

# Policy and Sustainability Committee

10.00am, Thursday, 9 July 2020

## Re-opening of Public Conveniences

<b>Executive/routine Wards Council Commitments</b>	<b>Executive 01, 07, 10, 11, 15, 17</b>
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### 1. Recommendations

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- 1.1 Policy and Sustainability Committee is asked to:
  - 1.1.1 Note the public health guidance which has been issued by the Scottish Government in respect of the reopening of public conveniences;
  - 1.1.2 Note the operational risks and arrangements to mitigate these which are being put in place for Council owned public conveniences;
  - 1.1.3 Approve the limited reopening of Council owned public conveniences as set out in paragraphs 4.6 and 4.7;
  - 1.1.4 Agree that all other public conveniences will remain closed;
  - 1.1.5 Note that a review of operations following reopening will be presented to the appropriate Committee in October 2020;
  - 1.1.6 Note that information currently available on the reopening of bars and restaurants as outlined in paragraphs 4.29 – 4.33;
  - 1.1.7 Note that there are not currently any national representative groups for local authorities to discuss such matters but that officers have been engaging with counterparts in other authorities in developing the plans; and
  - 1.1.8 Agree that Edinburgh should be represented if a national group is established.

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## Reopening of Public Conveniences

### 2. Executive Summary

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- 2.1 Public conveniences were closed in Edinburgh and across Scotland in March 2020 to ensure staff and customer safety during the COVID-19 pandemic.
- 2.2 The report sets out the considerations which need to be taken into account for reopening public conveniences and makes recommendations for limited, phased reopening in areas of high footfall, especially in parks and at the seafront.

### 3. Background

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- 3.1 The Policy and Sustainability Committee agreed approved the following motion, with a verbal amendment, by Councillor Laidlaw (11 June 2020):

“Committee notes that public toilets remain closed despite the easing of lockdown resulting in significant numbers of people socialising outdoors in our parks and greenspaces where these normally provide lavatory facilities.

Committee notes in the absence of public toilets being open, members of the public are choosing to relieve themselves outdoors and in the vicinity of people’s homes causing a significant health hazard.

Committee recognises the challenges of reopening the toilets as stated by officers below, but notes that limited public toilet opening has been achieved by other UK local authorities in response to particular pressures in high-volume outdoor areas like major parks and beaches.

Committee asks officers to report to the P&S Committee in two cycles with a plan for limited reopening of public toilets in key pressure point areas such as parks and the seafront, for Phase 2 of the lockdown easing to include assessment of the following:

- a) Assessments of the layout of each property to establish social distancing e.g. cubicle use only, maximum capacity.
- b) Ensuring queue control consistent with social distancing advice outside of the property.
- c) Enhanced cleaning methods, storage and disposal of waste material.
- d) Provision of sanitising materials within facilities e.g. seat cleaner.

e) Risk assessments and Safe working practices.

Committee requests that in the short-term Council communications is used to notify people that public toilets are not open and to take this into consideration when going out, as well as the £50 on-the-spot fines that police can issue for relieving oneself outdoors.”

3.2 The report also addresses the following addendum by the Green Group:

“Add

f) The value of working in tandem with neighbouring local authorities, as with other aspects of lockdown easing, to work on a consistent basis as regards conditions of access and timing of re-opening.

g) Recognising that the issues arising from the way some licensed premises are currently conducting off-sales and the Licensing Board’s commitment to consider these issues, the importance of commercial premises in providing a much more comprehensive network of toilet facilities and therefore, where premises are open for the takeaway sale of food and drink, including licensed premises selling alcohol onto the street, an assessment of the extent to which those premises could and should provide access to toilet facilities in a strictly-managed way, where toilets would normally be part of the premises’ operation.”

3.3 Public conveniences were closed across Scotland in March 2020 as the result of COVID-19. The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (the [Regulations](#)) (Appendix 1) introduced strict requirements for opening public conveniences and about protecting public health and, like most councils, the decision was taken to close those managed by City of Edinburgh Council. At the time of writing this report, these regulations remain in place and currently the overwhelming majority of Local Authority provided public conveniences remain closed.

3.4 As lockdown eases Local Authorities are receiving significant representation from various sources about re-opening facilities. There have been concerns raised around anti-social behaviour and public urination in parks and at Portobello beach. The situation is exacerbated by the sale of alcohol from some licensed premises which are currently conducting off-sales but are not allowed to give the public access to the toilets within their premises.

