



Report of:	Meeting	Date
Councillor Simon Bridge, Street Scene, Parks and Open Spaces Portfolio Holder and Mark Billington, Corporate Director Environment	Cabinet	14 July 2021

Provision of Public Conveniences

1. Purpose of report

- 1.1** To seek Cabinet agreement to undertake a variation and extension of the contract with Danfo (UK) for the service and maintenance of public conveniences across the borough.

2. Outcomes

- 2.1** Work with residents, Parish and Town Councils and businesses to plan, protect and enhance the quality of our neighbourhoods.
- 2.2** Maximise commercial opportunities and deliver efficiencies.

3. Recommendations

- 3.1** That the approval is given to proceed with the variation and extension of the contract as set out in the report below under the exemption to Contract Procedures contained within the Financial Regulations and Financial Procedure Rules on the grounds that exceptions may apply where "The goods, works or services constitute an extension or variation of an existing contract, or are required urgently, or the goods/materials, works or services consist of repairs to, or the supply of parts for, existing proprietary plant or equipment."
- 3.2** That the Corporate Director Environment and the Legal Services Manager are authorised to make the amendments and sign any other legal documentation to action the proposal on behalf of the council.

4. Background

- 4.1** The council awarded a 15 year and two month contract to Danfo (UK), following a joint procurement exercise with Fylde Council. The contract (separate contracts with each authority) commenced in 2005 and is due to expire in March 2022.
- 4.2** Prior to Members agreeing to externalise the service, a review of the public conveniences was undertaken by Members to rationalise the provision in order to invest in new sites and upgrade others to a high specification through the contract at key locations of benefit to the local community and visitors.
- 4.3** The contract is not solely a cleaning services contract, Danfo (UK) have provided new-build facilities, refurbished other sites and taken on the responsibility for the wider asset and building maintenance at most sites.
- 4.4** Danfo (UK) have achieved the timely provision of new-build facilities, upgraded others and maintained a high quality service. This has been recognised year-on-year with Wyre's toilets performing well in the Annual 'Loo of the Year' Awards following inspections by mystery shoppers. Wyre's public conveniences have maintained a position in the top three of the Premier League of Local Authority public toilet provisions assessed independently.
- 4.5** Mid-way through the contract, the council wished to extend and update service provision at additional sites and invested additional capital expenditure in order to do so. Danfo (UK) absorbed the additional cleaning and maintenance at these sites without extra cost and have supported the council with wider cleaning of public buildings on request at no cost during the pandemic. There are currently, a total of 20 standard units, comprising single cubicles at each site, along with a disabled / family room. The single cubicles prevent the anti-social behaviour that can be experienced with traditional walk-in toilets with multiple cubicles.
- 4.6** A further two changing places facilities are provided at Poulton and Garstang. Changing Places toilets are specialised facilities to support individuals with severe disabilities and their families / carers that require hoists and height adjustable changing tables / sinks.

5. Key issues and proposals

- 5.1** There is no statutory requirement for local authorities to provide public conveniences and as such, during a lengthy period of austerity many local authorities have chosen to reduce their provision or not offer any facilities at all.
- 5.2** The removal of public conveniences may seem like low hanging fruit when identifying savings. However, there is a strong case to be made for retaining public conveniences. Good toilet provision has been shown to

increase retail turnover, tourist numbers and economic growth, all of which fits within the Council's Business Plan. In addition, with an ageing population in Wyre, providing public toilets also supports the elderly and disabled members of our local communities who may depend on their access to maintain their independence. The value of public toilets has been further witnessed during the pandemic for both members of the public and key workers.

