

Transport and Environment Committee

10.00am, Thursday, 16 November 2023

Public Toilets

Executive/routine
Wards

Routine
All, particularly Wards 7 – Sighthill/Gorgie; and 11 –
City Centre

1. Recommendations

- 1.1 Transport and Environment Committee are asked to note:
 - 1.1.1 This update on the actions agreed by Committee in August 2023 in response to the petition “Gorgie needs a public toilet”; and
 - 1.1.2 That future updates will be prepared according to the actions agreed by the Council in September 2023 in respect of public toilets.

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Public Toilets

2. Executive Summary

- 2.1 This report addresses the actions agreed by Committee in response to a petition considered in August 2023 titled “Gorgie Needs a Public Toilet”.

3. Background

Approach to provision of public conveniences

- 3.1 In April 2021, Committee [approved](#) an approach to the future provision of public conveniences, which focuses provision on:
- 3.1.1 Premier parks;
 - 3.1.2 At locations which are promoted as places for a higher number of visitors (e.g. Portobello beach or the Pentland Hills Regional Park);
 - 3.1.3 Each of Edinburgh’s official town centres; and
 - 3.1.4 Travel centres where people arrive after journeys on which facilities are typically limited.
- 3.2 The report highlighted that the development of purpose-built toilet blocks with small cafés would provide unnecessary additional competition to local businesses, and gap sites are likely to be difficult to find, therefore it was proposed to include the provision of public conveniences within the multi-service ‘hubs’ which will be created in town centres as part of the 20 minute neighbourhood approach.

Gorgie Needs a Public Toilet

- 3.3 On 17 August 2023, Committee considered a petition “Gorgie Needs a Public Toilet”, which called on the Council to provide accessible and open public toilets with baby changing and facilities to support all of the varied needs of everyone in the Gorgie/Dalry community council area.
- 3.4 The [action](#) agreed by Committee was to receive a report in three cycles which considers the issues raised by the petitioners and recommends an appropriate course of action, taking into account the following points:

- 3.4.1 That to facilitate the development of the Haymarket Yards, the Council sold the land on which the public conveniences at Morrison Street sat to the developer and a burden was put on the title that any development on this land would provide replacement public conveniences; this was not just a contractual agreement but formed a burden registered in the Land Register of Scotland against the land; such a burden would be made known to a prospective purchaser at the time of sale via a property search;
 - 3.4.2 That to date this burden had not been enforced and that legal advice should be taken to update Committee on potential options as this may provide a means for reintroducing public conveniences in the area; and
 - 3.4.3 That the Council owned little or no commercial property in the central area of Gorgie-Dalry, where the public toilets previously were on Ardmillan Terrace, other than Gorgie City Farm, and that Edinburgh Voluntary Organisations Council (EVOC) was currently managing a process to find a sustainable community-led future for the Farm.
- 3.5 This report has been prepared in response to the request from Committee, noting that Committee also provided suggestions for the appropriate course of action on this, such as:
- 3.5.1 Exploring with EVOC whether provision of publicly available and accessible toilet facilities could be included in that sustainable future and whether provision of it could form a requirement of a future lease agreement; and
 - 3.5.2 Exploring other potentially suitable sites and identification of any capital funding for a new public toilet building as part of the emerging Gorgie-Dalry 20- minute neighbourhood project; and
 - 3.5.3 Whether the Council could enforce businesses to allow use of their toilet facilities and whether developer contributions could be used for public toilets.
- 3.6 Details of the public conveniences, managed by the Council, which are [open](#) across the city are provided on the Council website. At the time of writing, this also includes the temporary toilets which were open until the end of October 2023.

4. Main report

Gorgie needs a public toilet

- 4.8 Following Committee in August, officers have been following up on the issues raised by the petition and on the actions agreed.

Public Convenience near Haymarket Yards

- 4.9 In March 2023, in response to a [Council Question](#) (Question 10.22) on the replacement of the public conveniences on Morrison Street, it was confirmed that

the wider site had been sold by the Council in 2006 but that it had subsequently changed hands several times.

- 4.10 On 18 December 2019, Development Management Sub-Committee approved a [planning application](#) for the site which did not include public toilets.
- 4.11 A briefing note, attached in Appendix 1 (B Agenda) provides further details on the legal process associated with enforcing this burden.

Gorgie Farm Site

- 4.12 Edinburgh Voluntary Organisations Council (EVOC) have been engaged to maintain and explore options for the future of the Gorgie Farm site since early 2023.
- 4.13 The Steering Group (set up by EVOC) are now beginning to explore options for the future of the site and are planning engagement with local stakeholders and the local community. It is anticipated that a consultation will conclude early in the new year (2024) and officers are planning to report to Culture and Communities Committee on 29 February 2024 on the outcome of this.
- 4.14 Following on from the actions agreed by Committee, officers have asked EVOC to consider the provision of publicly accessible toilets within the site as part of their on-going options development.
- 4.15 If the conclusion of the options appraisal supports this, it could be included as a requirement in any future lease agreements.

