

## RECORD OF EXECUTIVE DECISION TAKEN BY AN EXECUTIVE MEMBER

This form **MUST** be used to record any decision taken by the Elected Mayor or an individual Executive Member (Portfolio Holder).

The form must be completed and passed to the Chief Officer Legal and Democratic Services no later than NOON on the second working day after the day on which the decision is taken. No action may be taken to implement the decision(s) recorded on this form until 7 days have passed and the Chief Officer Legal and Democratic Services has confirmed the decision has not been called in.

**1. Description of decision**

**That the Mayor:**

- (i) **Accepts a grant of £134,750 from DLUHC for the purpose of creating up to two Changing Places Toilets (CPT) facilities.**
- (ii) **Recognises the project's status on the capital programme.**
- (iii) **In doing so, agrees to the provision of two CPT facilities in the identified locations (subject to necessary consents and approvals) and according to the project timetable.**
- (iv) **Recognises the risks and resource implications associated with accepting the grant funding and delivery of the project.**

**2. Date of decision**

14 June 2023

**3. Reasons for decision**

Unitary and District Councils were invited by DLUHC in July 2021 to submit expressions of interest for funding to create new Changing Places Toilet (CPT) facilities to improve access for severely disabled people and their carers. There are around 1,300 registered CPTs in England but demand is outstripping supply and the number of CPTs needs to increase. The Council submitted an expression of interest to create new CPT facilities at The Higgins Bedford and Russell Park, thereby increasing the opportunity for severely disabled people to access these public venues and spaces, and to access the town centre. Following a funding decision by DLUHC, the Council was awarded the total grant funding requested (£134,750), for capital costs associated with the installation of the two CPT facilities, which must be complete by the end of 2023/24.

**4. Alternatives considered and rejected**

The alternative is to not accept the funding.

**5. How decision is to be funded**

Grant funding of £134,750 from DLUHC in the capital programme. As per the Resource Implications section of the accompanying report, the total capital cost estimate has increased since this time to £185,000. The difference is to be funded by a contribution from the Council's UK Shared Prosperity Fund allocation, which has been approved by DLUHC.

**6. Conflicts of interest**

Name of all Executive members who were consulted AND declared a conflict of interest.	Nature of interest	Did Standards Committee give a dispensation for that conflict of interest? (If yes, give details and date of dispensation)	Did the Chief Executive give a dispensation for that conflict of interest? (If yes, give details and the date of the dispensation).

The Mayor has been consulted on this decision

Not Applicable

Signed 

Date 14 June 2023

Name of Decision Taker TOM WOOTTON

**This is a public document. A copy of it must be given to the Chief Officer Legal and Democratic Services as soon as it is completed.**

Date decision published: .....15June2023.....

Date decision can be implemented if not called in: .....26 June 2023.....

(Decision to be made exempt from call in.....NO.....)

## **Bedford Borough Council – Report to the Mayor**

**June 2023**

### **Report by Acting Chief Officer for Education, SEND & Schools and Manager for Culture & Heritage**

**Subject: ACCEPTANCE OF CHANGING PLACES FUNDING FROM DLUHC**

#### **1. Executive Summary**

- 1.1 The purpose of this report is to request approval to accept a grant of £134,750 from the Department for Levelling Up, Housing & Communities (DLUHC) Changing Places Fund. The grant will be used to create up to two new Changing Places Toilet (CPTs) in Bedford by the end of 2023/24: adaptation of an existing internal area to create a CPT facility at The Higgins Bedford, and installation of a modular CPT facility in Russell Park.

#### **2. Recommendation(s)**

##### **2.1 That the Mayor considers and, if satisfied:**

- (i) Accepts a grant of £134,750 from DLUHC for the purpose of creating two CPT facilities.**
- (ii) Recognises the project's status on the capital programme.**
- (iii) In doing so, agrees to the provision of two CPT facilities in the identified locations (subject to necessary consents and approvals) and according to the project timetable.**
- (iv) Recognises the risks and resource implications associated with accepting the grant funding and delivery of the project.**

#### **3. Reasons For Recommendations**

- 3.1 Unitary and district councils were invited by DLUHC in July 2021 to submit expressions of interest for funding to create new Changing Places Toilet facilities to improve access for severely disabled people and their carers. There are around 1,300 registered CPTs in England but demand is outstripping supply and the number of CPTs needs to increase. The Council submitted

an expression of interest to create two new CPT facilities, one at The Higgins Bedford (adaptation of existing space) and one in Russell Park (a modular unit), thereby increasing the opportunity for severely disabled people to access these public venues and spaces, and to access the town centre. Following a funding decision by DLUHC, the Council was awarded the total grant funding requested (£134,750), intended to cover capital costs associated with the installation of the two CPT facilities, initially during 2022/23 and subsequently extended to the end of 2023/24.