3.5 There is no national network for public conveniences across Scotland to facilitate national discussion about this service. This is partly due to the range of facilities Local Authorities have and how they are operated. This means consistency of approach will be difficult to achieve. Some representatives from Local Authorities have, however, been working together to seek guidance from the Scottish Government.

3.6 There is no statutory requirement for Local Authorities to provide public conveniences and therefore no grant aided expenditure allocation has been made by the Scottish Government to support this service. The lack of a statute defining the service leads to a wide and varied service provision across the country.

- 3.7 Prior to the closure of public conveniences in Edinburgh, mobile teams were responsible for opening and closing the sixteen public conveniences across the city, replenishing stock and cleaning (usually morning and evening). The team establishment is 14 people (working across two shifts), with seven permanent members of staff. Five of this team are currently off work due to COVID-19 restrictions and other health related conditions. Prior to the outbreak of COVID-19, the remaining seven posts were filled by agency staff who were released when the toilets were closed.
- 3.8 These proposals to re-open these toilets have been discussed at Council Incident Management Team on 29 June 2020 and the Public Health Advisory Working Group on 30 June 2020.

## 4. Main report

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### Public Health Guidance

- 4.1 The Scottish Government released [guidance](#) on opening of public and customer toilets on 27 June 2020 (included for reference in Appendix 1). This guidance recognises that the risk of transmission of COVID-19 is high in these locations given the low levels of natural light, lack of ventilation, the number of surfaces to touch and the purpose of a toilet. These risks are deemed by officers to be higher due to the age and design of public conveniences in the city.
- 4.2 The guidance calls for enhanced cleaning, over and above what is normally in place, but is not prescriptive, recognising that the requirements at each location will vary depending on a number of factors, including footfall, infrastructure and physical distancing arrangements. There is also a need to ensure that the facilities can be appropriately managed to protect customers and staff.

### Reopening Public Conveniences

- 4.3 There has been significant public concern expressed about the closure of public conveniences across the city since the Scottish Government's Routemap for easing the restrictions (applied to prevent the spread of COVID-19) has been implemented. This was also reflected in the above motion and addendum.
- 4.4 However, it is important to recognise that it is not possible to completely remove the risk of COVID-19 transmission, therefore the Council must do what it can to mitigate against that risk.
- 4.5 Accordingly, a review of the public conveniences in the city's premier parks and seaside locations has been undertaken.
- 4.6 This has concluded that the following facilities, with additional measures in place to address the risks identified (see risk and mitigations section below), could be reopened:
- 4.6.1 Pipe Lane in Portobello;
  - 4.6.2 Hope Park in the Meadows;

4.6.3 Ross Bandstand in Princes Street Gardens;

4.6.4 the Courtyard at Saughton Park;

4.6.5 Bruntsfield Links;

4.6.6 Hawes Pier, South Queensferry; and

4.6.7 Cramond.

4.7 Arrangements can be made for reopening from 13 July 2020 to 30 October 2020. The proposed opening hours would be 11.00am until 6.00pm, seven days per week. With public health at the forefront of the decision making process, it is considered that facilities will only be reopened when the following risks and mitigations have been addressed.

4.8 A review of operations will be carried out in September 2020 with a further report to the appropriate Committee in October 2020. This will include details of customer numbers, costs incurred, and any updates on public health advice.

### **Risks and Mitigations**

4.9 In addition to the public health considerations (set out in paragraph 4.1 and in Appendix 1), there are a number of risks in reopening public conveniences which need to be considered.

4.10 A risk based approach has been developed for each of the facilities proposed for reopening, with a detailed operational plan, appropriate risk assessments and safe working practice arrangements being developed. These will take account of the risks and mitigations outlined below and any specific requirements for individual locations.

#### *Protecting Staff and Customers*

4.11 It is not possible to eliminate the risk of transmission of COVID-19 without the closure of public conveniences. Therefore, in preparing to reopen facilities, the safety and wellbeing of staff and customers is paramount.

4.12 Individual operating plans for each location listed in 4.6 consider the critical control points for both customers and staff and will seek to introduce appropriate measures to support physical distancing at all times and to provide appropriate supplies of hand sanitisers, soap, paper towels and cleansing products.

4.13 Adequate Personal Protective Equipment (PPE) will be provided for staff at each facility. Staff will also be issued with face coverings (it is important to note these are not PPE but are, at the time of writing, recommended by the Scottish Government to be worn in any space where physical distancing is difficult).

