


Key Decision Report

Decision maker and date of Leadership Team meeting or (in the case of individual Lead Member or Executive Director decisions) the earliest date the decision will be taken	Cllr Cem Kemahli, Lead Member for Planning, Place & Environment Date of report: February 2023 Date of decision: no earlier than 1 March 2023 Forward Plan reference: KD06397	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
Report title	CLOSURE OF THREE AUTOMATED PUBLIC CONVENIENCES	
Reporting officer	Matthew Lawrence, Head of Waste, Recycling and Street Enforcement	
Key decision	Yes	
Access to information classification	Public	
Wards	Brompton & Hans Town, Courtfield and Royal Hospital	

1. EXECUTIVE SUMMARY

- 1.1. The Royal Borough of Kensington and Chelsea delivers a variety of toilet provision across the borough. Although these services are non-statutory, the Council understands the importance of providing toilet facilities. However, the Council also has an obligation to spend public money wisely and ensure value for money.
- 1.2. The three automated public conveniences (APC) in questions are not value for money. They on average, cost the Council £7.76 per use. In addition, these facilities are often subject to vandalism which results in their closure for prolonged periods, while the necessary maintenance is conducted. The permanent closure of the three APCs will result in a financial saving in excess of £80k per annum.
- 1.3. Each location where these three APCs are situated, are within approximately 0.4 – 0.6 miles from another Council provided toilet facility. There are also numerous facilities available within commercial outlets close to each of the APC sites.

2. RECOMMENDATION

- 2.1. The Lead Member for Planning, Place & Environment is recommended to approve the closure of three APCs - at Gloucester Road, Sloane Square and South Kensington - at the end of the current contract term with JC Decaux. This would mean the three APCs close on 1 April 2023.

3. REASONS FOR DECISION

- 3.1. The three APCs are not value for money and often suffer from operational issues due to vandalism. The closure of these units will save the Council in excess of £80k per annum.
- 3.2. Soft market testing resulted in only two potential suppliers in the market. They were unable to provide solutions that would save the Council money i.e. units that could provide digital advertising income to offset the cost of running the facilities.
- 3.3. The consultation has shown that public interest with regards to the proposed closures is minimal, with only 10 respondents. It was promoted on the Council's consultation portal, directly with partners and via Next Door in local wards. Posters were also installed on each of the three APCs, providing information about the consultation.
- 3.4. Access Disability Kensington and Chelsea (ADKC), with approximately 1,000 members from our borough, were fully consulted and have given their support for the closures.
- 3.5. The closure of the APC in Earl's Court Station approximately two years ago, has had no negative impact on the local area and we have not received any complaints about its closure. This APC historically, had significantly higher usage than the three APCs proposed for closure.
- 3.6. An amendment to the summertime terrace fees licence will include, subject to reasonableness, a condition necessitating licensees to provide access to premises' customer toilets. This would be for the duration of the licence period, which is up to a maximum of seven months.

4. BACKGROUND

- 4.1. A review of the APCs was conducted in 2019 as part of the work done to identify MTFs. This highlighted that some of the APCs were not value for money and would provide the service with an opportunity to deliver savings. This included conducting soft market testing with suppliers to review the options available to us.
- 4.2. The three APCs identified for closure are:
 - **Gloucester Road** – Outside Boots at 128 Gloucester Road, near the junction with Cromwell Road.
 - **South Kensington** – Outside the south entrance/exit of South Kensington Tube Station in the open piazza area. Officially it is located on Old Brompton Road.
 - **Sloane Square** – Opposite Sloane Square Tube Station, at the junction of Sloane Square and Holbein Place.

4.3. The average costs for the three units is as follows:

APC Location	2019 avg. cost per usage	2020* avg. cost per usage	2021 avg. cost per usage
Gloucester Road	£16.42	£22.25	£5.07
Sloane Square	£3.24	£6.82	£4.36
South Kensington	£13.69	£10.39	£13.85
Three-year total	£11.12	£13.15	£7.76

*Figures impacted by Covid-19 closures

4.4. With regards to the three APCs identified for closure, there are other Council provided facilities within close distances, described below and also listed in the enclosed map, which is **Appendix One**.

