

Decision Maker: RESOURCES PORTFOLIO HOLDER

Date: FOR PRE-DECISION SCRUTINY BY THE EXECUTIVE AND
RESOURCES POLICY DEVELOPMENT AND SCRUTINY
COMMITTEE ON 21ST NOVEMBER 2012

Decision Type: Non-Urgent Executive Key

Title: FORMER PUBLIC TOILETS

Contact Officer: Heather Hosking, Principal Valuer
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Chief Officer: Director of Renewal & Recreation

Ward: Chelsfield and Pratts Bottom; Farnborough and Crofton; Hayes and Coney
Hall; Kelsey and Eden Park; Orpington;

1. Reason for report

Following the implementation of the Community Toilet Scheme a further tranche of toilets has closed and this report sets out options for the future of the buildings.

2. **RECOMMENDATION(S)**

The Executive and Resources PDS Committee is requested to consider the proposed decision by the Resources Portfolio Holder and

The Resources Portfolio Holder is recommended to agree to the proposals for each of the public toilets set out in the table in paragraph 3.12 and to authorise the marketing of the properties identified in the table.

Corporate Policy

1. Policy Status: Existing Policy: Maximising assets
 2. BBB Priority: Excellent Council
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Financial

1. Cost of proposal: Estimated Cost Costs of employing an agent will be recovered from the purchaser. Other costs include £7,900 for empty rates and £51,800 for demolition costs
 2. Ongoing costs: Recurring Cost N/A
 3. Budget head/performance centre: Public conveniences and planned maintenance
 4. Total current budget for this head: £25,000 and £600,990
 5. Source of funding: Existing revenue budget 2012/13
-

Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement S123 Local Government Act 1972
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Any Comments received will be reported at the meeting.

3. COMMENTARY

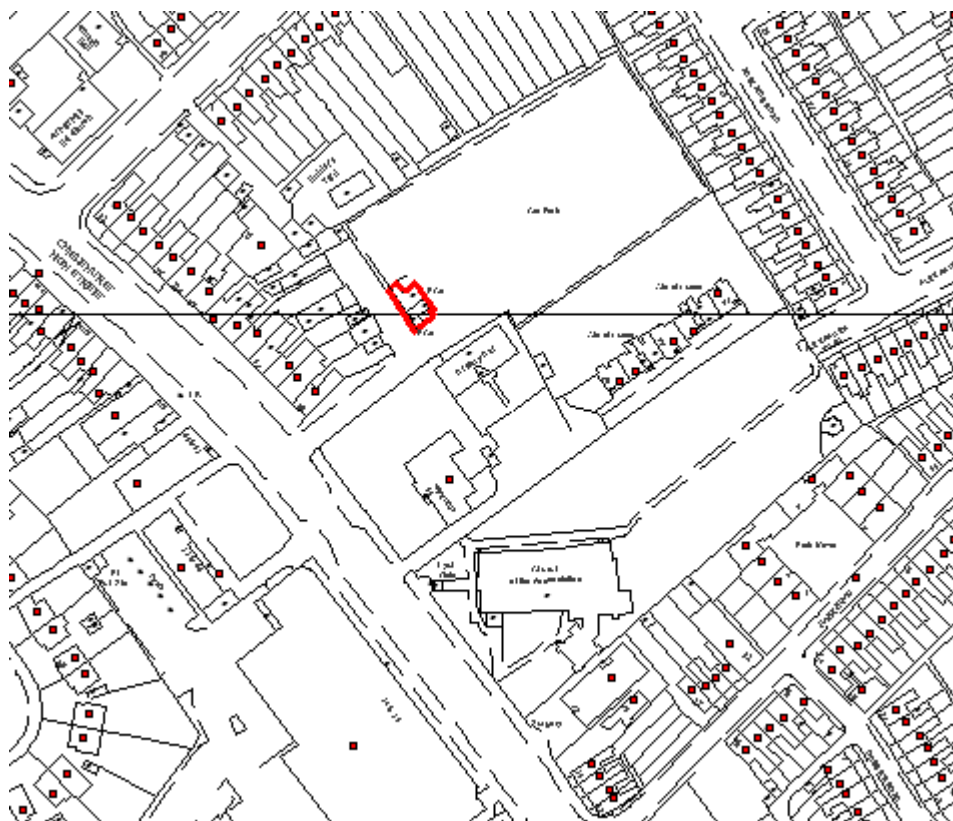
3.1 The Environment PDS Committee considered a report at its meeting on 5th April 2011 regarding the provision of public toilets (report no ES11013). The recommendations of the report were subsequently agreed by the Environment Portfolio Holder on 15th April 2011. The Portfolio Holder agreed to the phased closure of 13 on street and 2 parks public toilets.