#### **4. Key Implications**

- 4.1 The implications in accepting the grant offer with regard to any legal, policy, resource, risk, environmental or equality issues have been considered as follows.

##### Legal Issues

- 4.2 The Council will need to comply with DLUHC's guidance on the implementation of the Changing Places Fund and grant conditions, which set out the requirements local authorities in receipt of funding need to follow. Use of the funding is confined to capital expenditure relating to the design, construction and completion of Changing Places Toilets at the agreed venues (The Higgins Bedford and Russell Park). The Council will need to provide DLUHC with monitoring updates and a breakdown of expenditure for the implementation period, and must maintain up to date records with an adequate audit trail for all project expenditure.
- 4.3 Changing Places Toilets must meet particular specifications and be registered with the Changing Places UK Consortium on completion, via Muscular Dystrophy UK (MDUK) Changing Places Support Officers. Installation of the CPT facilities may require statutory consents including planning permission and building control, however Design Services have taken advice from Planning and identified that the location of a modular CPT unit in Russell Park is permitted under lawful development. The Council must keep a register of fixed assets including CPTs created using the grant funding.
- 4.4 Changing Places Fund implementation guidance states that CPT installation must not detract from existing toilet provisions of any kind, meaning there must be no net loss of toilet provision and that new CPTs must be additional to existing provision, or replace an existing toilet. The CPT being installed in The Higgins Bedford will replace an existing gents toilet facility and adjoining store room, with the adjacent ladies toilet facility becoming a unisex toilet facility. This will result in a reduction of one toilet cubicle. However, there are alternative and sufficient public toilets in The Higgins Bedford to meet need and capacity, whilst also adapting the space to accommodate a CPT accessible facility, and the MDUK Changing Places Support Officer has advised that in these

instances it is for the local authority to decide to proceed on these grounds, having decided the solution is workable and meets the needs of the venue.

- 4.5 The Building Regulations (2010) were amended in 2020 with the Amendments to Part M of the Building Regulations. The amendments were principally to effect changes for provision of Changing Places toilets in certain types and categories of both new buildings and existing buildings which would be undergoing major refurbishment. ADM Para 5.7 states that at least one CPT should be provided in buildings that are 'places of assembly, recreation and entertainment', including museums and art galleries. While the redevelopment of the museum and art gallery predates the Building Regulations amendment, installation of a CPT facility in The Higgins Bedford will help bring the building in line with current standards.
- 4.6 Under the Health and Safety at Work Act 1974, employers have a duty to ensure, as far as is reasonably practicable, the health, safety and welfare at work of all their employees. In respect of this duty, the Council is required to carry out full risk assessments in relation to the provision of CPT facilities. The Council will not place responsibility on staff to assist people to use CPT facilities. The Act also places a duty on employers to conduct their undertaking in a way as to ensure, so far as is reasonably practicable, that people who are not in their employment who might be affected are not exposed to risk towards their health and safety. This might apply to users of CPT facilities and their assistants. Risk management measures may include providing clear information about the equipment and instructions for use, ensuring the equipment is properly maintained and providing an emergency alarm. All specialist equipment must be fitted, regularly inspected and maintained according to the manufacturer's instructions, including adhering to Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), and Provision and Use of Work Equipment Regulations 1998 (PUWER).