20 minute neighbourhood

- 4.16 With support from the 20 minute neighbourhood team, two parks have been identified as possible locations for a temporary public toilet unit. These are White Park and Dalry Community Park.
- 4.17 While White Park is common good land, its central location means that it could be easily accessible from Gorgie Road. At present there is no allocated funding to progress this.
- 4.18 As part of the Roseburn to Union Canal project, Dalry Community Park has also been identified as a possible location for public toilets. At present, there is no funding available to progress this, but it remains under active consideration should funding become available.

Community Toilet Scheme

- 4.19 It is not possible for the Council to compel private businesses to provide access to facilities for members of the public.
- 4.20 The Council administers a Community Toilet Scheme, where businesses can 'sign up' to provide access to their facilities and a small annual payment is made for this. This was promoted through the Council website and promoted in by the businesses participating in the scheme.
- 4.21 However, COVID-19 has had a significant impact on participation, with many businesses choosing not to continue when restrictions were in place. Officers are

currently considering whether to continue with the scheme and Committee will be updated on this as part of a future report on public toilet provision in areas of high demand.

5. Next Steps

- 5.1 In response to an action agreed by the Council on 28 September 2023, an update will be provided to Culture and Communities Committee in December 2023 on the cost of providing temporary washing facilities within the vicinity of Portobello Promenade.
- 5.2 The Council also called for a report on public toilet provision in areas of high demand. This report will be prepared and reported to Transport and Environment Committee following recess in 2024 in order to inform the budget setting process for 2025/26.
- 5.3 The final action agreed by the Council was for a report to Culture and Communities Committee on 29 February 2024 on the condition of the permanent toilets in the Portobello/Craigmillar ward and on the feasibility and cost of building new public toilets and shower facilities in a central position on Portobello Promenade, close to the beach. As the remit for public conveniences sits with Transport and Environment Committee, this report will be presented first to this Committee, before being shared with Culture and Communities for noting.

6. Financial impact

- 6.1 The cost of providing a facility, close to existing water and sewerage is circa £160,000. This allows for one Disability Discrimination Act (DDA) compliant unit, with two unisex cubicles. To include a 'Changing Places' unit would cost a further £40,000.
- 6.2 Within the Council budget 2023/24, £0.6m has been allocated for the provision of permanent, publicly accessible toilets in premier parks. The installation of permanent toilets at Inverleith Park and Allotments, Leith Links and the Meadows is currently progressing.
- 6.3 In 2023/24 temporary toilets were provided in the Meadows, Inverleith, Leith Links and in Straiton Place Park in Portobello. These toilets were operational through Summer 2023. The temporary facility in Leith Links was irreparably damaged by fire.
- 6.4 An update on the Council's capital budget will shortly be considered by Finance and Resources Committee. There are already a number of pressures on the capital budget and any new projects would need to be funded from reallocations of existing budgets.
- 6.5 In theory, the Council could seek developer contributions for new or expanded public toilets, provided this is based in Planning Policy and Guidance. However,

they can only be sought where the new development gives rise to the need for this infrastructure or is part of a cumulative need (and the development could only be compelled to contribute to their proportion of the need). To seek developer contributions, detailed work to quantify and justify the proportion of infrastructure costs which derive from the new development is required.

7. Equality and Poverty Impact

- 7.1 There are no equality or poverty impacts arising from the recommendations in this report.
- 7.2 However, it is recognised that the lack of public toilet provision can have an impact on some people with protected characteristics. Further, providing access to facilities or providing additional facilities could provide a positive impact to people with protected characteristics.

8. Climate and Nature Emergency Implications

- 8.1 As a public body, the Council has statutory duties relating to climate emissions and biodiversity. The Council

“must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets”

(Climate Change (Emissions Reductions Targets) (Scotland) Act 2019), and

“in exercising any functions, to further the conservation of biodiversity so far as it is consistent with the proper exercise of those functions”

(Nature Conservation (Scotland) Act 2004)

- 8.2 The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions and embedded this as a core priority of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.

9. Risk, policy, compliance, governance and community impact

- 9.1 The petition to Committee in August, and the other actions agreed by the Council, highlight the community impact associated with changing provision of public conveniences in areas of high demand.
- 9.2 The Council will continue to progress with the installation of permanent toilets in three premier parks in 2023/24.
- 9.3 Should further funding become available, Council officers will seek to ensure that the funding is used to develop facilities according to the approach set out in April 2021.

- 9.4 In preparing this report in response to the petition, officers have identified that one of the issues which would need to be considered if the Council were to proceed with installation of new public toilet facilities in the Gorgie – Dalry area is concern around anti-social behaviour on match days. A toilet with two or three unisex cubicles will marginally alleviate this but would not fully address the issue.
- 9.5 Further analysis of the risk, compliance and community impacts will be carried out in preparation for the upcoming report on public toilets in areas of high demand.

10. Background reading/external references

- 10.1 None.

11. Appendices

Appendix 1 – Briefing Note on the public conveniences at Haymarket Yards (B Agenda).