4.14 To ensure physical distancing can be maintained at all times, some infrastructure changes may be required within facilities to close off access to certain areas.

4.15 At some locations, restrictions will be introduced to limit the number of people who will be allowed within the facility at any one time (for example, in some places this may mean only one person being allowed in at any time).

- 4.16 Additional signage will be deployed in and around the facilities to remind customers of the current guidance on hygiene and hand washing. The signage will also explain that the facilities are not open to anyone displaying symptoms of the virus.

*Cleaning and Management of Facilities*

- 4.17 The Scottish Government Guidance states that enhanced cleansing and adequate management arrangements should be put in place prior to the re-opening of public conveniences. Additionally, the regulations require the Council as operator of the toilets to take reasonable steps to control numbers within the premises and customers waiting to enter to ensure physical distancing is maintained.
- 4.18 The mobile arrangements which the Council has operated for a number of years would not be sufficient to provide enhanced cleansing, management of facilities on a daily basis or to satisfy the requirements of the regulations.
- 4.19 It is therefore proposed that at least one member of staff be deployed to each facility for the duration of its opening hours. These staff members would be responsible for cleaning and for management of demand (recognising that additional resources may need to be deployed at certain locations if extremely busy).
- 4.20 The individual operational plans set out the cleansing regime for each facility, with schedules and operational guides which state the frequency of cleaning required, depending on the circumstances.

*Managing Customer Expectations*

- 4.21 A clear communications plan will be introduced to explain when facilities are open, and the local arrangements in place for each. The Council's website and social media channels will be kept updated.
- 4.22 The communications and signage will make clear unacceptable or illegal behaviour will not be tolerated. Police Scotland have the power to issue fixed penalty notices (FPN) to people urinating or defecating in public places.
- 4.23 Over recent weeks the Police have reported that there has been increased incidents of anti-social behaviour in areas where large groups of the public have been congregating. For instance, between 20 June and 3 July 2020, 28 FPN have been issued for urinating (Section 47 Civic Government (Scotland) Act 1982) in the Meadows and surrounding area, which far exceeds the number of FPN issued during the same period in 2019.
- 4.24 The introduction of restrictions on the number of people who can enter a facility is likely to lead to queues building up. It is anticipated that customers may be unhappy with this, possibly leading to frustration and abuse of staff. Additional resources should be available to be deployed in these circumstances but in some cases, this may mean that the facility will need to be closed to minimise the safety risk for both staff and customers.

### *Staffing*

- 4.25 In order to maintain facilities at the standard required to minimise the risk of transmission of the virus, it will be necessary to deploy additional staff resources to this team.
- 4.26 An opportunity for voluntary repurposing is being advertised on MyJobScotland for existing Council staff who are currently unable to carry out their normal duties.
- 4.27 It is also intended to approach the Council's temporary employment agency partner, Pertemps, to also provide staff.

### **Alternative Provision**

- 4.28 The potential to hire 'Portaloos' or other facilities for this purpose have been considered and discounted by officers on the basis that, in addition to the hire cost, the same arrangements for cleansing and management of the facilities would be required. This would mean that the implementation cost would be greater than that of reopening Council owned facilities.

### **Reopening of Bars and Restaurants**

- 4.29 At the time of writing, premises which would normally sell food or drink such as bars and restaurants are required to remain closed as a result of The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (the regulations). The regulations permit these premises to offer takeaway service only.
- 4.30 A number of liquor licensed premises have chosen to utilise this exemption in the regulations to operate with takeaway of alcohol during the current restrictions.
- 4.31 Whilst takeaway is permitted, access to the premises by the public remains subject to legal restrictions. These premises must remain closed to the public with no access to any part of the premises including any toilet. Therefore, until the regulations are amended by the Scottish Government it would not be possible to encourage these businesses to allow any member of the public to access these premises to use the toilet facilities as that would be a breach of the regulations.
- 4.32 As part of the route map to easing lockdown Scottish Government has indicated that the reopening of outside areas of bars and restaurants will be allowed from 6 July 2020. The vast majority of these licensed premises will have had to demonstrate they had adequate toilet facilities when they were granted their licences.
- 4.33 The current indicative date for reopening the inside space within these premises is 15 July 2020.