- **Gloucester Road** – Brompton Library is 0.5 miles away and there is a radar key accessed toilet (disabled access) still in Gloucester Road next door to the tube station.
- **South Kensington** – Facilities in St Luke’s Gardens are 0.4 miles away.
- **Sloane Square** – Facilities at Chelsea Library and St Luke’s Gardens are both 0.6 miles away

4.5. The Council Leadership Team agreed to the proposal of closing the three APC units in March 2022.

4.6. The six week online public consultation ran from 24 October 2022 until 04 December 2022.

5. OPTIONS, PROPOSALS AND ANALYSIS

5.1. **Option 1 – Do nothing.** Continue the current status quo of providing these three units at a huge cost and with all the service related problems that exist. **This option is not recommended.**

5.2. **Option 2 – Replace the units.** This option would have seen the replacement of the current older units, with modern replacements. However, after conducting soft market testing, it was apparent that the limited providers in the market, were unable to supply anything that could be value for money. We were hoping that digital advertising could be utilised, but the providers are unable to supply such a unit. **This option is not recommended.**

5.3. **Option 3 – Close the three units.** The units are removed by JC Decaux and the Council is able to save in excess of £80k per annum. **This option is recommended.**

6. CONSULTATION AND COMMUNITY ENGAGEMENT

6.1. The following has been done regards consultation.

6.2. We organised soft market testing in 2019. Only JC Decaux and one other supplier replied to our request to conduct this work. This was done to explore the options

available to us and help inform our decision to put forward the proposal to close the units.

- 6.3. We conducted a six week online consultation, which began in late October 2022 and finished in early December 2022. A copy of the report is included with this paper as **Appendix Two**.
- 6.4. A meeting was organised by the Head of Waste, Recycling and Street Enforcement with ADKC. Details of the consultation were gone through in depth and members of ADKC were given an opportunity to raise any points and ask questions. Subsequently, ADKC wrote to the Head of Waste, Recycling and Street Enforcement giving their full support for the closure of these three units. This letter is included with this paper as **Appendix Three**.
- 6.5. Cadogan were written to giving full details of the consultation. No response has been received. However, in meetings with Cadogan in 2022, they expressed a desire for the APC unit in Sloane Square to be removed.
- 6.6. The Knightsbridge and King's Road BID were written to giving full details of the consultation. No response has been received.
- 6.7. All ward members for Brompton and Hans, Courtfield, Royal Hospital were written to giving full details of the consultation. Some responded with additional questions relating to usage and cost. Some expressed support of the proposed closures. None objected to the proposed closures.
- 6.8. The Chelsea Society were written to giving full details of the consultation. One of their members has engaged via email and was opposed to the closure of the APC at Sloane Square.
- 6.9. The street trader based in Sloane Square was written to giving full details of the consultation. Some months before the consultation, they had expressed their objection to the closure of the APC at Sloane Square. However, after writing to them with details of the consultation, no further communications have been received.
- 6.10. Posters were installed at each of the three APCs, providing details of the consultation.
- 6.11. Details of the consultation were sent across to TfL in November 2022 by colleagues in Transport and Regulatory Services. We did not receive a response from TfL.
- 6.12. The details of the proposal have been before scrutiny. They raised the concern of having fewer facilities within the locations affected. We noted this concern and worked with colleagues in Highways to find a solution. This has resulted in condition 27 being included on future summertime terrace fees licences, detailed under section 3.6 of this report.

7. HUMAN RESOURCES AND EQUALITIES IMPLICATIONS

7.1. An Equality Impact Assessment has been conducted and is included with this paper as **Appendix Four**.

7.2. There are not any Human Resource implications to consider with this proposal.

8. LEGAL IMPLICATIONS

8.1. Providing toilet facilities is not a statutory obligation for Local Authorities. Therefore, the decision whether or not to close these units should be based on the common law principles followed by public authorities of reasonableness, rationality and procedural propriety.

9. FINANCIAL, PROPERTY, IT AND ANY OTHER RESOURCES IMPLICATIONS

9.1. The reports seeks agreement to the permanent closure of APCs at the sites of Gloucester Road, South Kensington and Sloane Square with effect from 01 April 2023.

9.2. Based on current rates invoiced by JC Decaux the closure of these three APCs will reduce expenditure incurred by the Council by approximately £80k.

9.3. The latest budget monitoring position anticipates a forecast budget pressure on Public Conveniences of approximately £68k due to previous MTFs savings being undeliverable. The request to close the APCs will contribute towards the mitigation of this pressure.

9.4. There are no property implications associated with this proposal.

9.5. There are no IT implications associated with this proposal.

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Mandatory clearance requirements for all Key and Executive Decision reports

Cleared by Corporate Finance (officer's initials) LV

Cleared by Legal Services (officer's initials) MC

Cleared by Communications (officer's initials) LH

- Appendix One – Borough toilet map
- Appendix Two – Consultation report
- Appendix Three – ADKC letter
- Appendix Four – EqIA