first EIA was made on 19/2/2016; after I made comment on this, a second EIA was produced on 1/3/2016 which took into account some of my points; so recommendations were made to a decision making body a full month before the EIA was carried out.

**The Equality Impact Assessment**

**Page 1:**

Users of public conveniences will not benefit, they will suffer from less provision.

**Page 2:**

**Barton Road Car Park** is half a mile from the nearest Accessible Toilet (Google Maps shortest route) at a fast walking pace (4 miles an hour) this would take at least 12minutes for a fit person – probably twice as long for someone with restricted mobility providing there is improved signage. This is neither a reasonable nor adequate alternative provision nearby.

**Newnham Street car park.** Has a survey of use been carried out? It is stated that the car park is busy; this serves the shopping centre, the sports centre, small children's playground and the playing field. There is no accessible toilet on the playing field or playground, nor in the sports centre. The nearest accessible toilet is in The Cloisters. Could the Cloisters facility cope with the increase use that would be generated? Has an assessment been carried out? If so, it has not been included in the EIA.

**Sacrist gate:** The Accessible Toilet is not fit for purpose. It does not comply with British Standard 8300.2009 and it is not possible to close the door with a wheelchair in there, so is only suitable for an ambulant user. There is a need for a British Standard accessible toilet in this area – particularly as there are facilities for others on the Palace Green which are heavily used in the summer months. The Access group would be happy to help find a solution to the need for an accessible toilet in this area. They would then consider closing this facility as reasonable.

The EIA does not take into account those with caring responsibilities which is a 'protected characteristic'; an accessible toilet is needed when the user needs assistance from a carer.

**Page 3.**

The EIA continually makes reference to Accessible Conveniences being available on Palace Green, there are none.

Point F: Bv reducing facilities by 50% and accessible toilets by 60% the impact is obviously 'less favourable'. To state otherwise is untrue and misleading.

Point G: These closures do have 'potential to disadvantage and discriminate against groups' and therefore may be open to challenge under The Equalities Act (2010)

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The Access Group has not been consulted on the proposals. As Chairman I drew ECDC's attention to the need for an EIA and then made comment on their first attempt.

Points I and j: Why are not applicable? Is it because there has been no consultation on closures?

Point K The evidence is incomplete and therefore insufficient to be called 'Robust'. It discriminates against those with protected characteristics and has not been justified.

## Agenda Item 6; 2.1

'The objective of the service is to clean, manage and maintain the public conveniences (Open spaces & Facilities Service Delivery Plan 2015/2016)'.

**There has been a failure to maintain.**

### 2.2.1'

Access to public conveniences is important to the community and is valued by residents and visitors.' **This is a community issue not a political issue as some are making it.**

### 2.3.1

The cost of the toilets, in 2014/2015, which ECDC propose closing was just under £64,000. **In the corporate Governance and Finance Committee Report on Jan28th 2016**

**Item 2.1 a surplus of £851,566 is projected for 2015/2016. There is no economic reason why the facilities could not have been maintained to a satisfactory standard. Their condition reflects their neglect.**

**5.1** The public consultation was 'as to whether or not the Council should introduce charging for new and improved public conveniences'. **No public opinion was sought on closure.**

**152 responses were received. There were 193 comments of which 10 made reference to closure:**

- **3 suggested that 2 sets of facilities near Palace Green might not be necessary.**
- **5 suggested reviewing current provision to assess reducing duplication.**
- **2 wanted some closed but didn't specify.**

**Therefore 5% made reference to closure of which 2% suggested some closure; this cannot be reasonably considered an endorsement for closure by public opinion.**

**To summarize:**

No public consultation has been carried out on closure of public conveniences.

There is no evidence of a ground swell of opinion in favour of closure.

The evaluation does not take into account all those with protected characteristics as required by The Equalities Act 2010 which may make the decision open to legal challenge.

The evaluation does not take into account other users of accessible toilets.

The Equalities Impact Assessment was produced 1 month after recommendations were made so a decision was taken contrary to the requirements of The Public Sector Equality Duty.

The poor state of the facilities is due to neglect and lack of maintenance from under investment and the policy of only reacting after a complaint rather than of regular revue.

There is no economic reason to reduce the provision as ECDC has a projected surplus this financial year of over £800,000.

Ely is an expanding city therefore may require more public conveniences in the future.

The fact that these facilities are not a statutory requirement does not prevent ECDC from providing them.

East Cambridgeshire Access Group consider that ECDC:

- have not consulted sufficiently,
- have failed to show a public demand for closure of these facilities,
- have failed to demonstrate justification for closing these facilities.
- have failed to carry out correct procedure by not producing the EIA prior to the decision by the Asset Development Committee,
- have made a decision on untrue and misleading information,
- have neglected to maintain these facilities even though funds are available,
- can show no economic necessity for closing this facility with a budget surplus of over £800,000 ,
- may be open to challenge under the Equalities Act 2010.

They also consider that:

- the Barton Road and Newnham St Public Conveniences need to remain open,
- as ECDC budget is in surplus for 2015/6 money should be invested returning all public conveniences to a good condition.
- there may be justification for closing the facility at Sacrist Gate and the Access Group would be willing to help ECDC find a solution to providing an accessible toilet in the vicinity of Palace Green.

All the evidence, on which this response is made, has been taken from minutes, assessments, emails and statements produced by East Cambs. District Council, plus consultation with the Equalities Advisory Support Service.

Victoria Holden. Chairman, East Cambridgeshire Access Group. 12  
February 2016.