#### Policy Issues

- 4.7 The project supports Bedford Borough Council's 2022-26 Corporate Plan goals to Develop Places, Support People and to Empower Communities through the following strategic priorities:
- Developing urban and rural places*
  - Supporting our residents to access the right services at the right time*
  - Delivering tailored support which respects people's needs*
  - Enabling people to participate in their community and celebrate our vibrant culture.*
- 4.8 The Bedford Borough Joint Strategic Needs Assessment (JSNA) identified that there were 2,270 Bedford Borough residents aged 18-64 with a serious physical disability in 2015, projected to increase to 2,560 by 2030. People with a serious physical disability

usually require assistance with one or more activities of daily living, including, for example, going to the toilet. The JSNA annual summary for 2019 identifies that access to the natural environment and green spaces, which contributes to mental health and wellbeing and helps improve environmental quality including air pollution, is low amongst certain groups, including people who are disabled. The provision of additional CPTs will therefore contribute to the Bedford Borough Health and Wellbeing Board's aim of meeting needs of the local population as identified through the JSNA.

#### Resource Implications

- 4.9 The offer of grant funding from DLUHC of £134,750 represents the full amount requested in the original expression of interest (September 2021), which at the time represented the full expected capital costs of creating the modular unit and internal adaptation CPTs in Russell Park and The Higgins Bedford respectively, including relevant enabling works (groundworks and service connections), surveys, professional fees and any application costs for statutory consents. The project budget is included at Appendix A.
- 4.10 Following the award of grant funding in 2022, it was quickly established that there were numerous risks associated with the capital costs, in particular for the modular unit proposed for Russell Park. These were as a result of inflationary pressures in the construction industry, the availability of contractors (given the large number of CPT schemes funded nationally and the relatively small number of specialist contractors), and complexities regarding the associated groundworks and services connections.
- 4.11 In response to the above, it was determined to carry out work required to establish a revised estimate of costs prior to completing the formal grant acceptance process, in order to understand any resulting funding pressure and to identify possible corrective action or any project change requests that may have been necessary. A substantial amount of work has been undertaken in the form of detailed utilities, topographical and structural surveys, in particular for the modular unit proposed for Russell Park. This work has identified a revised cost estimate (see Appendix A) and established the precise viable location for the modular unit, which requires siting adjacent to the existing café kiosk (see Appendices B and C).
- 4.12 The revised cost estimate for delivering both CPT schemes is £185,000. It has subsequently been agreed that the potential shortfall of c.£50k will be covered by a contribution from the Council's UK Shared Prosperity Fund (UKSPF) allocation, which has been approved by DLUHC, meaning that both CPT schemes can be delivered within the available capital funds.

- 4.13 It should be noted that the project cost estimates do not include an allowance for internal Design Services fees (usually charged at 11%), which were excluded from the budget following comment from Finance, on the basis that it would not form eligible grant expenditure.
- 4.14 The project has been added to the Capital Programme, as a result of the grant funding being paid to the Council at the point of applications being determined, and will be managed accordingly. The funding terms and conditions state that the grant funding is capped at the amount offered and will not be increased if, for example, the actual costs of providing the CPTs increase further.
- 4.15 The funding application was made on the basis that local authorities were required to confirm that subsequent ongoing maintenance costs associated with the new CPTs would be met by applicants, with these costs being able to be included as direct and in-kind contributions. This includes cleaning costs, costs of sundry supplies, utilities usage, relevant service and maintenance contract costs, and Buildings Works costs (in-house Planned Preventative Maintenance visits). As identified in the project budget prepared for the application, this represents an estimated c.£2.5kpa of existing costs identified as in-kind co-funding, and additional costs of c.£6kpa which will be expected to be absorbed across the relevant service area and Property Repairs/Building Works revenue budgets.
- 4.16 Staffing resource required to oversee the delivery of the project, including monitoring and reporting requirements and liaising with DLUHC and MDUK (the contracted delivery partner for the Changing Places Fund), is provided by the Manager for Culture & Heritage, with support from the Manager for Grounds Maintenance, Parks and Open Spaces, and the Acting Chief Officer for Education, SEND & Schools. The project delivery phase will be resourced through Design Services, who will be responsible for specifying, procuring and managing CPT design, installation and fit-out contractors.

