

PROPERTY REVIEW – DISPOSAL OF TOILETS, LEIGH AND SWANLEY

Cabinet 12th April 2012

Report of the: Corporate Resources Director

Status: For Decision

Also considered by: Performance and Governance Committee 28th June 2011

Key Decision: No

This report supports the **Key Aim of Effective Management of Council Resources**

Portfolio Holder Cllr. Ramsay

Head of Service Head of Legal and Democratic Services – Mrs Christine Nuttall

Recommendation – That

(a) the former Public Toilets at Leigh be sold to Kent County Council acting on behalf of Leigh County Primary School for the sum detailed in the report and subject to such other terms and conditions that the District Council's legal advisors deem necessary to protect the Council's interests, and

(b) the former Public Toilets at Swanley including the accommodation leased to the taxi office be sold to Swanley Town Council for the sum detailed in the report and subject to such other terms and conditions that the District Council's legal advisors deem necessary to protect the Council's interests

Reason for recommendation: to transfer a surplus property to ensure that it benefits a local use.

Introduction

LEIGH TOILETS

(1) At its meeting held on the 28th June 2011 the Performance & Governance Committee considered a report recommending the sale of the Leigh toilets to Time to Talk (a voluntary sector tenant of the District Council's Cobden Road Centre). Following the publication of that report the local school also expressed a desire to purchase the toilets for inclusion into the school's accommodation.

(2) Performance & Governance recommended that, subject to any other conditions that the Council's legal advisors considered necessary to protect the Council's interests, it be

recommended to Cabinet that the Leigh public toilets be transferred to Leigh Primary School at the District Valuers figure.

(3) At its meeting held on the 21st July 2011 the Cabinet resolved That the disposal of the Leigh public toilets be re-evaluated within the next 3 months in light of the Cabinet's discussion and the views expressed by the Performance and Governance Committee and recommendations brought back to the Cabinet within that timescale.

(4) Following the July Cabinet protracted discussions and negotiations have ensued with initially Time to Talk and latterly Kent County Council./ Time to Talk are now actively pursuing, with the assistance of officers, alternative accommodation within the urban area of Sevenoaks.

(5) The District Valuer has valued the District Council's unencumbered freehold interest in Leigh toilets at £11,500 and Kent County Council have agreed that figure.

SWANLEY TOILETS

(6) At its meeting held on the 28th June 2011 the Performance & Governance Committee resolved hat, subject to any other conditions that the Council's legal advisors considered necessary to protect the Council's interests, the Public Toilets, Station Road, Swanley be offered to the Town Council at a negotiated figure to be agreed with the relevant Portfolio Holder and if this was not successful, to dispose of to the tenant at the District Valuers figure or by auction.

(7) At its meeting held on the 21st July 2011 the Cabinet resolved That the disposal of the Swanley public toilets be re-evaluated within the next 3 months in light of the Cabinet's discussion and the views expressed by the Performance and Governance Committee and recommendations brought back to the Cabinet within that timescale.

(8) In accordance with previous practice where a town or parish council wish to take over a closed District Council toilet that transfer will be at nil cost but in the case of the Swanley toilets 25% of the accommodation is leased by a taxi office at an annual rent of £2,750. Swanley Town Council have agreed to pay the District Council £17,500 as reimbursement for lost future income which would have been generated by the taxi office lease

Other Options Considered and/or Rejected

(9) Leigh Toilets - Time to Talk are actively seeking alternative accommodation. It is not considered appropriate to offer this property for sale on the open market as the building is attached to a primary school.

(10) Swanley Toilets – the outcome proposed above conforms with the recommendation of the Performance & Governance Committee's wishes.

Key Implications

Financial

(11) The disposal of this property will reduce the District Council's revenue budget in respect of maintenance, insurance and non domestic rates and contribute to the District Council's capital reserves.

Community Impact and Outcomes

(12) The impact of closing the toilet to the public formed part of the budget review 201/11, following which the toilets were closed

Legal, Human Rights etc.

(13) No legal nor human rights issues have been identified

Resource (non-financial)

(14) No additional non financial resource issues have been identified

Value For Money and Asset Management

(15) The disposal of this property ensures that vacant /unused buildings are not retained in public ownership. No suitable District Council uses have been identified in respect of this property.

Equality Impacts

(16) All impacts were considered as part of the 2010/11 budget review

Conclusions

(17) Given that the property is not required for any District Council purpose disposal is considered the only option.

Risk Assessment Statement

(18) Leigh & Swanley Toilets - The risk associated with retaining the property with no identifiable use is that it will fall into disrepair and become a financial burden of the owner.

(19) Leigh Toilets - Disposal on the open market is not considered appropriate given the property's proximity to a primary school.

(20) Swanley Toilets- The taxi office was purpose built as part of the then new toilet development following the former taxi offices demolition as part of the Goldsel Road bridge improvement in 1990. There is no ready market for that accommodation should the taxi office cease trading.

(21) Leigh & Swanley Toilets - Disposal to another local authority is financially a low risk as that body cannot be declared bankrupt or cease trading.

Appendices

Nil

Background Papers:

Property Review Public Toilets 2011 file

Performance & Governance Committee minutes

Cabinet minutes

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