

Council/Committee/SMT/Other Meeting	
Meeting Date	27th January 2026
Report Title	Provision of Minor Maintenance and Cleansing of Public Conveniences Contract – delegated authority to award contract
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment and Leisure
Lead Officer	Alistair Andrews – Environment Services Manager
Classification	Open
Recommendations	1. The Environment Services and Climate Change Committee delegate authority to the Section 151 Officer and Head of Legal to award the contract to the winning bid. This is a 5+1 year contract.

1 Purpose of Report and Executive Summary

- 1.1 To update Members on the progress of the public convenience contract and to request that authority be delegated to the Section 151 officer and Head of Legal to award the contract to the winning bid as determined by the tender scoring process.
- 1.2 By allowing the Section 151 Officer and Head of Legal to award the contract it will enable a longer period for mobilisation should there be a change in service providers. The current contract expires on 31st March 2026.

2 Background

- 2.1 Reports on Public Conveniences were discussed at the Environment Services and Climate Change committee in July 2025 and November 2025. These reports considered options and Members agreed to re-tender for a service provider at the end of the current contract. This followed a comprehensive public consultation that asked residents and Cllrs about the service they wanted.
- 2.2 In November 2025 the Environment Services and Climate Change committee agreed to close three public convenience facilities and to pursue the transfer for a number of others. Officers consequently drafted a revised specification, using the consultation feedback and Member discussions, to advertise the opportunity for an external company to provide the services at the end of the current contract. The advert was published on the procurement portal on 13th January 2026 and it will close on 12th February 2026.

- 2.3 In parallel with the opportunity being advertised, officers have continued discussions with other organisations such as Town and Parish Councils, to consider possible asset transfers. These facilities were identified in the previous reports as:
- 1.Oare Gunpowder Works Visitors Centre
 - 2.Central Car Park, Faversham
 - 3.Rose Street, Sheerness
 - 4.Beachfields, Sheerness
 - 5.Leysdown Beach Services
 - 6.The Spinney, Leysdown
 - 7.Queenborough Park
- 2.4 At the time of writing this report, discussions are ongoing with other organisations to transfer any assets. The advertised contract is therefore split into 'lots' and does include options on removing from the contract/closing some of these facilities proposed for transfer, should this be agreed by Members at future meetings. One lot is for toilet facilities not proposed for closure and would be for 5+1 years and a second lot allows the Council to remove the remaining facilities at shorter notice. Until such a time, the intention is for the new service provider to continue servicing all facilities, apart from the three agreed for closure.
- 2.5 Once the contract submission closing date has passed, submissions will be reviewed and scored by a panel of three officers as is normal through our Commissioning and Procurement Strategy. Accepted bids will be scored using the standard process based upon 60% price and 40% quality. This will result in a single winning bid based upon pre-agreed criteria. Award of the contract to the winning bidder is usually undertaken at committee simply due to the value of the contract.
- 2.6 The current service provision contract expires on 31/03/26. The new contract is planned to start on 01/04/26.
- 2.7 After a preliminary market engagement exercise at the end of last year where interested companies give their views on our service specification, it was decided that the new service will merge two previous contracts. One contract was for the opening & closing and the provision of minor maintenance and the cleansing of public conveniences and the other contract was for delivering a hygiene service at these facilities (this involved tasks such as emptying nappy and sanitary bins). The majority of industry responses suggested to merge the two areas of work into one as this would offer best value.
- 2.8 A summary of the contract facilities and opening times are as follows:

