

01 August 2023

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A S Khan

Director approving submission of the report:

Director of Public Health & Wellbeing

Ward(s) affected:

All

Title:

Changing Places Toilet Installation at War Memorial Park

Is this a key decision?

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive summary:

As part of its ongoing commitment to meeting the Public Sector Equality Duty, Coventry City Council is proposing to install a Changing Places Toilet in War Memorial Park in order to provide suitably accessible toileting facilities for people with complex disabilities. This report seeks approval of the Coventry Shareholder Committee, acting as the Charitable Trustees of the War Memorial Park, to approve that installation.

Funding has been received from the Department of Levelling Up for a Changing Places Toilet Programme in the city which will see a total of 5 new Changing Places facilities installed at different locations in the city. The proposed facility in War Memorial Park is one of the 5 venues in which a Changing Places Toilet is planned.

Recommendations:

The Coventry Shareholder Committee, acting as the Charitable Trustees of the War Memorial Park, is recommended to approve the installation of a Changing Places Toilet at the War Memorial and delegate authority to the Director of Public Health & Wellbeing to enter into the works contract.

List of Appendices included:

The following appendices are attached to the report:

Appendix 1 – Location of proposed Changing Places Toilet

Appendix 2 - Equality Impact Assessment

Background papers:

None

Other useful documents

None

Has it or will it be considered by Scrutiny?

No

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Changing Places Toilet Installation at War Memorial Park

1. Context

- 1.1 As a public authority, Coventry City Council is committed to meeting its responsibilities under the Public Sector Equality Duty (PSED). This duty is comprised of the general duty and specific duties.
- 1.2 The general duty requires the Council to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment, and victimisation
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those who do not
- 1.3 As part of its ongoing work to meet the second strand of the above general duty, and in particular, the need to advance equality of opportunity for people with disabilities, the Council is committed to increasing the number of Changing Places Toilets in the city.
- 1.4 Changing Places Toilets meet the needs of people with profound and multiple learning disabilities, as well as people with other physical disabilities. These toilets provide the right equipment including a height adjustable adult-sized changing table, a tracking hoist system, adequate space for a disabled person and carer, a peninsular WC with room either side and a safe and clean environment including tear off paper to cover the bench, a large waste bin and a non-slip floor.
- 1.5 Over the last 2-years Coventry City Council has successfully received £260,190 of funding (during Rounds 1 and 2 of the government's Changing Places Toilets programme) to install five changing places facilities at Albany Theatre, Tesco Arena, ShopMobility, Coombe Abbey Park and War Memorial Park.
- 1.6 Coventry City Council have until March 31st 2024 to install the Changing Places Toilets for which funding has been granted.
- 1.7 The Council holds the legal title to the War Memorial Park by virtue of a conveyance dated 27 January 1921. The land was transferred to the Council to be held 'to the use' of the Corporation and its successors and assigns *'to be maintained by the Corporation and dedicated in perpetuity as a public park or Recreation Ground for the people or for use for Agricultural Shows Flower Shows or similar purposes with a right to charge for admission'* the wording of this conveyance clearly settled the land (including the War Memorial Park) on charitable trust and as such the Council is now the sole corporate trustee of the Trust. Any decisions relating to the War Memorial Park need to be taken by the Coventry Shareholder Committee acting as the Charitable Trustees.

2 Options considered and recommended proposal

- 2.1 Access to open spaces is an essential part of any sustainable community - encouraging both exercise and social activity. Open spaces such as War Memorial Park can positively contribute to mental and physical wellbeing of residents. 17.7% of Coventry City Council's residents have a limiting long term health problem or disability and appropriate toilet provision for this cohort of the population is fundamental to their quality of life and for health outcomes to be achieved.
- 2.2 Installation of a Changing Places facility at War Memorial Park will mean an increased range of people who will be able to start using the venue and accessing social and cultural opportunities

which were previously unavailable to them. This will include people with profound and multiple learning disabilities, people with conditions that may affect their movement including cerebral palsy, multiple sclerosis, motor neurone disease people with head injuries or severe spinal injuries, people living with stroke, older people who require assistance. The Shareholder Committee is therefore recommended to approve the installation of this facility.

- 2.3 The proposed location for the Changing Places toilet would be opposite to the existing Pavilion in the Park (see Appendix 1).

3 Results of consultation undertaken

- 3.1 Coventry City Council conducted an online survey in September 2021. The survey was circulated to members of the following organisations:

- Disability Equality Advisory Panel (DEAP) – this is the Council's city-wide forum on disability issues and includes organisations from a range of sectors as well as individual representatives.
- Grapevine
- Disabled Employee Network (DEN)- this is an internal employee group in the Council.

