



LEDBURY TOWN COUNCIL

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2 August 2024

Dear Councillor

You are summoned to attend an extraordinary meeting of **LEDBURY TOWN COUNCIL** to be held on **Thursday, 8 August 2024 at 6.00 pm** in the **Council Offices, Church Lane, Ledbury** for the purpose of transacting the business shown in the agenda below.

Yours faithfully

Councillor Steven Chowns
Town Mayor

FILMING AND RECORDING OF COUNCIL MEETINGS

Members of the public are permitted to film or record meetings to which they are permitted access, in a non-disruptive manner. Whilst those attending meetings are deemed to have consented to the filming, recording, or broadcasting of meetings, those exercising the rights to film, record or broadcast must respect the rights of other people attending under the Data Protection Act (GDPR) 2018

A G E N D A

1. **Apologies**
2. **Declarations of Interests**

To receive any declarations of interest and written requests for dispensations.

Members are invited to declare disclosable pecuniary interests and other interests in items on the agenda as required by the Ledbury Town Council Code of Conduct for Members and by the Localism Act 2011.

(Note: Members seeking advice on this item are asked to contact the Monitoring officer at least 72 hours prior to the meeting)

3. **Nolan Principles**

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

4. **Bye Street Toilets** **(Pages 1733 – 1742)**
5. **2024 Christmas Lights Switch-on Event** **(To Follow)**
6. **Exclusion of Press and Public**

In accordance with Section 1(2) of the Public Bodies Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting.

7. **John Masefield Memorial Project** (Pages 1743 - 1752)

8. **Notice of Motion** (To Follow)

Motion submitted by the Mayor, Councillor Chowns, and seconded by the Deputy Mayor, Councillor Harvey

That Members support the attached statement for publication.

9. **Draft Licence – St Katherines Square** (Pages 1753 - 1765)

**Distribution: - Full agenda reports to all Councillors (10)
Plus file copy**

**Agenda reports excluding Confidential items to:
Local Press (2)
Library (1)
Police (1)**

Report prepared by Angela Price – Town Clerk

BYE STREET TOILETS

Purpose of Report

The purpose of this report is to ask Members to implement the previous decision taken by Full Council to pilot the operation of the toilets sited on Bye Street, Ledbury in conjunction with 'Love Ledbury'.

Equality Duty

Under section 149 of the Equality Act 2010, the “general duty” on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and person who do not share it.

The public sector equality duty (specific duty) requires Ledbury Town Council to consider how it can positively contribute to the advancement of equality and good relations and demonstrate that they are paying 'due regard' in their decision making in the design of policies and in the delivery of services.

Detailed Information

Members will recall that in November 2023 Council considered a request from Love Ledbury in respect Bye Street Toilets which resulted in a resolution to enter into a partnership with Love Ledbury as per the following:

4. **Hybrid:** The Town Council operates the Partnership model for 6 months while the asset transfer of the building is explored with commitment to a decision to be made in November 2024 regarding: either:
 - a. Withdrawal from the arrangement (revert to 'Do Nothing');
 - b. Continuation of partnership working; or
 - c. Transfer of the service and possibly also the property to full council ownership.

Following this a draft Partnership operating model was submitted to a meeting of the Environment & Leisure Committee on 2 May 2024. The resolution of that committee was:

RECOMMENDATION:

That Members of the Environment & Leisure Committee proposed not to accept the draft Partnership Agreement pending clarification in respect of the charitable status of Love Ledbury and confirmation of the expiry date of the lease.

RESOLVED:

That a dialogue be entered into with Herefordshire Council to explore whether it would be more feasible for Herefordshire Council to take over responsibility of the Bye Street public toilets as opposed to Ledbury Town Council.

Subsequently the Clerk has requested dates for a meeting from the Estates Office at Herefordshire Council but to-date no meeting has been arranged.

This was then reported to the Annual Council meeting, held on 9 May 2024, via the Environment & Leisure Committee minutes, which resolved the following:

- 1. That the current lease on the Bye Street toilets be investigated, to establish the length of the current lease.**
- 2. If the lease is due to expire soon Ledbury Town Council look at taking it over.**
- 3. That Ledbury Town Council work with Love Ledbury to ensure that the public toilets are open for events in Ledbury, such as Community Day, Ledbury Celebration etc. whilst the lease is being investigated.**

A timeline detailing the meetings and resolutions in respect of the Bye Street Toilets is attached for members information.

