

SLOUGH BOROUGH COUNCIL

REPORT TO: Neighbourhoods and Community Services Scrutiny Panel

DATE: 29th October 2014

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WARD(S): All

PORTFOLIO: **Cllr James Swindlehurst, Commissioner for Neighbourhoods and Renewal.**

PART I

FOR COMMENT & CONSIDERATION

SLOUGH BUS STATION

1 Purpose of Report

To respond to concerns raised in relation to the maintenance of disabled toilets and increasing the width of a drop off area at the Bus Station.

Cllr. Anna Wright has raised the following points

- "The toilet and waiting room are still included in the lease of the café and subsequently taken on by the new café operator. As part of the lease agreement the responsibility for maintaining and keeping these facilities open is down to the café operator. Maintenance responsibilities have remained the same despite failures with the previous operator and the current operator in their initial period of taking on the concession on a temporary agreement".
- "What are the reasons for not giving maintenance responsibility to First Buses?"
- "What is the time frame for increasing the width of the overflow drop off area as agreed earlier this year?"

2 *Recommendation(s)/Proposed Action*

That the Committee note the report.

3 The Sustainable Community Strategy, the JSNA and the Corporate Plan

Priority – Regeneration and Environment

Slough Bus Station is a major element of the Heart of Slough regeneration project which will enable Slough to become sub-regional public transport hub.

4 **Other Implications**

(a) Financial

Acquisition of land adjacent to the Bus Station from Scottish Widows will be paid for by LSTF and will be in the region of £10k to £15k.

(b) Risk Management

Risk	Mitigating action	Opportunities
Other That the report is noted	None	There are no risks, threats or opportunities arising from the report.

(c) Human Rights Act and Other Legal Implications

There are no legal or Human Rights Act implications relating to the content of this report.

(d) Equalities Impact Assessment

There is no identified need for the completion of EIA relating to this report.

5 **Supporting Information**

5.1 “The toilet and waiting room are still included in the lease of the café and subsequently taken on by the new café operator. As part of the lease agreement the responsibility for maintaining and keeping these facilities open is down to the café operator. Maintenance responsibilities have remained the same despite failures with the previous operator and the current operator in their initial period of taking on the concession on a temporary agreement.”

In June 2014 the café unit at the bus station changed hands with the previous operator surrendering his lease with the Council. The Council is currently in the process of granting a new lease to a new operator.

The café unit in the bus station includes the waiting area and the disabled toilet. It was always the intention to include the waiting area and disabled toilet within the lease demise of the café and the component parts that make up the café unit cannot be separated. The café unit, including the waiting area and disabled toilet form an entirely separate demise to the office areas currently let to First Bus and the Newsagent.

The lease agreement for the café unit includes the obligation that the responsibility for maintaining and repairing and keeping in good order the demised area rests with the café operator. It is common practice that the tenants take responsibility for the internal maintenance and repair of a property.

The Committee noted at Overview and Scrutiny Committee, 14th January 2014 that the maintenance responsibilities for the disabled toilet in the Bus Station would remain unchanged and would continue to be the responsibility of the café operator.

Asset Management have received no other formal complaint or concern with regards to the maintenance of the disabled toilet outside concerns raised by Cllr. Strutton and Cllr. Wright.

Concerns were raised in the past regarding the management of the disabled toilet by the previous operator via the Equality and Diversity Manager. Again no formal Stage 1 Complaint was raised in this regard. These concerns related to the previous café operator preventing individuals from using the disabled toilet and allowing only café customers to use the toilet. These concerns were discussed directly with the café operator by Asset Management and responses feedback to those individuals raising concerns whilst reiterating that the café operator was responsible for the management of the disabled toilet.

The management of the café has recently changed hands and the lease between the Council and the café operator is due to be completed shortly. Asset Management will take the opportunity to formalise periodic checks on the disabled toilet that it currently undertakes on an informal basis.

5.2 “What are the reasons for not giving maintenance responsibility to First Buses?”

There are five reasons for not giving maintenance responsibility to First Bus. These are as follows:

- 1) **Access:** There is no way to access the disabled toilet without first entering the café/waiting room area which would still be demised to the café operator. It is reasonable to assume to say that the café operator would be reluctant to let First Bus have access into his demise whilst the operator is not in attendance. This would cause concerns in terms of security and would in turn impact on the insurance liabilities.
- 2) **Management:** First Bus are unable to ‘manage’ the disabled toilet as effectively as the café operator. First Bus would have no direct control over who is going in and out of toilet. It is reasonable to assume that this lack of management would lead to an abuse of the facilities. With the café operator managing they can directly control who uses the facilities or who he directs to the Automatic Public Toilet (APT). Any issues arising can be directly dealt with/controlled by café operator.
- 3) **First Bus:** They have never expressed any concerns with or desire to manage toilet directly with the Council. First Bus on site management have been contacted directly by Asset Management and asked if they would wish to take on the responsibility of the disabled toilet and their answer was no.
- 4) **Café Operator:** As part of statutory health and safety requirements the café operator requires access to a toilet/hand washing facilities at all times. Whilst the toilet is under the operator’s management they have a degree of control over this and can fulfil this statutory requirement. If the management of the toilet transferred to First Bus this degree of control would be lost and could result in café operator not being able to operate the business without putting public at risk. This will result in First Bus being liable for any loss of business experienced by the café operator. It is reasonable to assume that First Bus would be reluctant to take on this liability.

- 5) **Liabilities/Responsibilities:** By introducing First Bus into the café demise it increases the risk of issues arising over liabilities and responsibilities. Who reports faults? Does the café operator report faults raised by public? Who is responsible if someone trips over cleaning bucket left outside toilet whilst it is being cleaned? and so on.

5.3 “What is the time frame for increasing the width of the overflow drop off area as agreed earlier this year?”

In early 2014 the Council entered discussions with Scottish Widows with regard to the former UniSys site and the potential acquisition of land adjacent to the Bus Station. The site owners have been unwilling to hand over the land in question for nil value and as a result negotiations have taken four to five months.

The Council has now reached an agreement with the landowner to acquire the land necessary to facilitate a wider footway on the west side of the station, however the agreement will need to be signed by the owner before the land can be handed over. This process is currently sitting with the Planning Team, who are waiting for the terms to be agreed as part of transfer. Once this has been signed and the land handed over then work can commence on the survey and design with a view to starting work next year.

6 **Conclusion**

That the Committee note the report.

7 **Background Papers**

- ‘1’ Overview and Scrutiny Committee – 14th January 2014 – Bus Station – Access and Management Issues
- ‘2’ Overview and Scrutiny Committee – 14th January 2014 - Minutes