3.2 The Resources Portfolio Holder agreed in August 2011 to the sale or demolition of the toilets closed in the first phase of implementation of the Community Toilet Scheme.

3.3 This report deals with the on street toilets that have closed in the second phase of implementation and makes recommendations for their future. In addition, the toilets in Hayes are included, which have also closed.

3.4 The options open to the Council are to attempt to sell the properties, or, where a sale is considered impractical or inadvisable, to demolish the buildings and reinstate the site. It should be noted that retention of the buildings will result in a business rate liability arising three months after closure.

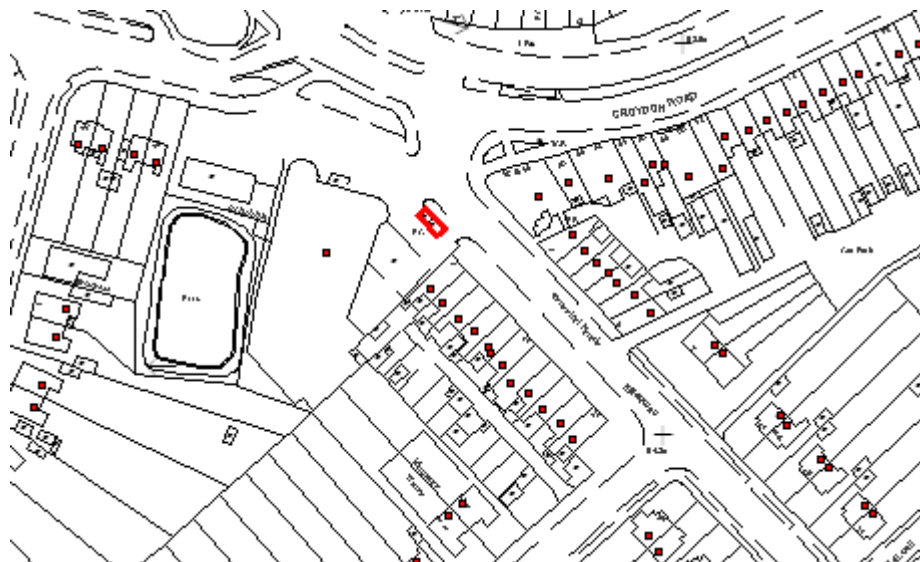
High Street, Chislehurst.



3.5 The public toilets are located in a car park where the Council owns the freehold of part and has a 99 year lease of the rest which expires in 2059. The toilets have been subject to considerable vandalism in the past. It is recommended that the site should be retained as a sale of this small area of the car park would fragment the Council's ownership and, although there are currently no proposals to change the operation of the car park, a sale of this area could prejudice its future should development ever be considered. It is understood that interest in leasing this property has been expressed by Chislehurst Town Team for use for a community facility. It is therefore suggested that these discussions should be progressed to establish whether such a use is desirable and viable. If it proves beneficial to demolish the building the cost has been estimated to be £9,500. The toilets are included in the rating

assessment for the car park. If they are demolished a request would have to be made to the District Valuer to revalue the car park.

Kingsway, Coney Hall.