Current Situation

Currently Option 4 agreed in November 2023 has not been implemented and the draft partnership agreement (Copy of original report attached) has not been recommended to Council for approval by the Environment & Leisure Committee and the toilets are not yet open.

The toilets were cleaned by the Town Maintenance Operative and opened for Community Day and Ledbury Celebration and if no agreement has been reached in relation to the Partnership Agreement it would be anticipated that they would be available on Carnival Day at the end of August.

Arrangements are being made to have a meeting between Ledbury Town Council, Love Ledbury and Herefordshire Council Estates Officers and once dates have been received from Herefordshire Council Officers these will be shared with Councillors and Love Ledbury to agree a date for the meeting.

However, in the meantime Love Ledbury are requesting that Full Council consider the Partnership Agreement with a view to having the toilets open for the current tourist season, as per the agreement on 23 November 2024, whilst discussions are ongoing in respect of the longer term operation and future of the toilets.

Recommendation

That Members consider the Partnership Agreement with a view to having the toilets open for the current tourist season, as per the agreement on 23 November 2024, whilst discussions are ongoing in respect of the longer term operation and future of the toilets.

Bye street toilets timeline

2022 – Council agreed to make use of Great Places to Visit funding on toilets in an aim to get them reopened

16.03.2023 – Report to E & L with recommendation that Clerk write to Love Ledbury for an update on the future of the toilets and when they will be reopened

Minute of 16.03.2023

- 1. That the ‘Love Ledbury’ charity be investigated and find out if they still hold the contract to the Bye Street public toilets.**
- 2. That Herefordshire Council be contacted to enquire if they could take on full ownership of the public toilets in Bye Street as it would be most beneficial to have these toilets open in time for the Coronation event.**
- 3. That it be investigated on how best the toilets can be run effectively, by disabling the high security locks.**

Answers to the above:

1. Yes
2. Unlikely
3. Security locks are currently disabled

23 November 2023 – Report to Full Council with options for council to take on toilets

Minute - **C162. BYE STREET TOILETS**

Councillors Morris and Harvey left the room whilst this item was discussed.

Councillor Sinclair raised concerns that the suggested projected spend within the report may be too low and that the figure may be closer to £30,000 p/a.

After further discussion Members agreed that Option 4, the Hybrid option, would be the best way forward but that this should be reviewed after a period of 6 months, with a “get out clause” added to any agreement in case the costs spiral beyond those projected.

RESOLVED:

- 1. That Option 4, a hybrid model, be agreed, with a “get out clause” at six months being added to any agreement.**
- 2. That the Clerk investigate possible sponsorship for the toilets**

7 March 2024 – Report sent to E & L Committee asking them to agree to repairs to toilet building

Minute - **E110** **BYE STREET PUBLIC TOILETS**

Members noted that the Clerk had written to Herefordshire Council to confirm whether an operational lease exists and whether it would be permissible for Ledbury Town Council to take over the responsibility or to do it jointly with Ledbury & District Community Benefits Society (“Love Ledbury”). It was noted that the Estates Officer at Herefordshire Council had confirmed: “*We still have them on our system as under a licence agreement to the Ledbury and District Community Benefit Society. We would have no problem in ending the current licence agreement and granting a new licence or lease to a joint entity*”.

Members agreed that this matter needed to be decided by Council whether Ledbury Town Council should enter into a new licence or lease to a joint entity.

Members also agreed to put on hold any further works to Bye Street Public Toilets in relation to the remedial works suggested until a decision had been reached regarding a licence agreement.

Difficulty was also noted in getting Contractors to provide Risk Assessments for Town Council contracts and agreed that it would be sensible to provide a generic risk assessment as part of the tender process and therefore recommended that a generic risk assessment be produced.

RESOLVED:

That no works be undertaken to Bye Street Toilets by Ledbury Town Council to until a decision had been reached regarding a licence agreement.

RECOMMENDATION:

That Members propose that the Town Council draws up a generic Risk Assessment which would form part of the quotation process for builders etc being asked to undertake work on Council property.

2 May 2024 – Draft partnership agreement submitted to committee

Minute - **E128** **BYE STREET TOILETS PARTNERSHIP AGREEMENT**

Members considered the proposals that had been presented but were not keen to take on this entity, as it was believed that Love Ledbury is not and has never been a charity. Councillor Newsham advised that there are two ways in which charitable status is gained: either by registering their charity with HMRC or via the Charity Commission website. It was noted that Love Ledbury cannot be found on the Charity Commission website, although it could still be registered as a charity with HMRC.