#### Risk Implications

- 4.17 As noted above, there is a risk that project costs to complete the installation of the two CPT facilities will increase beyond the budget available, primarily as a result of volatility and inflationary pressures on construction costs, and any complexities associated with the groundworks and services connections for the modular unit in Russell Park identified during the construction phase. To date this has been mitigated by identifying a revised project budget, which includes a contingency allowance, and work to secure a funding contribution from an additional source (UKSPF) to increase the budget to match the expected costs.
- 4.18 There is a risk around the project timetable. The first round of funding was awarded to local authorities on the basis of the completion of schemes within 2022/23. As noted above, work was required to establish updated cost estimates which has led to

delays. The overall Changing Places Fund scheme remains behind schedule given complexities and challenges councils have faced with increasing construction costs and identifying exact locations for CPTs. As a result, project delivery has been extended to the end of 2023/24 and all schemes must be completed by this point. Given the backloading of the overall funding programme and the number of councils now in the process of engaging contractors, it is important that Design Services resource is allocated to ensure that tendering and contractor engagement takes place promptly in order to achieve completion by the required date. This is also necessary in order to reduce the risk of any further increases in contractors' costs.

- 4.19 Changing Places Toilets must meet particular specifications and be registered with the Changing Places UK Consortium on completion. Any CPTs that are not registered, or which fail to meet the specifications required for registration, will not be eligible for the grant funding. The project team will liaise with the MDUK Changing Places Support Officers to obtain advice as necessary and ensure the registration of the two new CPTs.

#### Environmental Implications and contribution to achieving a net zero carbon Council by 2030

- 4.20 Potential environmental implications associated with the project, including the potential impact on carbon emissions, have been reviewed and possible mitigating actions identified, as follows:
- Carbon emissions and energy use. The CPT being created by internal adaptation at The Higgins Bedford is not expected to significantly alter carbon emissions generated by the museum's use of power and hot water, given it will be replacing an existing toilet facility. The modular CPT in Russell Park represents a new structure which will add to energy usage (electricity) required for the provision of lighting and a water heater, water usage and drainage requirements. The service area will work with Design Services to ensure that specifications for the new structure include a requirement to maximise the energy efficiency of the building and associated equipment, in order to minimise energy consumption.
  - Use of natural resources. The service will seek to ensure, so far as possible, through the specification and procurement process that suppliers identify any use of sustainably sourced and recycled materials. The service will work with Design Services to ensure that specifications state that any timber used in the construction process must come from sustainable sources.
  - Waste and recycling. The provision of a new CPT will result in additional items that cannot be reused or recycled (sanitary waste), which will be disposed of in line with sanitary waste from other public toilet facilities.
  - Biodiversity. A modular CPT unit is proposed to be installed in Russell Park. Design Services will manage the process of commissioning a tree survey and ecology survey as necessary following confirmation of the exact positioning of the unit, with mitigations considered as necessary.



## Equalities Impact

- 4.21 In preparing this report, due consideration has been given to the Borough Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.
- 4.22 A relevance test for equality has been completed. The equality test determined that the activity has relevance to Bedford Borough Council's statutory equality duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. An equality analysis will be completed.
- 4.23 The project will have a benefit to a particular protected equality group (disability). The Equality Act 2010 allows service providers to take positive action in order to meet the needs of people who are under-represented, disadvantaged or have specific needs, where this will help to overcome potential barriers or disadvantages to accessing services, in this case improving the ability for residents with severe physical disabilities to be able to access Russell Park and The Higgins Bedford. Justification for taking positive action should be based on three conditions:
- Service providers should have reasonable grounds for thinking that a particular group of people protected by the Act are disadvantaged in terms of accessing their services. In this case, the lack of existing suitable accessible toilet facilities puts residents with severe physical disabilities at a disadvantage in accessing the amenities of both Russell Park and The Higgins Bedford.
  - Service providers should have reasonable grounds for thinking that the particular group of people is under-represented as service users. This is supported by visitor profile research undertaken at The Higgins Bedford, and JSNA evidence that access to the natural environment and green spaces is low amongst certain groups, including people who are disabled.
  - That the needs of the particular group should be different from those of other groups of people. Where a service provider takes positive action, the action should meet the needs of the particular target group, help to reduce or eliminate disadvantages and facilitate full involvement or access to the service. CPTs are specifically intended to meet the needs of people with severe physical disabilities and their carers.

## **5. Details**

- 5.1 All English unitary and district councils were invited by DLUHC in July 2021 to submit expressions of interest for funding to create new Changing Places Toilet facilities. Over 250,000 severely disabled people do not have access to public toilet facilities that meet their needs. CPTs, unlike standard accessible toilets, have an adult changing bench and hoist facilities, as well as extra space for

carers. There are around 1,300 registered CPTs in England but demand is outstripping supply and the number of CPTs needs to increase to improve access for severely disabled people and their carers.

