

Report of Chief Executive

Subject: Public Convenience Funding

Purpose of the Report

The report seeks the views of Members on a letter received from Pembrokeshire County Council regarding funding for public conveniences.

Introduction

The Chief Executive has received a letter from the Chief Executive of Pembrokeshire County Council (PCC) asking the Authority to provide a contribution to the management of public conveniences near National Park Authority run car parks through increasing car parking charges and ring fencing the additional income and transferring that income to Pembrokeshire County Council.

A previous request for a financial contribution in [February 2020](#) was turned down by Members.

Background

The management and funding of public conveniences in Pembrokeshire is undertaken by PCC. While there are 13 toilets located on or near land owned by PCNPA the Authority does not manage these facilities and while the Authority owns three of these buildings they are leased to PCC. The provision of public conveniences are a non-statutory services for PCC.

PCC have an agreement with Danfo Ltd to manage public conveniences. PCNPA is not part of this contract.

In March 2020, following legal advice, PCC Members adopted a policy to raise car park income to fund those serving charged for car parks. In PCCs view this is proving to be a really successful model for securing facilities. This generated around £200K of additional income.

However, PCC were unable to adopt the same approach with the 13 toilets located near PCNPA car parks or land and therefore they are making a request for the Authority to adopt this approach to generate an additional £145K to cover the cost of managing these public conveniences. However, this is based on 2022 costs and the PCC contract with DANFO increases by a rate equivalent to CPI annually. With inflation currently being high this could lead to significant increases over the next few years.

Issues to consider

Legal Considerations

There is no legal requirement for PCNPA to manage public conveniences or to provide funding to support their management.

If Members were to support this request, then the Authority would need to change its Off Street Parking Order. This would require working through a legal and consultation process with the Highway Authority (Pembrokeshire Country Council). The expected cost of this process would be over £10K when all costs are included.

The use of resources generated from car parking is governed by the Road Traffic Regulations Act, 1984 which states that income has to be confined to “contributing to the cost of off-street parking” or (where sufficient off-street parking exists) “contributing to public passenger transport services, road improvements, environmental improvements”. In view of the fact that PCC would be governed by similar legislation we consider that this would be a legal use of money. However, if Members were to decide to take this proposal forward then we would clarify that there were no legal barriers to contributing to services provided by another organisation.

Provision of Public Conveniences

Public conveniences are used by both residents and visitors. They are particularly beneficial for groups such as the elderly, families with young children and individuals and groups with special requirements. The absence of public conveniences can lead to individuals seeking alternative options which can have a detrimental impact on the local environment.

PCC have indicated that if additional sources of funding are not secured then they will need to consider closing some of the network. However, this is an issue for PCC and not one that PCNPA can influence.

Financial Considerations

For the current financial year, the Authority budgets for an income of £593K, therefore, to meet the financial request from PCC of £145K it would need to increase its charges by 25%. The Authority generally charges £1 an hour to park up to a maximum of £5 per day. Therefore, this would increase to £1.25 per hour up to a maximum of £6.25 per day.

However, with the costs of this service being subject to CPI increases, it may be more prudent to increase the charge by more than this to avoid needing to increase charges on an annual basis and avoiding the need to change the Off-Street Parking Order annually.

It should also be noted that the Authority provides a very competitive and highly popular annual season ticket offer comprising a roving ticket priced at £70 and valid for use in any of our 14 charging car parks and a £25 version which is valid for use in a single nominated car park only.

The proposal from PCC would be cost neutral for the Authority with the additional costs being paid by users of the car parks, who are also likely to be users of the public conveniences.

Funding Services provided by other organisations

If Members were to approve this proposal it would set up a new type of arrangement. The Authority has no precedent for this type of arrangement. While we contribute to the work of other organisations we have not previously generated additional income and ring fenced the money for use by another organisation. PCNPA would need to protect itself from future requests for contributions for services that could be considered to benefit the National Park such as Highways or waste management.

Members should also be aware that since 1996 PCNPA has managed the public rights of way in the National Park. The legal responsibility for managing public rights of way is with the Highway Authority, i.e. Pembrokeshire Country Council, however, on its formation in 1996 PCNPA entered into a delegation agreement with PCC to manage around 1,000km of public rights of way, for which we receive no financial contribution. The total annual cost of this work is around £800k per year.

Governance Issues

When the Authority provides a financial contribution to another organisation it would normally impose some conditions and controls on the use of the funding, therefore if Members approve this contribution then consideration needs to be given to what controls should be introduced to ensure that the money provided is appropriately allocated. Some possible issues to consider include:

- A written contract outlining how the money is used and expectations on PCC to report on the use of the money;
- The setting up of a joint group between PCNPA and PCC to agree how any funding provided is allocated;
- The length of any agreement including provision for PCNPA (or PCC) to break the agreement if either is not happy with the arrangement;
- How we would manage a change in circumstances. For example, over the next few years a Tourism Levy may be introduced in Pembrokeshire. While legislation to allow this has not been passed, based on current proposals the introduction of a levy in Pembrokeshire will be a decision for PCC and they will receive and control any income generated. If a levy is introduced, then it is reasonable to expect that a proportion of the income generated would be used to manage public conveniences. If this were to happen PCNPA would need to be in a position to terminate any agreement to fund the management of public conveniences with PCC.
- Since PCC would benefit from the arrangement any agreement could seek them to cover the cost of any changes to the PCNPA Off-Street Parking Order.

Conclusion

Members are asked whether they will agree, in principle, to the Authority increasing its car parking charges and ring fencing the amount raised to fund public

conveniences managed by Pembrokeshire County Council. If members agree to proceed with this then the final agreement and amendments to the Off-Street Parking Order will be brought back to Members at future meetings. The time taken to amend an Off-Street Parking Order would indicate that the earliest this change could occur is March 2023.

RECOMMENDATION:

Members are asked to discuss the paper and indicate whether they would agree, in principle, to the Authority increasing its car parking charges and ring fencing the amount raised to fund public conveniences managed by Pembrokeshire County Council.

Background papers:

(For further information, please contact Tegryn Jones, Chief Executive on 01646 624803, or by e-mailing tegrynj@pembrokeshirecoast.org.uk)