Members requested that Officers seek formal confirmation of the status of the Bye Street Public Toilets. However, Members believed it would be unwise for Ledbury Town Council to enter into a legal entity as Love Ledbury had not been able to manage the toilets since 2011.

Further discussion took place regarding the public toilets in Church Lane, considering that it would be more sensible if Herefordshire Council were to take on the responsibility of the Bye Street public toilets. The Deputy Clerk advised that Hoople are responsible for the Church Lane toilets and that it would be highly unlikely that they would want to take over responsibility of the Bye Street toilets as well.

It was brought to the attention of Members that the draft Partnership Agreement did state that repairs to the fabric of the building should continue to be borne by Herefordshire Council under the existing arrangement.

RECOMMENDATION:

That Members of the Environment & Leisure Committee proposed not to accept the draft Partnership Agreement pending clarification in respect of the charitable status of Love Ledbury and confirmation of the expiry date of the lease.

RESOLVED:

That a dialogue be entered into with Herefordshire Council to explore whether it would be more feasible for Herefordshire Council to take over responsibility of the Bye Street public toilets as opposed to Ledbury Town Council.

9 May 2024 – Annual meeting –

Minute C251. TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE ENVIRONMENT & LEISURE COMMITTEE HELD ON 2 MAY 2024 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN.

RESOLVED

- 2. That the current lease on the Bye Street toilets be investigated, to establish the length of the current lease.**
- 3. If the lease is due to expire soon Ledbury Town Council look at taking it over.**
- 4. That Ledbury Town Council work with Love Ledbury to ensure that the public toilets are open for events in Ledbury, such as**

Community Day, Ledbury Celebration etc. whilst the lease is being investigated.

17 July 2024 - 7. **E128 – Bye Street Toilets the Town Clerk to contact the Estates Officer at Herefordshire Council to arrange a meeting between all interested parties (Ledbury Town Council, Herefordshire Council and Love Ledbury) to discuss the future of Bye Street toilets.**

BYE STREET TOILETS
PARTNERSHIP AGREEMENT BETWEEN
LEDBURY TOWN COUNCIL
AND
LOVE LEDBURY

This Partnership Agreement is between Ledbury Town Council and Love Ledbury in respect of the Bye Street Toilets as agreed at a meeting of Ledbury Town Council on 23 November 2023.

The agreement will commence on DD/MM/YY and will be in existence for a period of 12-months, with a “break point” for both parties to be considered at 6-months, DD/MM/YY, if requested.

For the duration of this 12-month trial period Love Ledbury will:

- Continue to be the primary point of contact with Herefordshire Council on any matters relating to the toilets and any correspondence with Herefordshire Council relating to the toilets will come through Love Ledbury.
- Continue to hold the tenancy of the Bye Street toilets.
- Continue to be the named customer with the existing utility providers.
- Pay all utility bills and seek reimbursement within 30 days of payment from Ledbury Town Council.
- Remain responsible for Business Rates payable on the building – which are presently waived due to the organisation’s charitable status.
- Continue to insure the facilities and to hold the appropriate public liability insurance.
- Provide an example cleaning and maintenance schedule for consideration by the Town Council.

For the duration of the 12-month trial period Ledbury Town Council will:

- Retain a set of keys for the Bye Street toilets building which will give council staff full access to all cubicles, service areas and services on site.
- Determine and take responsibility for the opening hours of the facilities and for ensuring that the facilities are secure outside of these operating hours.
- Utilise the Council’s own consumables suppliers to procure the products required to operate and to clean the facilities.
- Be responsible for determining and delivering the daily cleaning schedule for the facilities, and for keeping the external areas of the property footprint clean and tidy. To include removal of weeds on the premises.
- Be responsible for responding to any additional/emergency cleaning and any out-of-hours requirement to attend on-site.
- Be responsible for the cost of any routine maintenance and new repairs which need to be undertaken.

- Ensure the baby changing station is fit for use.
- Be responsible for the cost of the utilities (water and electricity) used.
- Have use of the secure display frames inside the cubicles and outside the building for advertising and promotion of community news.
- Not be required to undertake any roof or guttering repairs or replacement.

This agreement will end on DD/MM/YY, and Ledbury Town Council will consider the future of the partnership or an alternative model at the Environment & Leisure Committee scheduled for at least two months prior to the end of this agreement and advise Love Ledbury of the Council's preferred model going forward.

Signed Date
(On behalf of Love Ledbury)

Signed Date
(The Clerk, on behalf of Ledbury Town Council)

DRAFT