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TO	Executive
DATE	Thursday, 14 December 2023
EXECUTIVE MEMBER	Portfolio Holder for Commercial & Community Assets

Key Decision Required	N
Wards Affected	Banstead Village; Horley Central and South; Redhill East; Reigate

Subject	Response to Petition: Re-open Public Conveniences In Reigate and Banstead Borough Parks
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Recommendations
That Executive
(i) Considers the information presented in this report and confirms that no changes will be made to public convenience provision in the borough.
Executive Summary
<p>On 21 September 2023 the Council considered a petition of 586 signatures calling on the council to '<i>...make toilet provision available immediately in Banstead's Lady Neville Recreation Grounds, Banstead; Redhill's Memorial Park; Horley Recreation Grounds; and Reigate's Priory Park</i>'.</p> <p>Council resolved to refer the petition to the Executive for consideration.</p> <p>This report presents an update on current public convenience provision across the borough and recommends that no further no changes are made.</p>

Statutory Powers

1. The Localism Act 2011 revoked requirements placed on Councils in relation to petitions, however, Reigate & Banstead Borough Council made the decision to retain its then existing Petition Scheme.
2. Local authorities have discretionary powers but no duty to provide public conveniences. Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 empowers local authorities to require the provision of toilets at places of entertainment or other 'relevant' places, and to maintain them.

Key Information

The Petition

3. An e-petition was debated at the Council meeting on 21 September 2023 which requested Reigate & Banstead Borough Council:
"To re-open the public toilets in Banstead's Lady Neville Recreation Grounds and Redhill's Memorial Park, across the Reigate and Banstead Borough".
4. The petition contended that:
"This situation has been going on for the last 7 months leaving parents with young children, people with disabilities, as well as the general public inconvenienced and embarrassed at the lack of facilities. The toilets should be open, irrespective of the café closures."
5. The petition suggested that:
"40% of public toilets have closed in the last decade. Lack of toilets can lead to street fouling, a major public health issue. Providing access to toilets in town parks will enable everyone to participate in park life fully in an unrestricted fashion. It will attract more users of the parks and boost the local economy."
6. It went on to:
"...call upon Reigate & Banstead Borough Council to make toilet provision available immediately in Banstead's Lady Neville Recreation Grounds, Banstead; Redhill's Memorial Park; & Horley Recreation Grounds. The toilets should be based on the following criteria:
 1. *Public toilets will be located in public parks of the main towns of the borough - namely Banstead's Lady Neville Recreation Grounds, Banstead; Redhill's Memorial Park; Horley Recreation Grounds; and Reigate's Priory Park.*
 2. *Toilets will be open at realistic opening hours, independent of the parks café opening hours.*
 3. *The toilets will be free to use and regularly cleaned.*
 4. *The toilets must include baby change facilities and disabled access.*
 5. *The council will consider allocating funding for increased number of park based public toilets in the borough, for example Earlswood's Ifold Road Park."*

Background: Toilet Provision in Council-Owned Cafés

7. The toilets within parks cafés are not designated public toilets, although the Council, as landlord, encourages the private café operators to allow access to members of the public.
8. Temporary toilets, including disabled toilets, have been provided next to the café buildings at Redhill Memorial Park and Reigate Priory Park during the recent refurbishment works. Although it was necessary to close the temporary toilets at Redhill on two occasions, once for maintenance again and for repairs following vandalism.
9. There is no toilet provision at Banstead's Lady Neville recreation ground, as other public conveniences, including disabled facilities, are available in the nearby High Street.
10. Terms have been agreed with new tenants for all three cafés and the legal process of granting the leases is underway. The temporary facilities will remain in situ until the cafés have re-opened.
11. Alternative Council-operated toilet facilities are available within 0.2 to 0.3 miles, or 5 to 6 minutes' walking distance, from each café building location.

Other Public Toilet Provision

12. Reigate's Priory Park is one of the Council's busiest parks, and plans are underway to carry out alterations to the pavilion café building, following the end of the previous operator's lease, and to provide separate café and public toilet premises.
13. The new public toilets will be available once the café building re-opens. The date will be confirmed when lease terms and fit-out proposals have been finalised. As noted above, the temporary facilities will remain in situ until this time.
14. There are no plans to change the toilet provision within the Lady Neville or Memorial Park cafés. These toilets will reopen when the new operator(s) re-open the cafes.
15. There is no funding within the current Capital Programme or Revenue Budget to provide additional public toilet facilities in other park locations.
16. The petition also referred to Horley Recreation Ground which is operated by Horley Town Council and is outside the control of Reigate & Banstead Borough Council.

Public Toilet Access

17. The Council-operated public toilets are located at:
 - Banstead High Street Car Park, Banstead SM7
 - Bell Street, Reigate, Bell Street, Reigate RH2
 - Consort Way, Horley RH6
 - Redstone Cemetery, Philanthropic Road, Redhill RH1
18. These are generally open from around dawn to dusk and closed overnight. This will also be the case for the new Priory Park public toilets.
19. There is currently no charge made to use any of them.

20. Toilets in the Lady Neville and Memorial Park cafés will be available during café opening hours by arrangement with the operator. All three of the new prospective tenants have confirmed that their facilities will continue to be accessible to the public once the cafés re-open.

Future Provision

21. In light of the level of current provision, as described above, there are no plans to install additional public toilets in the borough.

Options

22. The options for Executive in relation to the petition are:

Option 1: To note the information presented in this report about the scope of existing public toilet provision across the borough and take no further action; or

Option 2: To commissioning officers to develop a business case for options for additional investment so that it can be considered alongside other priorities through the service & financial planning process for 2025/26.

Legal Implications

23. The Localism Act 2011 revoked requirements placed on Councils in relation to petitions, however, Reigate & Banstead Borough Council made the decision to retain its then existing Petition Scheme.

24. Local authorities have discretionary powers but no duty to provide public conveniences. Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 empowers local authorities to require the provision of toilets at places of entertainment or other 'relevant' places, and to maintain them.

Financial Implications

25. There are no additional budget implications in respect of continuing with existing public and café toilet provision.

26. Provision of additional public toilet facilities would potentially have significant capital and revenue budget implications and would be subject to approval of growth proposals as part of the annual service & financial planning process.

Equalities Implications

27. The Council has a statutory duty to consider equalities implications in all of its decisions. Following closure of the cafés, consideration was given to the proximity of alternative facilities and temporary facilities were provided as appropriate to ensure that no users were without access.

28. It is not considered that existing toilet provision disadvantages any equality target groups due to the temporary provision and proximity to other facilities.

Communications Implications

29. There are no additional communications implications relating to the options arising from this petition.

Environmental Sustainability Implications

30. Changes to how the Council provides public toilets in the future could have environmental sustainability implications and these would need to be considered on a case by case basis.

Risk Management Considerations

31. There are no additional risk management considerations relating to the options arising from this petition.

Policy Framework

32. The Policy Framework position is set out in paragraphs 1 and 2 of this report.

Background Papers

E Petition ([ePetition - Petition to re-open public conveniences in Reigate and Banstead Borough parks | Reigate and Banstead Borough Council \(moderngov.co.uk\)](#))