- 5.2 The Council has existing CPT facilities at River Street Car Park and Robinson Pool, and there are CPT facilities available at The Pilgrim's Progress on Midland Road and The Range at Interchange Retail Park. The Council submitted an expression of interest to create new CPT facilities at The Higgins Bedford and Russell Park, thereby increasing the opportunity for severely disabled people to access these public venues and spaces, and to access the town centre.
- 5.3 Following a funding decision by DLUHC, the Council was awarded the total grant funding requested (£134,750). The funding can be used for the following purposes:
- Provision of CPTs in venues approved by the Secretary of State, as identified in the Council's application.
  - Design, construction and completion of CPTs in existing buildings.
  - Design, purchase, construction and completion of modular CPTs.
  - Design and construction of an addition to an existing structure to accommodate a CPT.
  - Access improvements that are essential for the provision of a CPT.
  - Purchase and installation of equipment required for a CPT.
  - Professional fees associated with the points above.
  - The design, purchase and installation of the required Changing Places Fund plaque on completion.
- 5.4 MDUK is the contracted delivery partner for the Changing Places Fund and MDUK Changing Places Support Officers have been assigned to support grant recipients by signposting to expertise and support in the design and construction of CPTs. The Council will engage with the Support Officers to receive and provide information on progress (in addition to the formal monitoring and reporting requirements to DLUHC). As noted above, the Council must register the two new CPTs with the Changing Places UK Consortium on completion, via the MDUK Support Officers.
- 5.5 The Council's Chief Executive and Chief Internal Auditor will need to sign and return to DLUHC a declaration confirming that in all significant respects the funding terms and conditions have been complied with. The Council will need to prepare a Statement of Grant Usage which must be certified by the Chief Executive that the amounts shown represent eligible expenditure and that the grant has been used for the purposes intended. This must be accompanied by a report from the Chief Executive or Chief Finance Officer setting out whether an audit opinion has been received from the Chief Internal Auditor that reasonable assurance can be provided that the Statement of Grant Usage represents eligible expenditure during the grant period.

## 6. Summary Of Consultations And Outcome

6.1 The following Council units or Officers and/or other organisations have been consulted in preparing this report:

Finance  
Design Services

*Report Contact Officer:* Chris Morris, Acting Chief Officer for Education, SEND & Schools  
[chris.morris@bedfor.gov.uk](mailto:chris.morris@bedfor.gov.uk)  
Tom Perrett, Manager for Culture & Heritage  
[tom.perrett@bedford.gov.uk](mailto:tom.perrett@bedford.gov.uk)

