



Whitby

Town Council

Exempt Report for Full Council January 2025 – Toilet Contractor .

1 Introduction

In this report please find the following:

- Update on Danfo responses to information requested from the Council.
- Further points to consider from the temporary Project Officer
- Process Update
- Next steps

This information can then be considered by Council at the meeting of the 14th of January

2 Update on Danfo responses to information requested from the Council

Danfo have sent the following to us:

- Options re: paddle gates and see if there are any better alternatives to the current arrangements.
 - **Danfo can offer multiple options in relation to the guarantee of coin income. We feel the best option to ensure we can install (within 4 of the 5 toilets) a Stadium Security Turnstile. Although the most expensive to setup, this will ensure that there can be no option for users to bypass the entry system. Unfortunately, this does deter users with prams/buggies however the disabled toilets could house baby changing facilities to accomodate all users. The Marketplace may not be suitable due to the current width of the access available. The alternative option to**

this would be standard turnstiles which can accommodate prams & buggies to replace the existing paddlegate system.

- report back on why the income figures for 22/23 are so low for Pier Road [card income for the whole year is £13.47!] and Westcliffe [total of £18,196.90 compared to 21-28k in the preceding years].
 - **As stated in my previous email, We did advise the council members last year when the query was raised that we had issues with the card reader and signal in the area, we did apologise for this at the time and have since resolved the issue with the card reader, however the signal issue is one that each year will be an issue at all sites within the peak season. As the readers rely on local networks to support it, high volumes of the public within the area with their phones often reduces the availability of network signal/strength. We can mitigate this with two options:**
 - **1 – The council arranges installation of broadband within each toilet, the readers are hardwired into the modems and thus have a stable & secure network to work with. The ongoing monthly cost for this would have to be the council's liability.**
 - **2 – Deferred payment, the readers can 'defer' all entry payments and collect all transactions before sending through the Nayax system as a collated log at the end of the day or when the signal strength is at its highest point. This does however have one drawback in which users who should have their card declined when trying to access would be able to enter for free as the reader takes this as a deferred payment. The percentage of this happening is less than 1% of all transactions per toilet.**
 - **As explained by David within your meeting, from 2017 to late 2022 we had a maintenance engineer working within Whitby, however due to ill health he was unable to continue servicing the contract and was unfortunately removed from Danfo. Our current staff within the area have not been able to pick up the level of maintenance required and we have therefore needed to bring maintenance up from Blackpool, Gloucester and London on occasion throughout 2024 to support this contract when necessary. We are currently in the process of upskilling our local staff to deal with emergencies that may occur so they can at least make the toilets or equipment safe to use before closing a facility down.**
- **VAT**
Separate discussions between Danfo Head of Finance and WTC Temp Projects Officer [Dianne]
- **Put together examples of matters that are not clear in the current contract.**

Discrepancies in the current contract as follows:

- **Page 2 - Equipment Referenced to Schedule 2 (Schedules not definitive for duration of contract in relation to maintenance)**
 - **Page 3 – Services Referenced to Schedule 1 & 2 (Schedules not definitive for duration of contract in relation to maintenance).**
 - **Page 4 – Works referenced to Schedule 1 & 2 (Schedules not definitive for duration of contract in relation to maintenance).**
 - **Page 4 – Section 3.1 refers to performance but specifies in accordance with Schedule 1 & 2 (Schedules not definitive for duration of contract in relation to maintenance).**
 - **Changes to Work and equipment in reference to 3.1 again refers to Schedule 1 & 2 (Schedules not definitive for duration of contract in relation to maintenance).**
 - **Page 8 – Utility states that Danfo shall pay all utilities and reimbursed. We understand that councils receive better rates than private companies and we feel Whitby Town Council would benefit further from this directly.**
 - **Page 17 – Equipment 17.2 – states that all equipment is to be owned, hired or leased by Danfo – some of the equipment across all toilets have been installed by Danfo. List provided of all equipment within each toilet facility and who supplied. Items that are non-Danfo are not currently hired, leased or owned by Danfo and therefore are not Danfo responsibility yet is assumed Danfo is to replace/repair.**
 - **Page 17 – Equipment 17.4 – States that Danfo shall at its own expense keep all equipment in good and serviceable repair – this refers to schedule 2 which does not specify what Danfo are responsible for repairing/replacing. The list provided in Schedule 2 refers to routine maintenance for checks & reporting. Danfo currently do not hold the lease to the toilets nor have a defined list from the council as to responsibilities for certain fixtures, fittings or fabric of the building.**
- **Provide a report on maintenance and upgrade actions taken compared with the list shown at Schedule One in the contract i.e.:**
- **What has been done**
 - **What has not been done**
 - **What extra has been done that is not shown on Schedule One**

List of works completed as per schedule 1 of the contract:

SCHEDULE 1

Public Conveniences Provision

New Quay Road

Provide Paddlegate Entry system within the foyer area.

Completed

Repair or replace all defective fittings and fixtures.

At the start of the contract, most of the items replaced by Danfo were toilet seats, hand driers, toilet roll dispensers however over the years (due to the leaks from Macy Browns & existing steel waterpipes) issues were identified and have been rectified with new interior light fittings and some sensor taps with new water pipework also installed in the ceiling voids

The new water pipework, sensor taps and some interior light fittings were installed at our cost although these were not Danfo liability as we assume these form part of the building fabric/lease.

The existing pipework is currently made of steel, quotation provided to Michael King early 2024 for full replacement of water pipes in New Quay toilets to copper (approx. £6500), this was ignored.

