

Notice of Non-key Executive Decision

Subject Heading:	Approval to reopen Corbets Tey Public Toilets following relaxation the government-imposed Covid-19-related lockdown rules.
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:	Cost of temporary communications materials to erect in and around the facility (up to £2000).
Relevant OSC:	Neighbourhoods
Is this decision exempt from being called-in?	No

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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 reopen the Corbets Tey public toilet with the appropriate measures in place around signage, cleansing and hand sanitising provision. It should be noted that Romford Market Place public toilets reopened to the general public on 1st August 2020.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 Responsibility for Functions of the Council's Constitution:

Section 3.3 – Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

General Powers

(a) To take any steps necessary for proper management and administration of allocated portfolios.

(c) To make arrangements to secure continuous improvement in the way the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness etc as required by external regulatory agencies.

Section 3.8.3 Street Care:

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

STATEMENT OF THE REASONS FOR THE DECISION

The coronavirus outbreak in March 2020 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, initially led to a significant reduction in people in public areas.

The initial reasons for the closure included:

- No guarantee that the virus, if introduced to surfaces within the facility, would be eradicated to prevent cross-contamination, and possible infection of users.
- 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.

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In addition to this, the 9 privately-contracted public toilets in the Borough, operated by JC Decaux, were temporarily closed as a London-wide measure; a decision taken by the JC Decaux Management Board. These were reopened on 15th July.

The Minister of Housing, Communities and Local Government sent an open letter to all public authorities dated 28th June 2020 detailing their expectations that public conveniences are reopened and a set of guidance for Councils to consider.

It is proposed to reopen the facility with the appropriate measures in place around signage, cleansing and hand sanitising provision. This mirrors the reopening of the Romford Market public toilet facility to the general public on August 1st.

Measures will also include a limit on the number of users within each block (3 users in each) and a recommendation to users that this quantity should not be exceeded. All parents remain responsible for ensuring children adhere to social distancing guidelines.

Where users require assistance, there is a disabled toilet available at the site which may be more appropriate, allowing a user to enter the facility with a carer / assistant. This will also display signage regarding things like hand washing.

In the male toilets it is proposed to reopen both the cubicles and the urinal, with signage to indicate where users should stand at the urinal to limit it to 2 users at a time.

Where there are windows present, these will be opened during operating hours to maximise ventilation.

The toilets will continue to be cleaned twice a day, with all surfaces / touch points sanitised with an antibacterial 4-in-1 spray that offers 24 hour protection. Whilst being cleaned, the toilets will be locked to ensure the safety of the cleaning operative.

Outside the blocks the floor will be marked to indicate queuing distances, and a hand sanitiser unit will be in place just inside each entrance to be used on access and egress.

The signage will also be offered to the proprietors of toilets located in parks at Langtons, King Georges, Raphael (x2) and Harrow Lodge. These are maintained by the café tenants who will be expected to manage these in accordance with the latest government Covid-19 advice.

A risk assessment has been produced to ascertain likely impacts on users. With the above measures, on average the risk level was brought down from “tolerable” to “adequate”. Given the ongoing pandemic, unless the facility closure continues this risk level will remain for the foreseeable future.

Should incidences of vandalism cause the facility to be closed for a period, it is proposed to encourage other local establishments, such as Upminster Library to make their facilities available to the general public. This is dependent upon the library producing the appropriate risk assessment. Whilst there is no means to incentivise

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businesses at the current time, this will be possible in future with the introduction of a Community Toilet Scheme.

OTHER OPTIONS CONSIDERED AND REJECTED

Keep the facility closed: Given the easing of lockdown rules, more residents are visiting the adjacent park and high street. Whilst there is no statutory obligation on local authorities to provide public conveniences, as this is an existing facility there is a high public expectation that it will come back into use. Having access to conveniences where hand washing facilities are available should also assist with greater protections to public health generally. Should closure be forced due to incidences of vandalism, it is proposed to encourage other local establishments, such as Upminster Library to make their facilities available to the general public.

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. 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.
3. 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.
4. The safety of staff will be considered by way of appropriate risk assessments as needed in order to meet obligations under Health and Safety at Work Act 1974.
5. 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.
6. 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

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Minimal impact £24.00 per day in cleaning costs (already within existing budget), plus approximately £2000 in communications materials, including banners, posters and floor stickers.

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

The appropriate risk assessments will be produced to ensure their continued safety of our staff and in meeting duties under Health and Safety at Work Act 1974 obligations.

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 have undertaken 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 reintroduction of this service will have a positive impact on the community, however those users from either clinically vulnerable or high risk groups should be urged to exercise caution if using the facility. An EqHIA has been produced for the

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purpose of identifying where these groups may be at risk, but on balance the reintroduction of the facility will have a positive impact overall.

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: Barry Francis

Cabinet Portfolio held:

CMT Member title:

Head of Service title:

Other manager title: Director of Neighbourhoods

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 _____