

Citizen Participation and Public Petitions Committee

12th Meeting, 2023 (Session 6), Wednesday
6 September 2023

PE1955: Make the provision of public toilets a statutory duty

Lodged on	31 August 2022
Petitioner	John Wood
Petition summary	<p>Calling on the Scottish Parliament to urge the Scottish Government to ensure local authorities provide good quality, clean and accessible public toilets by:</p> <ul style="list-style-type: none">• placing a statutory duty on local authorities to provide adequate public toilets; and• ensuring sufficient funding is available to local authorities to meet this requirement.
Webpage	https://petitions.parliament.scot/petitions/PE1955

Introduction

1. The Committee last consider this petition at its meeting on [23 November 2022](#). At that meeting, the Committee agreed to write to the Scottish Government and to the Highland, South Ayrshire and Aberdeenshire councils.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from the Highland Council, Aberdeenshire Council, the Scottish Government and the Petitioner which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).

5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 1,566 signatures have been received on this petition.

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1955: Make the provision of public toilets a statutory duty

Petitioner

John Wood

Date lodged

31 August 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to ensure local authorities provide good quality, clean and accessible public toilets by:

- placing a statutory duty on local authorities to provide adequate public toilets; and
- ensuring sufficient funding is available to local authorities to meet this requirement.

Previous action

I have raised this with MSPs, the Scottish Government, candidates at local and Holyrood level, Scottish Water and others.

I have been unable to get any proper response from any of them.

Background information

Public toilets are a basic requirement of public health and hygiene. They are also essential to protect the environment.

They are not just for visitors. They are needed by local people, emergency services, delivery drivers, care workers and others. This is especially true in rural areas.

I live in Poolewe in Wester Ross. I am now retired but formerly had to travel all over the Highlands for my work. I live opposite the local public toilets.

In 2020 the toilets were closed just before the highlands were opened up to the mass invasion of tourists, and I helped to clear up human waste from the public amenity space adjoining the toilets.

I am shocked by the apparent belief among politicians that toilets are just for tourists, and that self-contained, drive through tourists in campervans do not need them. We all need toilets, as does the environment. They are not an optional extra that can be cut to save money.

Annexe B

Extract from Official Report of last consideration of PE1955: Make the provision of public toilets a statutory duty on 23 November 2022

The Convener: PE1955, lodged by John Wood, calls on the Scottish Parliament to urge the Scottish Government to ensure that local authorities provide good-quality, clean and accessible public toilets by placing a statutory duty on local authorities to provide adequate public toilets and ensuring that sufficient funding is available to local authorities to meet that requirement.

The Scottish Parliament information centre briefing highlights a 2018 BBC report, which revealed that 15 of the 28 Scottish councils that responded to an FOI request had fewer public toilets in 2018 than they had in 2010. The briefing also points to a comfort scheme that runs in a number of local authorities and which provides grants to businesses and organisations when they register to become providers of toilet facilities. I have to say that I was unaware of that scheme.

In its response, the Scottish Government states that “there are no plans ... to make the provision of public toilets a statutory obligation on local authorities.”

It points to the rural tourism infrastructure fund, which includes “project proposals” to deliver “new public toilets, car parking, and waste disposal facilities.”

In his response to the Scottish Government, the petitioner says that the provision of public toilets is “a basic requirement of public and environmental health”, not simply “an optional ‘tourism’ issue”. He points to the Scottish Government’s role in ensuring “health and environmental protection” as a demonstration of why the issue is of national importance.

I note from a motion lodged by one of our parliamentary colleagues that this is national toilet week, of which I was also unaware. We are therefore considering the petition at an apposite moment. Do members have any comments or suggestions for how to take the issue forward?

12:00

Fergus Ewing: It is appropriate, and very convenient, convener.

There is, in principle, a strong argument behind what the petition calls for, but there is a more practical option that we might pursue. I appreciate that it is perhaps not absolutely what the petitioner wants, but we might want to consider asking the Scottish Government whether it believes that the rural infrastructure fund could be continued and extended. I know that the fund is a popular financial provision with both local authorities and the Scottish Government. It is fairly flexible, and I know that it has been well used in Highland to address local issues of concern in places

such as the fairy pools on Skye and has enabled solutions to be found to some long-standing local community issues.