3.6 The Council holds the public toilets in Coney Hall on a 99 year lease which expires in 2056. The freeholder is Threadneedle Pensions Ltd, which owns the freehold of the adjoining Wickes store. The lease of the property only allows its use for public toilets and requires the Council to keep the building in good repair. There is an absolute prohibition on the assignment, underletting or subletting of the property. This means that the Council can only demolish the building, change its use or sell its leasehold interest with the consent of the freeholder. The toilets occupy a very small site within the overall curtilage of the Wickes site, and under the terms of the lease the freeholder has the right to relocate them within his site at any time. It is therefore considered unlikely that there would be any interest in the acquisition of the toilets, but as they are in a commercial location it is suggested that, if the agreement of the freeholder can be obtained, they should be offered for sale, but if a purchaser is not forthcoming they should be demolished. The cost of demolition has been estimated to be £9,000. Empty business rates would not be payable on this property as its rating assessment is below the charging threshold.

High Street, Green Street Green.



3.7 The Green Street Green toilets adjoin the Greenwood Community Centre in Green Street Green High Street. They are not in the main commercial section of the High Street and there is no obvious commercial use for them. It is suggested that they could be offered for sale and the community centre could be contacted to establish whether they have any interest in acquiring them. If a purchaser cannot be found, it is recommended that they should be demolished. The estimated cost of demolition is £9,000 and the ongoing liability for business rates is £1,809 pa subject to annual increases.

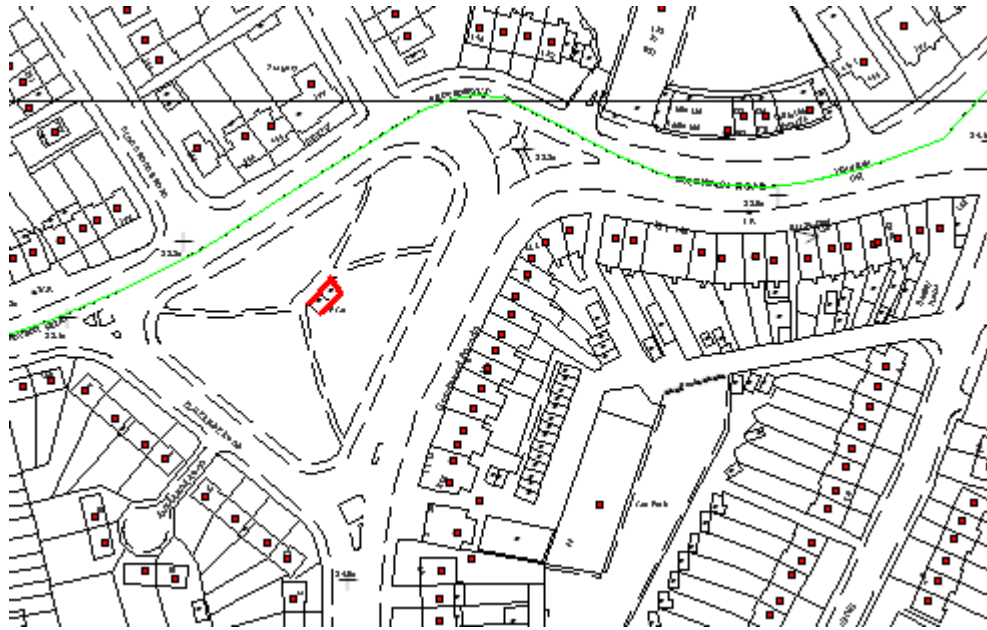
Priory Gardens, Orpington.