- 3.2 In line with a national Changing Places survey, the local survey concluded 67% of people in Coventry are influenced on the locations of Changing Places toilets when planning trips and other activities. The lack of facilities in Coventry means people tend to go to other places where there are more Changing Places facilities available.

- 3.3 The Council's survey listed 6 activities and asked which activities would be undertaken if access to a Changing Places toilet was available. The top 2 choices were having days out and to go shopping.

- 3.4 In Coventry the top 3 places respondents wanted to see CP toilets installed were: Parks, Retail areas and Hospital settings.

4 Timetable for implementing this decision

- 4.1 If approval is granted by the Coventry Shareholder Committee, contracts will be awarded at the earliest opportunity (following the completion of a compliant procurement process) with a view to the Changing Places toilet being operational by Summer 2024.

5 Comments from Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

5.1 Financial Implications

- 5.1.2 The Changing Place modular build is estimated to cost around £70,095. This cost will be fully funded from the Council's Round 2 grant from Levelling Up.

- 5.1.3 There will be ongoing annual operational maintenance costs for the Council, including maintenance, servicing, cleaning and allowance for replacement of equipment and sanitary facilities. These costs will be met from existing revenue budgets.

5.2 Legal Implications

- 5.2.1 Local authorities are empowered by Section 139 of the Local Government Act 1972 to receive and hold gifts on charitable trusts. The local authority is currently the sole corporate trustee for this charity.

- 5.2.2 The Council as trustee has a legal duty to operate the charity in accordance with the charity's governing document and strictly in furtherance of its stated objects. The management of the charity should be kept separate, as far as possible, from the business of the local authority. Equally, the finances of the trust must be kept separate from those of the Council.
- 5.2.3 Where the Council is a trustee of a charity, it is the corporate body, acting in accordance with its usual procedures, which is 'the trustee'. While ongoing management may be delegated to officers, responsibility for decision making and oversight must rest with Councillors.
- 5.2.4 The works contracts required for the delivery of the project, will be entered into following the conclusion of a compliant procurement process in accordance with the Public Contract Regulations 2015, the Council's constitution and the Council's Rules for Contracts.
- 5.2.5 Legal Services will ensure the works contract includes any contractor obligations necessary to ensure the Council (and the new Changing Places Facility) is in compliance with the requirements of the grant agreement between the Council and the Department for Levelling Up, Housing & Communities (the funders of the project).
- 5.2.6 The Council is party to a dedication agreement with National Playing Fields Association (operating as Fields In Trust) dated 2014 which covers the area of the land on which the facility is to be installed. The dedication agreement requires that the Council inform Fields in Trust of any decision to erect any new structure. The Council has complied with this requirement.
- 5.2.7 The Equality Act 2010 includes a Public Sector Equality Duty, which came into force April 2011. This requires public bodies to place equality at the heart of everything they do and extends the benefits across all protected characteristics. The Act also requires public authorities to plan ahead and make changes in advance in order to meet the needs of existing and potential new customers. The new Changing Places Facility is in accordance with the Act.

6 Other implications

6.1 How will this contribute to the One Coventry Plan (<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan/>)?

One of the 3 priorities in the One Coventry Plan is 'Improving outcomes and tackling inequalities within our communities'. The planned installation of the Changing Places Toilet at War Memorial Park is inextricably linked to the delivery of this priority and the overall equality, diversity and inclusion agenda of the Council.

6.2 How is risk being managed?

Robust governance processes are proposed that will make sure that any emergent risks are identified and mitigated at the earliest opportunity. As part of the grant funding arrangements, the Council is required to submit monthly returns to Levelling Up to demonstrate performance of the programme. There are also monthly monitoring meetings with officers from Levelling Up, in order to provide progress reports.

6.3 What is the impact on the organisation?

Delivering on the key areas of work under the Public Sector Equality Duty will enable the Council to demonstrate clear leadership and accountability for meeting statutory equality obligations. There will be immense improvements of inclusion and accessibility for people with disabilities and their families.

6.4 Equalities / EIA?

An EIA has been completed as part of this project and can be found at Appendix 2.

6.5 Implications for (or impact on) climate change and the environment?

The contract specification for the installation of the Changing Places toilet will require consideration of the existing natural environment when materials are selected for the exterior of the facility, in order to ensure minimal impact on the existing natural landscape.

6.6 Implications for partner organisations?

The Council has obtained the approval from the Fields in Trust charity for a Changing Places toilet in War Memorial Park, who believe it will make a welcome addition to the park's facilities.

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