- 5.3** The high standards of their toilet provision recognised by the external verification in the 'Loo of the Year' Awards along with the unique design of the units and Danfo's ability to respond quickly when we have had incidents of damage or vandalism has been exceptional. This bespoke design and internal manufacturing by Danfo (UK) enables individual panels / sections to be exchanged and or repaired by their skilled in-house maintenance team quickly and without significant downtime.
- 5.4** The Public Contract Regulations 2015 allow a change to a contract without the need for a new procurement in certain circumstances, which would allow a variation and extension of the existing contract with Danfo (UK). The units, fixtures and fittings are not generic, they are bespoke to Danfo (UK); therefore prohibitive costs to a new supplier or an in-house council operated service would apply. In order to maintain value for money in any contract extension, negotiations have taken place with Danfo (UK) to reduce the annual cost of the contract further, whilst maintaining a high standard of facilities across the borough in both key footfall areas and the wider borough.
- 5.5** Danfo (UK) has submitted proposals, which have been through a rigorous check and challenge process to ensure economy, efficiency and effectiveness are still achieved going forward.
- 5.6** The proposal commits to reduce the annual servicing contract from £257,906 to £241,500 in 2021/22, with a 6.5 year extension terminating in 2028, with the variation and extension to the contract having created overall savings of £75,000, plus added value detailed below.
- 5.7** Key features of the proposal commit Danfo (UK) to where possible and subject to service availability and all relevant permissions, the following:
- To provide a new public convenience to support the Heritage action Zone in north Fleetwood, or alternative location to be agreed providing utilities already in situ;
 - Within year one, undertake a full internal refurbishment to all toilets;
 - Undertake a full refurbishment or replacement of all doors;
 - Undertake a full refurbishment of all coin boxes;
 - Within year one, provide at least one cashless entry system at each site;
 - Undertake energy efficiency measures to further reduce the council utility costs and contribute to the council's climate change

commitment (including conversion of urinals in high footfall facilities to waterless, replace all lighting to LED with motion sensors);

- Upon the expiry of the current vehicle maintenance contract hire, Danfo (UK) have pledged to replace their fleet with 100% electric vehicles;
- Danfo (UK) are committed to employing local people and investing in the development of their workforce;
- Danfo (UK) employees are trained to operate a Streetlink App which has been designed to help the homeless;
- All of the above is at no cost or risk to the Council;
- In addition, Danfo (UK) have committed to work closely with the council to secure external national funding and to identify a suitable location for an additional Changing Places toilet facility on the coast and will service this facility at no extra cost;
- They have also expressed an interest in exploring other ways of working with the authority going forward.

5.8 The council will continue to retain the fee income from the units which contributes towards the ongoing contract costs.

5.9 Central Government have announced that funding will be made available to support Local Authorities to deliver Changing Places facilities; the details of this funding scheme have not yet been released. The council will seek to access the scheme to support the provision of a facility on the coast.

5.10 A study by an Overview and Scrutiny Task Group reported to Cabinet on the 26 June 2019, supported that the current number and location of public conveniences be maintained, recognising the excellent performance of Danfo (UK) and suggesting that options for service continuation be explored. The proposal by Danfo (UK) captures some of their wider recommendations of the group.

5.11 Blackpool Council have undertaken a similar variation resulting in continued investment by Danfo (UK) locally, with their Operational Services based in Blackpool.

Financial and legal implications	
Finance	<p>The projected cost of the variation and extension to the contract with Danfo (UK) is £1,859,300 over 6.5 years (subject to RPI being applied to the base contract price each year (not compounded) with both upwards and downwards repricing allowed) and it can be met from the existing budgetary provision.</p> <p>The council will seek to access national funding (details yet to be announced by Government) for a Changing</p>

	Places facility on the coast. If unsuccessful, this will be the subject of a further report to request the use of the savings from this contract variation for an additional facility.
Legal	<p>The Contract can be extended under the Public Contract Regulations 2015 on the grounds of regulation 72(b). Additional works, services or supplies “have become necessary” and a change of supplier would not be practicable (for economic, technical or interoperability reasons) and would involve substantial inconvenience/ duplication of costs. Recital 108 to the Directive [11] indicates that this exception is intended to apply: “in particular where the additional deliveries are intended either as... or as the extension of existing services, supplies or installations where a change of supplier would oblige the contracting authority to acquire material, works or services having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance.”</p> <p>The variation and value fits within this scope; it does not exceed 50% of the value of the original contract price.</p> <p>The contract terms will be updated to reflect the changes and the proposal as a variation of the agreement and updates published as required in ‘Find a tender’.</p>

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
Sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	✓
climate change	✓
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a ‘privacy impact assessment (PIA)’ is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new

working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

None