### **Public Conveniences Strategy**

- 4.34 As referenced in paragraph 4.1, the age and design of the Council's public conveniences increase the risk of transmission. Further, many are not compliant with the current Disability Discrimination Act (DDA) requirements.

- 4.35 Early discussions have taken place on developing a strategy for public conveniences in the city. The need to do so is accelerated by the impact of COVID-19.

### **Working with other Local Authorities**

- 4.36 Although there is no national forum for public conveniences to be discussed, officers have been working closely with colleagues in other local authorities to discuss the arrangements being implemented for the reopening of public conveniences.
- 4.37 It has been suggested that a national network be established to allow for a co-ordinated national approach, ensuring a level of consistency as far as is reasonably practical, across all local authorities. This recommendation has been submitted to COSLA and the Scottish Government.

## **5. Next Steps**

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- 5.1 If the recommendations of this report are approved, officers will begin to implement the reopening of public conveniences as set out in paragraph 4.6 when it is safe to do so. Reopening will begin from 13 July 2020. Information on reopening will be updated on the Council website following Committee, and then thereafter as required.
- 5.2 Officers will continue to monitor facilities once open, to deal with any immediate issues as they arise (in accordance with the decision-making process set out in each operational plan) and to respond to requirements to change arrangements if the need arises.
- 5.3 A follow up report will be presented to the appropriate Committee in mid-October.
- 5.4 Edinburgh will be represented at any national network that is established to develop a national approach to re-opening unstaffed public conveniences. Modelling the re-introduction of this service towards a 'new normal' will be a complex piece of work which should happen in a co-ordinated national way.
- 5.5 A long-term strategy for public conveniences in Edinburgh needs to be accelerated in light of the current circumstances and the 'new normal'. There will be a considerable cost to upgrade the current properties and it may be appropriate to mothball some of the current facilities and create new purpose-built facilities and open up opportunities to better utilise assets.

## **6. Financial impact**

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- 6.1 The current budget for public conveniences in 2020/21 is £282,926.
- 6.2 Based on the arrangements set out above, it is anticipated that the additional cost of reopening the facilities until the end of October would be circa £143,500. This additional cost cannot be met from the service budget and will be classified and

reported as a cost attributable to COVID-19 in the next Revenue Budget Update report to committee.

## **7. Stakeholder/Community Impact**

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- 7.1 As more of the economy opens back up and people are able to travel further from home the requirement for people to access the toilets will increase. However, toilets in cafes and pubs will also become accessible as these businesses re-open.
- 7.2 Equality issues are an important consideration; and a number of groups may be particularly disadvantaged if public toilets are not reopened.
- 7.3 There are wider local environmental impacts if public toilets are not reopened, in areas where people are congregating.
- 7.4 If the reopening of public conveniences is approved, an integrated impact assessment will be prepared.

## **8. Background reading/external references**

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- 8.1 None.

## **9. Appendices**

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- 9.1 Appendix 1 - Coronavirus (COVID-19): opening public and customer toilets.

## **Appendix 1 - Coronavirus (COVID-19): opening public and customer toilets**

### **Guidance on opening of public and customer toilets during the coronavirus pandemic (published 27 June 2020)**

The opening of public toilets carries with it a risk of transmission of COVID-19 given the low levels of natural light, lack of ventilation, many surfaces to touch and the purpose of a toilet. Therefore, there is a need for careful consideration of how public toilets can be opened as safely as possible.

Safe opening will vary according to specific sectors and should align to the guidance provided by those sectors in terms of restart. Assurance that adequate sanitary facilities can be provided where appropriate is integral to the restart process.

Public toilets are defined as any toilets accessible to the public. The opening of toilets should be accompanied by local risk assessment, and control measures should be proactively monitored by operators. Most premises should have a norovirus policy that can be adapted for use in cleaning facilities if an individual with COVID-19 symptoms is known to have used the facilities.

Risk assessment should specifically include:

- remote/unmonitored facilities for which there may be increased demand as travel restrictions are eased and people start travelling greater distances
- janitorial staff for whom operators should already have procedures/PPE in place

Any modifications or changes must take existing regulations into account. Regulations on the provision of public toilets are governed by a number of British Standards developed by the British Standards Institution (BSI). The key standards which apply to the provision of public toilets are BS 6465 parts 1-4 and BS 8300.