Table 1 to show opening/closing times of public conveniences

Public Convenience	Attendance	Opening times/ Days and Deep Cleans
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Central Avenue at Sittingbourne, ME10 4BX	Partial (3 hrs a day)	07.00 and 19.00 Mon – Saturday and 09.00 – 18.00 on Sunday and Bank Hols – deep clean every six months
Milton Creek Country Park, Sittingbourne, ME10 2DE	Unattended	07.00 and 16:00 Mon - Sunday between 1 st October and 31st March. 07.00 and 19.00 Mon – Sunday from 1 April - 30 September - deep clean annually.
King George V Playing fields toilet, Sittingbourne ME10 1QX	Unattended	07.00 and 16:00 Mon - Sunday between 1st October and 31st March. 07.00 and 19.00 Mon – Sunday from 1 April - 30 September. Deep Clean annually.
Park Road, Faversham, ME13 8ES	Unattended	07.00 and 19.00 Mon – Sunday. Deep Clean annually.
Faversham Recreation ground Sports Changing Facilities (ME13 8ES) including overnight clean ready for Sunday play. Descaling shower heads/ taps (quarterly). WC, Urinals, showers, sinks, changing rooms, and community room, kitchen and toilet.	Unattended	Sept – April (inclusive) subject to extension if required by extended season. Weekends - Sat and Sun and Bank Holidays usage 9am – 5.30 pm. Clean after each event (day). Annual deep clean prior to start of season. The Community room, kitchen and toilet require cleansing twice weekly all year round (days to be agreed with Authority's Contract Manager). Changing rooms to be checked weekly and cleansed if required from May – August.
Bartons Point, Isle of Sheppey ME12 2BX. This includes the toilets, showers and the sluice room. Descaling shower heads/ taps (quarterly).	Unattended	07.00 and 16:00 Mon - Sunday between 1 st October and 31st March. 07.00 and 19.00 Mon – Sun from 1 April - 30 September. Deep Clean June and late August.
Minster Leas public toilet ME12 2NL	Partial – 3 hours a day during KCC school summer holidays. Also 3 hours a day at weekends and Bank Holidays from 1 st June to the last Sunday in September.	07.00 and 16:30 Mon - Sunday between 1 st October and 31st March. 07.00 and 20.00 1 April - 30 September. Deep Clean annually.
Rose Street at Sheerness, ME12 1UA	Partial (5.5 hrs a day)	07.00 and 19.00 Mon – Saturday and 09.00 - 18.00 on Sunday and Bank Hols. Deep Clean every six months

Leysdown Beach Services, Grove Avenue, ME12 4QE	Partial (6.25 hours a day)	09.00 to 18.00 from Good Friday until the last Sunday in September and Saturdays and Sundays throughout the remainder of September and October (the external toilet at Leysdown Beach is to be open from 18.00 until 09.00 during July and August. The Contractor is required to cleanse this toilet each day that it is open for public use. The whole facility is to have a deep clean once in June and once in early September).
Beachfields, Sheerness, ME12 1RE	Unattended	07.00 and 19.00 Mon – Sunday (including Bank Holidays). Deep Clean annually.
Central Car Park at Faversham, ME13 8PN	Partial (6 hrs a day)	07.00 and 19.00 Mon – Saturday and 09.00 – 18.00 on Sunday and Bank Hols. Deep Clean every six months.
The Spinney, Leysdown, ME12 4QX	Unattended	07.00 and 19.00 Mon – Sunday (including Bank Holidays). Deep clean annually.
Queenborough Park, Queenborough, ME11 5AG	Unattended	07.00 and 19.00 Mon – Sunday (including Bank Holidays). To include quarterly descaling of the shower.
Oare Gunpowder Works Visitor Centre, Oare. ME13 7UD	Unattended	Mid-March to Mid-November - Sat, Sun & Bank Holidays 9.30am to 16.30pm (exact dates to be agreed but likely to be middle weekend of month, inclusive). Deep clean July.

NB – The advertised contract also specifies some hygiene duties at Swale Borough Council offices and civic buildings such as Swale House.

- 2.9 The award of contract is followed by a mandatory 8 working day ‘standstill’ period. This allows unsuccessful bidders time to review and possibly challenge decisions prior to contract signing.
- 2.10 In a potential situation where the service provider changes after contract award, there will need to be a transfer of existing staff under TUPE legislation. This will take time for service providers to complete in a sensitive manner. Allowing the section 151 officer and Head of Legal to award the contract will allow a longer period for service providers to undertake that process as sensitively as possible.
- 2.11 Gaining the delegation does not mean the officers have the ability to make unusual decisions. The tender process follows a technical formula and officers will only be able to select the winning bidder or not proceed with award of contract, as would be the case if a committee report was provided for Members.

Furthermore, this is only possible within existing budgets. Any deviation from this would need sign off from Policy and Resources committee and Full Council.

