

Notice of Non-key Executive Decision

Subject Heading:	Approval to temporarily close Corbets Tey Public Toilets during the government-imposed Covid-19-related lockdown.
Cabinet Member:	Cllr Osman Dervish
SLT Lead:	Barry Francis, Director of Neighbourhoods
Report Author and contact details:	Jacki Ager Waste and External Contracts Manager Ext 3363
Policy context:	Ensure Havering is kept Clean and Safe
Financial summary:	Minimal impact £24.00 per day in cleaning costs if continued payment is required, plus potential street cleansing costs that would be negated by a general reduction in street cleansing requirements.
Relevant OSC:	Neighbourhoods
Is this decision exempt from being called-in?	Yes – urgent decision, delay would seriously prejudice the Council's or the public interests.

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The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Approval is sought to accept the recommendation to temporarily close the Corbets Tey Public Toilet during the period of government-imposed lockdown, brought about by the requirement to control the spread of Coronavirus/Covid-19.

AUTHORITY UNDER WHICH DECISION IS MADE

Council's constitution part 3, Responsibility of Functions
Section 3.8.3:

- (i) To exercise the Council's powers in relation to providing public conveniences.

STATEMENT OF THE REASONS FOR THE DECISION

The coronavirus outbreak has led to a lockdown imposed by government, including:

Closure of schools, non-essential shops, play areas, indoor and outdoor gyms, public buildings and a large number of other establishments.

An instruction to all citizens to exercise social distancing, including staying at home unless it is absolutely necessary to commute to work, and to only leave the house for essential shopping, exercise once a day, or to care for vulnerable relatives.

This has led to a significant reduction in people in public areas.

Part of the government's reasoning around closure of outdoor gyms (as an example) was the inability to sanitise the equipment at a frequency required to ensure contamination is eradicated. The same can be said of the public toilets, which are normally cleaned twice a day. There would be no guarantee that the virus, if introduced to surfaces within the facility, would be eradicated to prevent cross-contamination, and possible infection of users.

Furthermore, as the toilets are regularly subject to vandalism, the Council will have a reduced ability to respond to these incidents by way of maintenance and repair services.

In addition to this, the 9 privately-contracted public toilets in the Borough, operated by JC Decaux, have already been temporarily closed as a London-wide measure; a decision taken by the JC Decaux Management Board.

The closure will be reviewed on 29th May 2020 in order to assess the national situation and guidelines around public facilities.

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OTHER OPTIONS CONSIDERED AND REJECTED

Keep the facility open: Whilst lockdown means a large reduction in users, the facility is only cleaned twice a day. Therefore, there would be no guarantee that the virus, if introduced to surfaces within the facility, would be eradicated to prevent cross-contamination, and possible infection of users.

Furthermore, as the toilets are regularly subject to vandalism, the Council will have a reduced ability to respond to these incidents by way of maintenance and repair services.

PRE-DECISION CONSULTATION

N/A

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NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Jacki Ager

Designation: Waste and External Contracts Manager

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Public Health Act 1936 (as amended) provides that a Local Authority may provide sanitary conveniences in proper and convenient situations. The provision of public toilets is therefore a discretionary service. The discretion should be exercised reasonably and with a clear objective rationale.
2. This report seeks approval to implement emergency business continuity arrangements in connection with the COVID-19 outbreak. The background is as set out within the body of this report and any appendices to it.
3. The Council has a general power under section 1 of the Localism Act 2011 to do anything that individuals generally may do, including to implement the arrangements proposed in this report. The Council has a general power under section 111 of the Local Government Act 1972 to do anything which is calculated to facilitate, or is conducive or incidental to the discharge of its function.
4. The Council is a local authority and a best value authority with duties and powers to make arrangements to secure continuous improvement in the way it exercises its functions, pursuant to Part I of the Local Government Act 1999.
5. Section 2 of the Civil Contingencies Act 2004 requires the Council, as a category one responder, to maintain emergency plans and business continuity arrangements; for the purpose of ensuring that if an emergency occurs or is likely to occur the body is able to perform its functions so far as necessary or desirable for the purpose of (i) preventing the emergency, (ii) reducing, controlling or mitigating its effects, or (iii) taking other action in connection with it.
6. **Equality Act** - the decision maker must also comply with the Public Sector Equality duty to consider the need to promote equality for persons with "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and have due regard to:
 - eliminate discrimination, harassment, and victimisation;
 - advance equality of opportunity;
 - foster good relations between persons who share a relevant protected characteristic and those who do not share it.
7. In order to do this the Decision maker will need to have sufficient information about the effects of the proposed changes on the aims of the Equality Duty. The Equalities impact assessment is designed to assist with compliance with this duty and so the Decision maker must take into consideration the assessment and the public sector equality duty before taking the decision.

FINANCIAL IMPLICATIONS AND RISKS

Minimal impact £24.00 per day in cleaning costs if continued payment is required, plus potential additional street cleansing required in the vicinity, however that would likely be negated by a general reduction in street cleansing requirements.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Reduced workload for staff opening/locking and cleansing the facilities.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

- 1.1. The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- 1.2. (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- 1.3. (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- 1.4. (iii) Foster good relations between those who have protected characteristics and those who do not.
- 1.5. Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.
- 1.6. The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. It is acknowledged that in emergency or urgent situations it will not always be possible to carry out an EqHIA in advance of a relevant activity, however, managers will undertake the required EqHIAs at the earliest opportunity. Where managers are already clear that protected groups/users will be impacted negatively by the intended activity, then this will be noted in the next paragraph and/or put into EqHIAs. Where the negative impact of the intended activity can be mitigated, this too should be set out in this report and/or the EqHIA.

In all situations, urgent or not, the Council will seek to ensure equality, inclusion, and dignity for all.

The suspension of this service may disproportionately affect homeless members of the community who may currently use the facility, as well as any Council staff on essential duties. However, the vast majority of people will be self-isolating, and

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therefore the number of potential users will drop significantly. Local authorities have also been tasked with the commitment to house all rough sleepers at this time.

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

Name: Sue Harper

Cabinet Portfolio held: Environment

CMT Member title:

Head of Service title:

Other manager title: Assistant Director - Environment

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____