Given that experience, I wonder whether we might even encourage the Scottish Government to work with local authorities on using the fund to fill gaps in the provision of public toilets throughout the country. The scheme, as a *modus operandi*, seems to be practical and has been working in practice for a good few years now.

The Convener: Are there any other suggestions or are members content to proceed on that basis? It might also be useful to write to Highland, South Ayrshire and Aberdeenshire councils in order to understand how the comfort schemes operate. As I have said, I was not previously aware of them, and I would be interested to find out how many businesses are actually supportive of the schemes and what effort had to be put into achieving them; what the annual cost is; and how widely advertised and understood the schemes are. They would seem to offer an opportunity that other councils might wish to take into account. In addition, councils might seek to use the rural infrastructure fund that Mr Ewing has suggested we write to the Government about as a means of facilitating that.

Are we agreed?

Members *indicated agreement.*

Annexe C

Highland Council submission of 23 December 2022

PE1955/C: Make the provision of public toilets a statutory duty

Thank you for your letter of 5 November 2022 regarding this matter.

In relation to the information the Committee has requested about our comfort scheme, please find our responses below.

1. How many businesses and organisations are currently registered?

The Council has 37 three-year agreement Comfort Schemes. In addition to this, the Council's Tourism Committee in 2021/22 and 2022/23 agreed funding to support visitor management. This facilitated additional seasonal comfort schemes to be put in place, 14 in 2021/22 and 16 in 2022/23. This funding is non-recurring.

Our current service providers can be accessed via this link.

https://www.highland.gov.uk/directory/60/highland_comfort_scheme_providers

2. What the annual cost of this scheme is and how this compares to maintaining local authority-run public toilets?

Comfort schemes are a low risk, cost-effective way of providing this service. There are no building maintenance, utility, cleaning or staff costs to be met. The comfort scheme payments contribute to the cleaning and supply of consumables.

The annual cost of providing the comfort scheme is £96,000.

In addition, £24,500 was spent on seasonal comfort scheme providers in 2021/22 and £30,000 in 2022/23. This was funded by the visitor management fund.

3. How widely advertised and understood the scheme?

We advertise each scheme as it is agreed, normally by way of a press release. We also provide window clings and stickers and harmonized signage as well as promoting via our website and whenever we receive correspondence on PCs we direct people to our website which has a map and list of all comfort schemes. We also developed a QR code which is used on signage at local hot spot areas for wild toileting. This code directs people straight to the map on the Council website.

4. Whether the Rural Tourism Infrastructure Fund could be used to broaden the scheme to more Local Authorities?

This would be a worthwhile consideration as additional funding for more schemes would allow further facilities to be made available.

I hope this response provides sufficient detail for the committee. Please contact me if you require any further information.

Aberdeenshire Council submission of 6 January 2023

PE1955/D: Make the provision of public toilets a statutory duty

- **how many businesses and organisations are currently registered;**
Eight businesses are currently signed up to the Comfort Partnership Agreement with Aberdeenshire Council.
- **what the annual cost of this scheme is and how this compares to maintaining local authority-run public toilets;**
Aberdeenshire Council pays £2,000 per annum to businesses for agreeing to operate as a Comfort Partnership. The average running cost for any local authority run public toilet is around £12,000 per annum however the actual running costs very much vary from public toilet to public toilet dependant on use and location.
- **how widely advertised and understood the scheme is; and**
The scheme is advertised on the Council's website however very much relies on word of mouth and the Council contacting business

directly. Aberdeenshire Council is currently reviewing their Public Convenience Strategy which will include better promotion of Comfort Partnerships.

- **whether the Rural Tourism Infrastructure Fund could be used to broaden the scheme to more Local Authorities.**

If the criteria of RTIF remains the same, only public toilets in areas with significant tourism pressures could be considered. Current RTIF criteria also requires that the Local Authority would need to retain/own the premise which would rule out using it for Comfort Partnerships.

Scottish Government submission of 16 February 2023

PE1955/E: Make the provision of public toilets a statutory duty

RTIF welcomes applications for projects including (but not exclusively) toilets, as long as these projects have been identified as priorities within the relevant Strategic Tourism Infrastructure Development Plan. Only Local Authorities and National Park Authorities can apply for funding. However, Community Groups and other agencies can apply to their Local Authority or National Park if they have an eligible project. Individual businesses are not eligible for RTIF.