*File Reference:* ED / 6.23 / Changing Places Funding / COESS & MCH

*Previous Relevant Minutes:* N/A

*Background Papers:* N/A

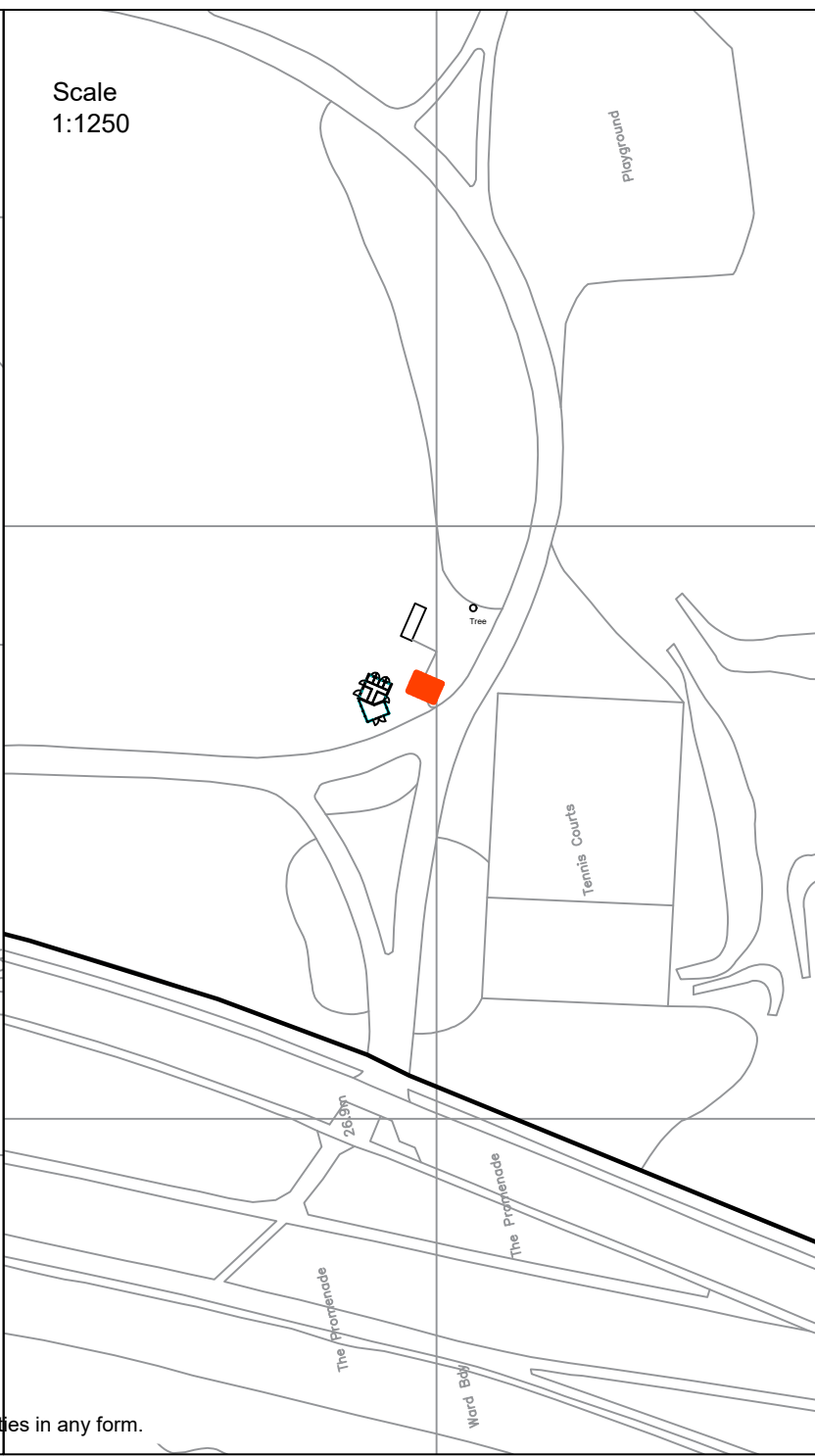
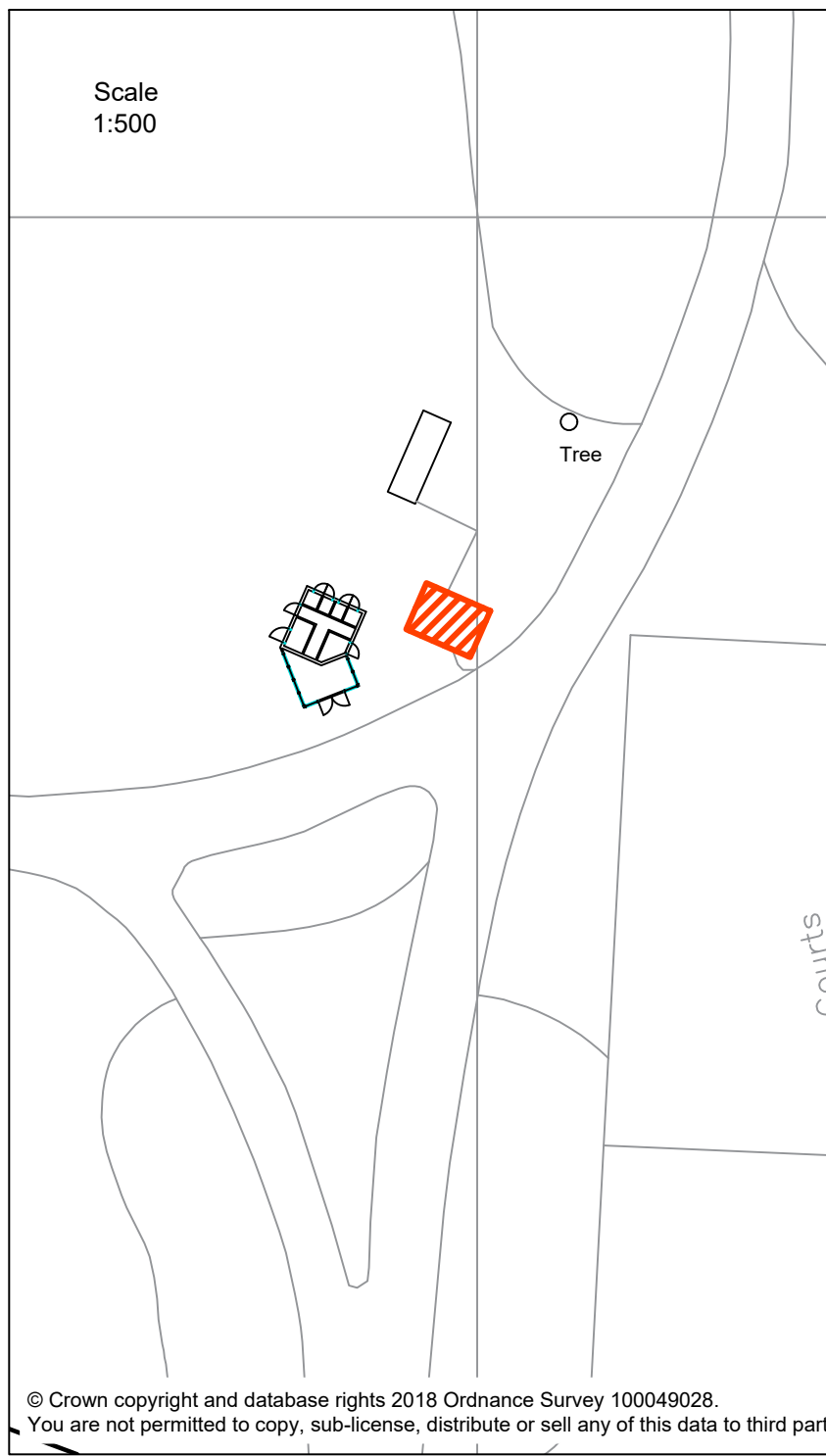
*Appendices:* Appendix A – CPT Budget  
Appendix B – Plan of Proposed Location of Russell Park CPT  
Appendix C – View of Proposed Location of Russell Park CPT