3 Proposals

- 3.1 It is recommended that the Environment Services and Climate Change Committee delegate authority to the Section 151 officer (Director of Resources) and Head of Legal to award the contract to the winning bid.

4 Alternative Options Considered and Rejected

- 4.1 To use the existing meeting schedules for Environment Services and Climate Change Committee and award the contract at committee on 17/03/26. This option leaves less time for contract mobilisation after the standstill period as the current contract expires at the end of March 2026 and would potentially impact the service if not completed. The winning bid is determined through a pre-defined scoring process. As members have already agreed to re-tender for this service then the award of contract is an administrative task which could be completed by officers if Members support the recommendation.
- 4.2 To arrange an extra-ordinary committee meeting to award the contract. This process still requires scheduling and planning and the writing of reports and minutes. The time spent on this process could be better used by contractors to mobilise the contract after the standstill period. The winning bid is determined through a pre-defined scoring process. As members have already agreed to re-tender for this service then the award of contract is an administrative task which could be completed by officers. The benefits achieved from the new contract, such as social value can be reported to committee later in the process.
- 4.3 Do Nothing – this will result in a failure to award the contract and either the continued operation of a service without a contract in place; or the closure of public convenience facilities as there is no operator to run them as the contract has ended.

5 Consultation Undertaken or Proposed

- 5.1 There has been public consultations and discussions at various forums as part of the overall ongoing review of public conveniences. This is well detailed in the previous committee report on 12/11/25.

6 Implications

Issue	Implications
Corporate Plan	The proposed way forward will support several Corporate Plan objectives. These include 'Running the Council' by working within our resources and delivering in a transparent and efficient way.

Financial, Resource and Property	At Full Council in February 2025, Members agreed to reduce public conveniences budgets by £100K. In November 2025, Members voted to close three facilities to help bridge the gap between costs and available budget. However, future contract bid prices are unknown as yet. External factors such as inflation, minimum wage increases and the changes to National Insurance payments will likely impact prices. Service costs will be clearer after 13/02/26. The Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended ("TUPE") do apply to this contract and the implications of this have been addressed in the procurement process.
Legal, Statutory and Procurement	There is no statutory requirement for the Council to provide public conveniences. The contract will be drawn up using the Council's current standard Terms and Conditions. The Council will also need to be assured that the outgoing and incoming service providers have complied with their consultation obligations under TUPE where this is relevant.
Crime and Disorder	Public conveniences are partly attended where there is a higher risk of crime / vandalism if unattended. Future investment needs to 'design out' problems. Evidence of this can be seen in recent new build toilet provision.
Environment and Climate/Ecological Emergency	The closure of several public conveniences reduces the impact of water wastage and emissions from Council and Contractor operations. Any investment plans should look at reducing emissions from carbon reduction mechanisms such as LED lighting, timed lighting, reduced water usage etc. The future contract requires the use of environmentally friendly products and a focus on environmental improvements.
Health and Wellbeing	The provision of public conveniences can bring health and wellbeing benefits to members of the public. Residents with health issues may rely on public toilets when making decisions to visit local areas.
Safeguarding of Children, Young People and Vulnerable Adults	Toilet provision is important to some vulnerable residents. Public conveniences may be particularly beneficial for older people, those with disabilities, pregnant women and children.
Risk Management and Health and Safety	If the winning bid is over budget, then there will need to be further discussions with the relevant Member committees. The current contract expires on 31st March 2026 with no further extension clauses. Allowing the Section 151 Officer and Head of Legal to award the contract, it will enable longer for handover and mobilisation to

	undertake sensitive issues such as TUPE (should a new contractor be appointed).
Equality and Diversity	None
Privacy and Data Protection	None
Local Government reorganisation	Part of the discussions with Members at previous committees has been about transferring these key community assets to local town and parish councils. This will potentially safeguard the facilities in the future with local decision makers better understanding the needs of the community the facility serves.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:

None

8 Background Papers

10/07/25 - Environment Services and Climate Change Committee Report on Public Conveniences

<https://ws.swale.gov.uk/meetings/ieListDocuments.aspx?CId=356&MID=4315>

12/11/25 - Environment Services and Climate Change Committee Report on Public Conveniences

<https://ws.swale.gov.uk/meetings/ieListDocuments.aspx?CId=356&MId=4316&Ver=4>