RTIF can be used to provide new or upgrade existing toilets but RTIF cannot be used to reopen toilets which have closed e.g. as a result of budget cuts.

There are few specific criteria in relation to toilets but usually we prioritise through the scoring system, looking for facilities which provide additionality, increase accessibility and improve sustainability.

See here for more background on process and a summary of what applicants must demonstrate in their application [Rural Development Fund - Funding | VisitScotland.org](#).

Health Protection Division

Petitioner submission of 22 March 2023

PE1955/F: Make the provision of public toilets a statutory duty

Unfortunately it seems that after six months the Committee has yet to address the substance of the petition, namely that

"Public toilets are a basic requirement of public health and hygiene. They are also essential to protect the environment.

They are not just for visitors. They are needed by local people, emergency services, delivery drivers, care workers and others. This is especially true in rural areas."

The Scottish Government's initial response of 7 September 2022 does not address this. In fact, it seems it does not regard public toilets as of any importance at all. When I and other local people find ourselves clearing up the mess left by drive-through, supposedly self-contained, freeloading tourists, it is adding insult to injury. The Rural Tourism Infrastructure Fund is not an appropriate source of funding for a basic public service needed by everyone, locals, tradesmen, health and care workers, delivery drivers, the elderly and menstruating women. Local authorities should not have to apply for tourism funds to maintain basic front-line services.

I therefore responded on this basis in my submission of 23 September, which seems to have been completely ignored by both the committee and the Scottish government.

The very reason for this petition – which in a single month, collected nearly 1500 signatures – was that the Highland Council simply does not 'prioritise budgets in line with the needs of communities'. In fact, it is closing and getting rid of public toilets in rural areas as fast as possible. Its comfort scheme has operated in Poolewe and Aultbea for some years, with the Council paying GALE (local community enterprise) to manage them. However, year on year maintenance has been neglected and funding reduced until it reached a point in 2020 where the cleaner could no longer afford to continue, being on utterly inadequate wages and expected to provide her own cleaning materials. The toilets opposite my house closed just as the post-lockdown mass invasion of summer 2020 started. It was chaos.

Locals had to step in as volunteers to reopen them – for many months we were forced to combine the Gents and Ladies and were unable to open both. Now the Council is now seeking to transfer these facilities entirely to a community group, as it did in Kinlochewe and elsewhere, leaving communities to raise funding somehow for basic running costs and utility bills. These groups then find it almost impossible to work with the Council.

At Gairloch beach car park, a key location, the original public toilets were replaced with a portable unit some years ago, and this too has now been removed and responsibility handed to a small local group, who have found it almost impossible to build new toilets (apparently) owing to difficulties placed in their way by Highland Council. The site is still just a heap of rubble, as the tourist season gets ready to open.

It is clear that on this and other issues, Highland Council's budget priorities are clearly all in the Inverness area at the expense of rural areas. And non-statutory services are always the first to suffer budget cuts. Sadly, our local councillors – of all parties – have been frankly useless on this as on all other matters. Local democracy here is a complete sham.

Perhaps the Scottish Government is only now interested in funding urban areas? Does the 'City Regions' policy mean that the rural highlands are still seen as an exclusive, 'rewilded', depopulated playground for the wealthy? To locals, it certainly feels that way.

Comfort schemes are an unsatisfactory response. Local shops or businesses may be reluctant to provide toilets when their premises become invaded by coachloads of tourists who leave a mess and buy nothing. Funding is inadequate to cover costs, and such toilets in any case are often only open during limited hours.

The Committee's deliberations too have so far been extremely disappointing. If the Committee and the Scottish Government do not believe that public toilets are a basic requirement of public health and hygiene, surely they should say so publicly instead of beating about the bush in this way.

Please can the Committee actually address the petition itself. In Highland at least, experience shows that only a statutory duty and a sufficient revenue budget from the Scottish Government will provide this essential service in the rural areas. I said in my original petition,

"I am shocked by the apparent belief among politicians that toilets are just for tourists, and that self-contained, drive through tourists in campervans do not need them. We all need toilets, as does the environment. They are not an optional extra that can be cut to save money."

In my submission of 23 September, I said, "It is not acceptable for the Scottish Government to treat this issue with such casual dismissal."

This time I will just ask when the Committee will start to take my petition seriously and actually address the issue I raised.