

# Procurement of Public Toilet Works at Stone Bay, Broadstairs

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

## 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 following capital works to refurbish the existing toilet block and build a new toilet block at promenade level at Stone Bay Broadstairs, which would be subject to Planning approval. The estimated value of the contract will be £283k.

## Recommendation(s):

It is recommended that Cabinet:

1. 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 the existing toilet block and build a new toilet block at promenade level at Stone Bay, Broadstairs.
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 Stone Bay, Broadstairs, has been selected as the highest priority for capital funding due to the number of visitors to this bay, the condition of the existing facilities, and the location of the existing facilities, which are up a flight of steps, causing accessibility issues for those at the bay.

## 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 Coast and Engineering Services has commissioned Urban Surveying to undertake design and cost consultancy services (see Appendix 1 and 2).

3.2 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.

3.3 £571k capital funding has been allocated to the new build public convenience at Stone Bay which, subject to Planning approval will provide accessible toilet facilities at promenade level and refurbish the existing small toilet block which is only accessible via steps.

3.4 The project team have considered several locations for the proposed new toilet block at Stone Bay, each presenting a challenge due to distance from services, available space between beach huts and width of the promenade. The team decided on a location that does not require beach huts to be moved and maintains a promenade width of 4m, while also being as close to existing services as possible (see Appendix 1 and 2). The location of the proposed new toilet block on the Stone Bay promenade will obscure the view from the current bay inspectors office and so the bay inspector will be moved to an alternative location.

3.5 Early cost estimates have indicated that the Stone Bay toilet improvements including the refurbishment of existing WC's and the construction of a new WC block will cost £283k, this figure includes a 10% contingency. However, until this has been tendered the project team would recommend that the budget allocation of £571k is retained for the project for the time being.

3.6 If the tender confirms the £121k revenue contribution to capital is not needed the Council can then move this back to revenue for phase 2 of the public toilet revenue and maintenance project.

### **4. Recommendations from the Overview and Scrutiny Panel**

4.1 The Overview and Scrutiny Panel reviewed proposals in the report and made made the following recommendation, that:

“Wherever possible Thanet District Council should explore collaboration with the private businesses to manage public toilet facilities owned by the Council.”

## **5. Alternative Options**

### **5.1 Alternative Option 1**

The Council does not undertake any refurbishment of the existing or construction of new public toilets in Stone Bay. This is not the preferred option as it would leave Stone Bay with public toilets that are not compliant with equalities legislation in that they do not provide properly for disabled people. The toilets would also be in serious need of refurbishment.

### **5.2 Alternative Option 2**

The Council does not undertake the construction of new public toilets in Stone Bay and only undertakes the refurbishment of the existing facilities. This is not the preferred option as the toilets would still fail to properly cater for disabled people. If planning permission is not granted for the new public toilets, the delivery team will revert to this option.

### **5.3 Preferred Option**

The recommended option is the preferred option. This is because it will result in the toilets being refurbished to a reasonable standard and will also support the council to meet its duties under equalities legislation, ensuring that disabled people have equal access to this provision.

## **6. Consultation**

6.1 There is no statutory or public law 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.

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

### **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 £283 000 for the refurbishment of toilets at Stone Bay in Broadstairs. 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 the Council will not receive planning permission to build the DDA compliant public toilets.

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 equalities 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 - Site plan for new facilities at Stone

Appendix 2 - Refurb plans for Stone Bay

## Appendix 3 - Equality Impact Assessment

### Background Papers

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#### Report Sign Off

**Legal** Ingrid Brown-Head of Legal and Democracy and Monitoring Officer

**Finance** Matthew Sanham (Head of Finance and Procurement)