Prepare floor surface to receive a new texture coating or similar. Redecorate internally

Due to ongoing issues with Macy Brown leaks over the years, initial coat put down on the floor in at start of the contract but no additional coats since. Walls are fully tiled and ceiling boards are continually stained from leaks.

Investigate the need for the existing showers and ascertain the usage and decide course of action if retained.

Investigated thoroughly and decision made by Michael King to keep showers closed/locked over

Deep clean after works completed.

Routinely completed each year.

Market Place

Adjust internal layout of Gents toilet by removing a WC and make good.

Completed

Reposition the existing WC.

Completed

Clean off the surfaces to all walls tiling and either repaint with a good quality paint or retile over existing surfaces.

Completed

Clean off existing floor tiles and prepare to receive new tiles or a suitable surface covering.

Completed

Provide Paddlegate entry system to ladies and gents.

Installed 'Willings' turnstiles to the ladies and gents.

Redecorate internally

Completed as part of the full renovation.

Deep clean after works completed.

Routinely completed each year.

West Cliff

Install 2 Unisex WC's adjacent to the current disabled facility.

Completed but has been taken over by NYCC staff

Provide coin box entry to all units.

Not completed – Disabled only, unisex as above, main income from main entrance

Close down the current facility and investigate potential commercial use or future.

Whitby's responsibility, the ladies and gents toilets were repainted along with the foyer area. The external walls and door were painted along the fascia boards at our cost. Can accommodate further redecoration but at cost to Whitby Town Council.

Abbey Car Park

Provide Paddlegates entry system to ladies and gents.

Completed

Investigate area of dampness where surface has failed and remedy.

Completed, ceiling skylights were leaking causing damp issues; resealed skylights

Improve lighting.

Completed

Improve internal decorations to brighten up the interior.

Repainted walls in foyer to poppy red and repainted door in grey, also painted the main foyer in grey. We have also replaced the main double entrance door as the original doors were rusted, beyond repair and became a health & safety issue

Deep clean after works completed.

Routinely completed each year

Khyber Pass (new facility)/Pier Road

Ensure current disabled facility can only be accessed with RADAR key - there appears to be a wiring problem.

Completed

Short courtesy screen required.

Unsure of this

Ruswarp

No plans to do anything at this location

Full interior redecoration completed with walls and ceiling, including internal & external doors along with new handwash basins and new light fitting at Danfo cost.

From my understanding, historically it seemed there was a misinterpretation that Danfo were responsible for all matters & costs in relation to the toilets after Schedule 1 items were completed which unfortunately this contract does not stipulate nor have Danfo received a definitive list of what we are and are not liable for repairing/replacing. In the absence of the leases for these buildings we have no knowledge of who is responsible for carrying out certain tasks therefore we feel it would be prudent to negotiate a new contract stipulating liabilities for certain tasks to ensure fair transparency and KPI measurements for performance reviews.

ENDS

Finally, officers have also been sent a list of the number of times there have been leak issues at Macy Brown's and a schedule of other additional costs borne by Danfo in the past year.

At the meeting on the 14th, Cllrs will be asked for their queries and feedback on the above information from Danfo in order to inform the next scheduled meeting with them.

3 Further points to consider from the temporary Project Officer

The temporary projects officer has been supporting me in this work. Key points she would like us to note include:

Discussions have been held with Danfo to make sure that VAT is only charged and claimed on the contract and utilities payments and not on the income. This is an important process change; WTC can claim back this VAT when Danfo charge us.

The current contract is due to run to 2027. If the Council wanted to end the arrangement, we must give 120 days' notice and pay a fee of £7560 per year for the rest of the contract.

At some point, the Council may wish to trigger the notice period, and then create another contract – but this would require a new tender process, and so it may be best to wait for now.

Discussions can continue to see how both parties may wish to amend this contract/create a new one. As we want there to be change, this is likely to mean a new contract at some point.

It is also worth noting that, in confidence, Danfo are expected to bid for the new NYC toilets contract when this tender comes out in a few months' time. If they were to be successful, this would help Danfo improve their service to WTC.

Finally, if arrangements with Danfo are brought to an end, then the Council needs to clearly understand what should then happen BEFORE this step is taken.

4 Process Update

Here is a further update to Cllrs on any changes to the arrangements with Danfo agreed in 2017.

Danfo have told us that they have no addendum, revised contract or documented list of variations which stipulates agreed changes.

Discussions did take place in late 2021 and early 2022. No contract variation was made, but changes to payment arrangements were discussed at a meeting in January 2022.

The following was then noted at the February 2022 Full Council meeting:

‘Under the town council’s scheme of delegation, as amended, the following decisions have been taken by the Proper Officer.....

Contract variations in the arrangements with Danfo are issued in line with the prescribed process to agree a split of operating surplus income in 2021/22 of 50:50 above the contractual sum (£110,000 +RPI) and to mandate additional refurbishment works to New Quay Road and Ruswarp toilets.’

The motion to confirm this passed at that February 2022 meeting is as follows:

‘**RESOLVED** unanimously that the record of decisions to the proper officer under the council’s Scheme of Delegation as circulated are approved.’

5 Working Group – New Contract

As can be seen from the papers above, it’s likely that at some point the Council will move to a new contract, either with Danfo or some other party.

Therefore, it is recommended that the work on what this new contract should start now, by means of a Cllr working group.

Conclusion

It’s recognised that there is a lot of new information here for Council to consider.

At the same time, these processes take time to achieve change, The meeting provides a good opportunity to pull together how we move forward.