

# Citizen Participation and Public Petitions Committee

16th Meeting, 2022 (Session 6), Wednesday  
23 November 2022

PE1955: Make the provision of public toilets a  
statutory duty

## Note by the Clerk

<b>Lodged on</b>	31 August 2022
<b>Petitioner</b>	John Wood
<b>Petition summary</b>	<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"><li>• placing a statutory duty on local authorities to provide adequate public toilets; and</li><li>• ensuring sufficient funding is available to local authorities to meet this requirement.</li></ul>
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE1955">https://petitions.parliament.scot/petitions/PE1955</a>

## Introduction

1. This is a new petition that was lodged on 31 August 2022.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected to collect this information. 1,419 signatures have been received.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**.

## Action

7. The Committee is invited to consider what action it wishes to take on this petition.

### 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

The logo for SPICe, consisting of the letters 'SPICe' in a white, sans-serif font on a dark purple background.The text 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in white, sans-serif font on a dark blue background.

### Briefing for the Citizen Participation and Public Petitions Committee on petition PE1955: 'Provision of public toilets', lodged by John Wood

#### Brief overview of issues raised by the petition

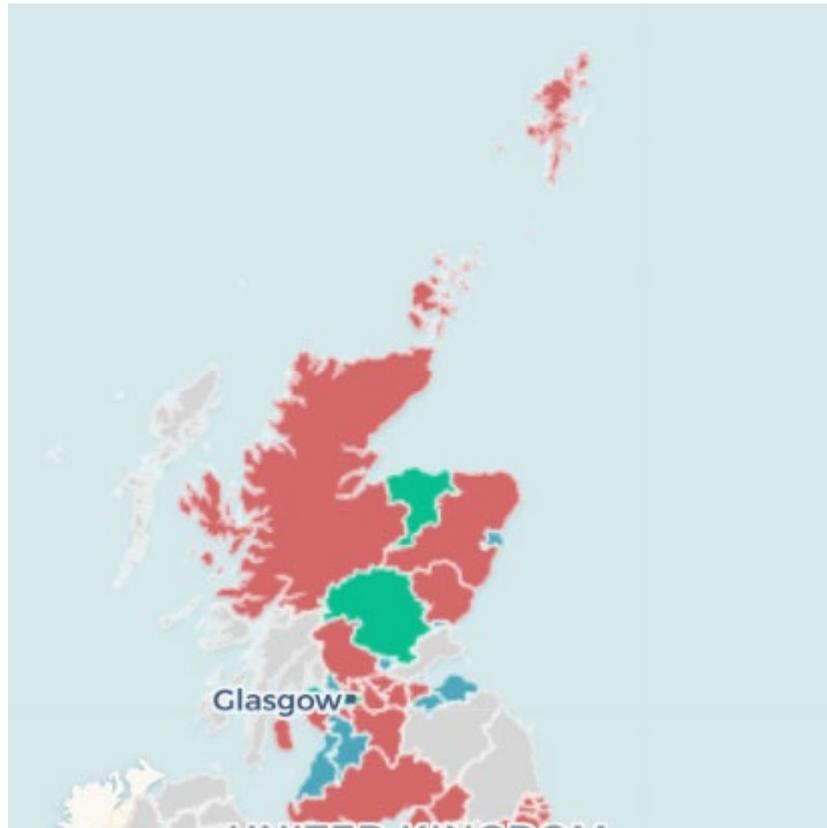
The petitioner is calling on the Scottish Parliament to urge the Scottish Government to ensure local authorities provide good quality, clean and accessible public toilets by:

- 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.

#### Background information

Although public toilets have been a feature of UK towns and cities since the Victorian period, local authorities are under no obligation to provide them. Unlike other services such as education and social care, there is no legislation requiring councils to provide public toilets.

The Royal Society for Public Health's 2019 report, [Taking the p\\*\\*\\*](#), shows that the decline of the public toilet is a UK-wide phenomenon. This is also demonstrated in a [2018 BBC report](#) based on FOI requests sent to all local authorities across the UK. Although many did not respond, the data is fairly comprehensive for Scotland. The report found that the number of local authority-run public toilets in the Highlands council area fell from 118 in 2010 to 92 in 2018. This was the second biggest decrease of all Scottish local authorities, after North Ayrshire. See map below (red shows reductions):



The above map, compiled by the BBC, shows that 15 of 28 Scottish councils responding had fewer public toilets in 2018 than they did in 2010.

### ***Scottish Government position***

In response to a [Parliamentary Question earlier this year](#) from Conservative MSP, Jamie Halcro Johnston, the Scottish Government confirmed that it does not monitor the number of public toilets, accessible public toilets or Changing Places toilets across Scotland. A [similar question](#) was asked in 2012 with the Government responding:

“The provision of public toilets, facilities for disabled people and child changing spaces is a matter for local authorities, and the Scottish Government does not issue guidance regarding their provision... ..Building standards require owners of certain buildings, to which the public have access, to provide sanitary facilities, including accessible facilities suitable for use by disabled people and baby changing facilities, when the buildings are being constructed, altered or converted. Such buildings include large shops, public entertainment and assembly buildings, restaurants, cafes and public houses.”