<b>Project Element</b>	<b>Original Budget</b>	<b>Revised Estimate</b>
<b>Russell Park - Modular Unit</b>		
RP - Modular Unit inc. install	60,000	56,500
RP - Groundworks and services connections	15,000	16,500
RP - 2023 estimated increased costs (unit)		3,650
RP - Borehole and testing for support slab		4,500
RP - Structural engineer fee (support slab)	2,000	3,000
RP - Power, water and drainage connections		20,000
RP - Topographical survey	1,500	1,845
RP - Ecological survey		500
RP - CCTV survey (drainage)		1,295
RP - External works (paving route)	1,000	1,000
RP - Planning application	250	0
RP - Building Control application	850	850
RP - Contingency 10%	2,050	10,964
<b>The Higgins Bedford - Adaptation</b>		
THB - Internal adaptation	48,900	48,860
THB- 2023 estimated increase costs		2,443
THB - Professional fees	2,500	2,500
THB - Structural survey		3,750
THB - Building Control application	650	650
<i>THB - Contingency 10%</i>	50	5,820
<b>TOTALS</b>	<b>134,750</b>	<b>184,627</b>

NOTES  
PRINTS FROM THIS DRAWING ARE UNCONTROLLED  
UNLESS OTHERWISE STATED

Scale  
1:500

Scale  
1:1250



Proposed  
Location

Foundation To be laid no closer  
than 8 m from base of tree

DATE	AMENDMENTS	REV	BY



**Design Services**  
BOROUGH HALL, CAULDWELL STREET, BEDFORD, MK42 9AP  
Tel. (01234) 267422 Fax. (01234) 276663

CLIENT  
**Bedford Borough Council**

SCHEME  
**Russel Park  
Changing Places**

DRAWING TITLE  
**Site & Location Plan  
Proposed Unit Location**

DRG No.  
-

DRG STATUS  
N/A

SCALE @ A4	DATE	DRAWN	CHECKED
1:1250	28.10.22	TMR	DP

