

Procurement of Public Toilets Works at Margate Main Sands

Cabinet	26 September 2024
By	Tony Marmo, Head of Coastal and Public Realm
Cabinet Portfolio Member	Cllr Steve Albon, Cleansing & Coastal Services
Key Decision	Yes
Decision classification	Unrestricted
Call in status	Yes
Ward:	Margate Central

Purpose of the Report

The purpose of this report is to ensure that officers have permission to undertake the procurement and award of a contract for the capital works to refurbish Margate Subterranean toilets and build new toilets that allow equal access for disabled people. Subject to planning approval they will be built above the entrance of the Margate Subterranean toilets. The estimated value of the contract will be £358k.

Recommendation(s):

It is recommended that

1. That Cabinet approves the key decision to award a contract with a value in excess of £250k, to the successful bidder, following a procurement exercise for capital works to refurbish Margate Subterranean toilets and build new toilets above the entry of the Margate Subterranean toilets.
2. Agree that the Director of Environment, having sought advice from legal services, agree the final terms of any contract award and sign the contract with the successful bidder.

1. Summary of Reasons

- 1.1 The Margate Subterranean toilets located on Marine Drive near to Margate main sands are closed to the public and the existing facility is unsuitable for disabled use. Therefore, as well as refurbishment of the existing underground toilets, a new accessible toilet needs to be built at promenade level.

2. Background

- 2.1 The Council is responsible for maintenance of 27 public toilets.

- 2.2 The Council commissioned a condition survey of the public toilets in 2022. The survey identified that £1.3m of revenue repairs were required, and that of this £1m of revenue would need to be spent within the next few years.
- 2.3 Following a cabinet decision on 14 December 2023 budgets have been allocated for investment in public toilets across the district as follows:
- £279k of funding from earmarked reserves for revenue repairs.
 - £121k of funding from earmarked reserves for capital works (revenue contribution to capital).
 - £450k of funding from borrowing for capital works.
 - £400k from the Margate Town Deal funding for capital works to the Margate Subterranean Toilets.

3. Relevant Issues

- 3.1 Since the decision by cabinet an additional £200k has been allocated by the Margate Town Deal. This brings the budget for the Margate Subterranean toilets to £600k. The funding has been increased to ensure a DDA compliant accessible new build toilet at ground level is delivered as part of the project which will be subject to Planning approval.
- 3.2 The existing Margate Subterranean toilets are not DDA compliant as they are underground and accessed by steep steps. In order to address this we are proposing a DDA compliant toilet is added at ground level, occupying some of the space of the existing staircase on both the ladies and gents toilet blocks, providing two DDA toilets within the existing footprint.
- 3.3 Coast and Engineering Services and Regeneration have worked together as a project team, commissioning Urban Surveying to undertake design and cost consultancy services (see Appendix 1 and 2).
- 3.4 RIBA stage 2 work has been completed and subject to Cabinet approval the project team is ready to proceed with stage 3 to enable the submission of a planning application and undertake procurement of a suitable contractor to undertake the works.

4. Overview and Scrutiny Recommendations

- 4.1 The Overview and Scrutiny Panel noted the report and made no formal recommendations.

5. Alternative Options

- 5.1 Option 1
The Council does not undertake any refurbishment of the existing or construction of new public toilets at Margate Subterranean toilets. This is not the preferred option as there is a need for these at Margate Main Sands, with portaloos currently being hired.
- 5.2 Option 2

The Council does not undertake the construction of new accessible public toilets and only undertakes the refurbishment of the existing facilities. This is not the preferred option as it would mean portaloos will still be required to ensure DDA compliant toilets are provided at Margate Main Sands. If planning permission is not granted for the promenade level DDA toilets, the delivery team will revert to this option.

5.3 Preferred Option

The preferred option is the option recommended to Cabinet. Not only will this ensure that essential refurbishment works are undertaken but it will also ensure equal access to those with a disability, consistent with the Council's equalities duties.

6. Consultation

6.1 There is no public law or statutory duty to consult in relation to the decisions sought in this report.

7. Corporate Implications

7.1 Finance and Resources

7.1.1 Following a cabinet decision on 14 December 2023 budgets have been allocated for investment in public toilets across the district, this report proposes use of these agreed funds to start to deliver the Capital aspect of the toilet works funded from Town Deal.

7.1.2 As a result of the above, there are no new financial implications arising from this report and this scheme remains within the agreed budget, delivering the non DDA aspect of the project.

7.2 Legal and Constitutional

7.2.1 The decision sought in this report seeks Cabinet's authority for the award of a works contract with a value, estimated to be approximately £358k for the refurbishment of Margate Subterranean toilets on Marine Drive. It is proposed that the contract be awarded following a procurement exercise in accordance with the provisions of the Public Contract Regulations and the Council's contract standing orders. The procurement will support the Council to satisfy its best value duty.

7.2.2 Legal and procurement advice should be sought in relation to both this procurement and the contract award. Depending on when the procurement is commenced, it is possible that it will be caught by the provisions of the new Procurement Act.

7.2.3 In accordance with the provisions of Part 3 of the Council's constitution, as with all key decisions, this is a decision that must be taken by Cabinet.

7.3 Council Policies and Priorities

7.3.1 This report relates to the following corporate priorities:

- To create a thriving place
- To keep our district safe and clean

7.4 Risk

- 7.4.1 There is a risk that the Council will not receive planning permission to build the DDA compliant above ground toilets at the Margate Subterranean toilets. If planning permission isn't granted there would be a requirement to continue to provide disabled portaloos on the upper promenade during summer season, which comes at a cost to the Council each year, and encroaches on the promenade and cycle path.
- 7.4.2 There is a risk that the refurbishment and construction of new facilities has been underestimated and the returned tenders are cost prohibitive. This risk has been mitigated through detailed and extensive design and RIBA stage 2 cost planning.

7.5 Climate Change and Biodiversity

- 7.5.1 Environmental and climate change implications have been reviewed and mitigated as far as practicably possible. The new and refurbished buildings will be significantly more energy efficient than the existing building.

8. Equality, Equity and Diversity Implications

- 8.1 The Council will be undertaking an open procurement exercise to ensure equality of opportunity is provided to companies to provide a cost effective option for the delivery of the project. An equality screening tool has been completed (see Appendix 3).

9. Crime and Disorder Implications and Community impact

- 9.1 Crime and disorder implications have been reviewed and the design of the new facilities has taken account of the high likelihood of antisocial behaviour occurring in and around the facility.

10. Subject History

- 10.1 Information regarding the history of this issue including decisions on funding has been set out in the body of the report.

Appendices

Appendix 1 - Plan Elevation and sections for Margate Subterranean DDA toilets

Appendix 2 - Layout Plan preferred option Margate Subterranean toilets refurbishment

Appendix 3 - Equality Impact Assessment

Background Papers

None

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Report Sign Off

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