During Session 5, [Green MSP John Finnie asked](#) the Government whether it could explore making the provision of public conveniences a statutory local authority duty, and ensure that necessary funding is made available to councils to address a reported shortage of this public health resource. The Government responded:

“The Scottish Government does not have direct responsibility for public toilets. The responsibility for public conveniences rests with the owner, which can be a variety of different bodies, such as local authorities, businesses, community organisations and tourist boards. The majority of public conveniences in Scotland are under private ownership, for example in shopping centres, rather than under local authority control.

At a summit on 14 September, the Cabinet Secretary for Rural Economy and Tourism met with a number of public bodies and national park authorities and asked that they examine potential solutions to tackling visitor management issues across Scotland. This group are exploring how they might make better use of collective public sector resource.

As well as this, the Scottish Government are also forecasting the continuation of the Rural Tourism Infrastructure Fund into 2021-22, which will complement the work of this group. So far the fund has contributed £9m over 3 years, leveraging in match funding, to support the installation of car parks, toilets and waste disposal facilities in rural hotspots.”

To summarise, the Scottish Government are not responsible for the provision, funding, maintenance or monitoring of public toilets. Furthermore, Scottish councils are not legally obliged to provide public toilets, and many have been closing facilities in fairly significant numbers over recent decades.

#### *Public toilet provision in the Highlands area*

The petition, although referring to Scotland as a whole, has a focus on the Highlands area. Highland Council website includes a [map of public toilet provision](#) across its local authority area. Members will note a high number of toilets available to the public through the [Council's Comfort scheme](#), with businesses and organisations registering to become providers of toilet facilities. Comfort Scheme grants range from £50 to £300 per month on a 7- or 12-month basis and are offered as a

contribution towards the running costs of the toilets. Other local authorities, such as [South Ayrshire](#) and [Aberdeenshire](#), also run their own comfort schemes.

### *Cost savings included in recent council proposals*

During the past five years several councils have discussed toilet closure proposals as part of budget considerations. These often include estimates of proposed savings. Members may be interested in the figures included in the following:

- [Highland Council budget consultation 2018/19](#)
- [Argyll and Bute Council Budget pack 2018/19](#)

### *Local government finances and statutory obligations*

[According to the Scottish Government](#), local government in Scotland spent almost £22 billion in 2019-20 (pre-Covid). The [Scottish Government's position](#) is that "councils operate independently of central government and are accountable to their electorates for the services they provide". However, they are not exactly *financially* independent. Table 1 (below) shows that the largest single part of local government's income in 2019-20 came from the Scottish Government, in the form of General Revenue Grant (GRG) plus specific/ring-fenced Scottish Government grants.

Table 1: sources of Scottish local government income 2019-20

	2019-20 (£bn)	% total revenue
<b>General Revenue Grant</b>	6.9	32%
<b>Other grants (mainly ring-fenced SG)</b>	2.6	12%
<b>Non-Domestic Rates</b>	2.9	14%
<b>Council Tax</b>	2.5	12%
<b>Customer and client receipts</b>	2.7	13%
<b>Other grants, reimbursements and contributions</b>	3.8	18%
<b>TOTAL REVENUE</b>	<b>21.4</b>	

Source: [Scottish Local Government Finance Statistics 2019-20 \(www.gov.scot\)](#).

Calculations based on the Commission on Local Tax Reform method.

"Core revenue funding" mainly consists of GRG plus a guaranteed allocation of Non-Domestic Rate (NDR) income. In theory, how this core budget is spent is up to local authorities to decide. In reality, local authorities have statutory duties to provide certain services, so there are

limits on this freedom (an idea of the extent of these duties is provided by this [Glasgow City Council publication](#)).

Trends in local government financial settlement are explored in this [SPICe briefing from earlier this year](#).

**Greig Liddell**  
**Senior Researcher**  
23/09/2022

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot). Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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## Annexe C

### Scottish Government submission of 7 September 2022

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

The Scottish Government recognises that the provision of public toilet facilities is an important issue, and one that is of significant public interest. The Scottish Government expects local authorities to ensure adequate public toilet facilities are available, sufficient for the needs of the local area.

However there are no plans at this time to make the provision of public toilets a statutory obligation on local authorities. This is because as locally elected representatives and the people who understand local issues, they are best placed to prioritise budgets in line with the needs of their communities. The current arrangement gives them the flexibility to do this, and Scottish Ministers would only interfere with this ability in exceptional circumstances.

The Committee may be interested to know, however, that the Rural Tourism Infrastructure Fund launched in 2018 and has, to date, invested over £12.9m in 66 collaborative projects across 15 local authority areas and both of Scotland's national park authorities. These projects are responding to local infrastructure requirements, and the project proposals have included, for example, delivering new public toilets, car parking, and waste disposal facilities.

## Annexe D

### Petitioner submission of 23 September 2022 PE1955/B: Make the provision of public toilets a statutory duty

I certainly do wish to comment because the submission fails to address the issue complained of, namely that public toilets are not an optional 'tourism' issue but a basic requirement of public and environmental health and therefore fall within local authorities' core duties to the public.

It is also a core duty of the Scottish Government itself to make proper provision for public health and environmental protection. Throughout Scotland. It is not a 'local' matter. Giving local authorities the option of opting out of a core duty reflects badly on the Scottish Government itself.

There is no excuse for this complacent and frankly shameful 'Yes Minister' style response. It is not acceptable for the Scottish Government to treat this issue with such casual dismissal.