In opening toilets, operators should:

- conduct routine checks and take all measures appropriate to reopening after a prolonged closure e.g. consideration of requirements for legionella risk management due to stagnant water in plumbing systems
- adjustments must be made such as signage, taping off areas and floor markings to ensure physical distancing and facilitate good hand and other hygiene
- review all toilet and sanitary facilities (including disabled and baby change areas) to determine whether the fixtures and fittings are in good working order and replace or repair if not
- consider the need for additional waste management arrangements

## **Hygiene Measures**

### **Enhanced cleaning**

It should not be assumed that hygiene measures in place pre-COVID-19 will be sufficient. Enhanced cleaning is likely to be required and should take into account:

- frequency – should be increased beyond what has been the case before COVID-19 and should be based on a risk assessment which includes both the usage of the

facility and the fact that COVID-19 survives on the hard surfaces present in toilets for at least 72 hours

- products used – should be a disinfectant not detergent-based product
- areas of particular concern – it is important that attention is paid to frequently touched areas including toilet flush, toilet seat, toilet locks and handles, taps, paper towel and soap dispensers and door handles on access/entry
- enhanced monitoring of facilities will be required to ensure hygiene is maintained
- clearly display enhanced cleaning rota and ensure it is adhered to i.e. a documented record that the checks have been carried out for the public to see
- the cleaning rota should be supplemented with a cleaning schedule or similar procedure log that details the manner and frequency of cleaning of the various surfaces
- remove any unnecessary or communal items within the facility (e.g. ornaments or cosmetic items) to facilitate cleaning
- ensure that if a staff key fob or key is required to access the facilities this is cleaned between uses
- PPE should be provided in line with Health Protection Scotland [Guidance for General \(Non-Healthcare\) Settings](#)
- staff should be trained in appropriate cleaning methods for sanitary areas and the use of the equipment and products for cleaning and disinfection
- special care should be taken with the cleaning of portable toilets

### Equipment

- reusable equipment should be removed and replaced with disposable (e.g. fabric towels, baby-changing mats)
- ensure that there are adequate hands-free waste disposal units
- cleaning materials for surfaces should be provided (e.g. antibacterial wipes for baby change areas)

### Communication

- use signs and posters to: build awareness of good handwashing technique and reinforce the need to increase handwashing frequency, to avoid touching your face; and to cough or sneeze into a tissue, which is binned safely, or into your arm if a tissue is not available
- consider providing a contact number for the public to use should they have any concerns regarding cleanliness (e.g. if the facility has been heavily soiled between cleans). Use signage to tell the public what to do if someone falls ill with suspected COVID within a toilet facility
- COVID-19 can present with diarrhoea and or vomiting therefore it is important to have a mechanism to ensure the facility can be closed and adhoc cleaning can be arranged should the need arise

### Hand Hygiene

- provide liquid soap and ensure there is adequate stock at all times
- consider providing hand sanitiser dispensing units in portable toilets where handwashing can be less effective

- consider adjusting the time that push/sensor taps are on to encourage 20 seconds of hand washing
- provide hand-drying facilities – either paper towels with appropriate and frequent waste disposal or electric hand driers
- reduce the requirement for surfaces to be touched once hands have been washed on the way out of facilities e.g. prop open exit door
- consider providing hand sanitiser gel at the entry and exit from the facility. With adequate hand washing, the contamination of contact surfaces on leaving the facilities should be minimised. However, we know that many people do not wash their hands properly

### Physical Distancing

- operators should consider how to limit the number of people within facilities with multiple stalls/urinals e.g. with signage on the door instructing users to wait outside if they find that the facilities are occupied
- physical distancing should be maintained by way of signage and floor markings and, in respect of staffed toilets, proactively encouraged by staff
- consider whether additional measures such as physical barriers are required e.g. cubicles provide barriers but wash basins and urinals (trough urinals, in particular) will require greater consideration
- consider whether distances between equipment e.g. hand basins are sufficient and consistent with physical distancing policy
- consider the route to and from toilets, in particular how to maintain physical distancing and cleaning of possible touchpoints
- use one-way systems where this is possible

### Sanitary facilities provision

- where toilets are being provided for a specific event, consider whether the standard guidance on toilet to person ratios needs to be revised to allow for physical distancing and enhanced cleaning routines
- note that more toilet facilities may be needed for the same number of people due to the physical distancing and hygiene measure
- note that there may be a greater number of people who need to use public toilets than usual as behaviours are influenced by current guidance (e.g. more people meeting in parks)

Following opening, there should be regular and proactive inspection of facilities to detect and address any issues promptly.