3.8 The Priory Gardens toilets are within the Council’s larger landholding that includes the Priory Gardens, the museum and the former Orpington Library, but have their own pedestrian access onto the High Street. It is possible that a purchaser might be interested in the site and the Council’s Head of Parks and Greenspace has advised that any sale should ensure that the security of the park is not compromised. Alternatively, the site could be incorporated into the park. It is therefore recommended that the property should be offered for sale, but that if a satisfactory purchaser is not found they be demolished and the land incorporated into the park. It should be noted that either option is complicated by the fact that the electricity supply to the building is shared with the park and therefore separation of the service will be required, which could be costly. The approximate cost of demolition and reinstatement of the land has been estimated at £8,750, excluding any cost arising from

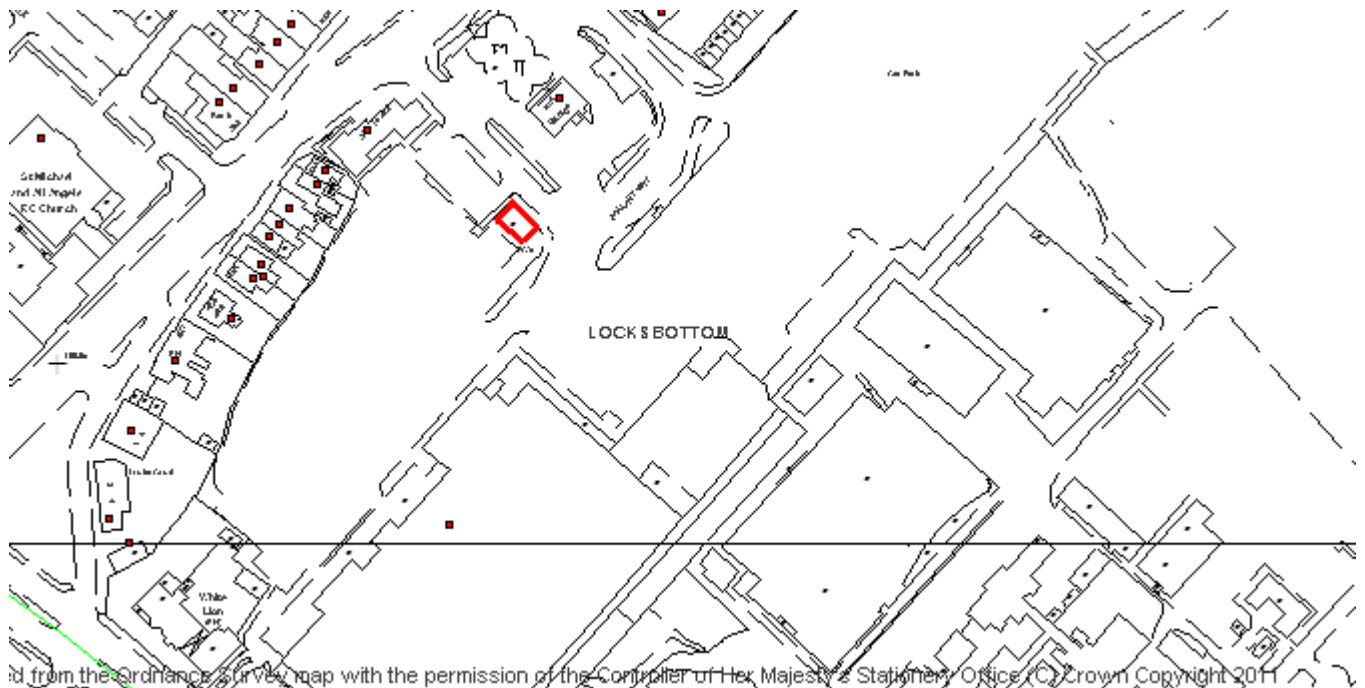
separating the electricity supply. The empty business rates liability will be £1,534pa. subject to annual increase.

Elmers End.



3.9 The toilets are located in the middle of the green in Croydon Road and Elmers End Road and as such a sale for an alternative use might not be practical. However, it is recommended that the building be offered for sale and demolished if a purchaser is not found. The cost of demolition has been estimated to be in the region of £6,500. Empty property business rates will not be payable as the rating assessment is below the threshold level.

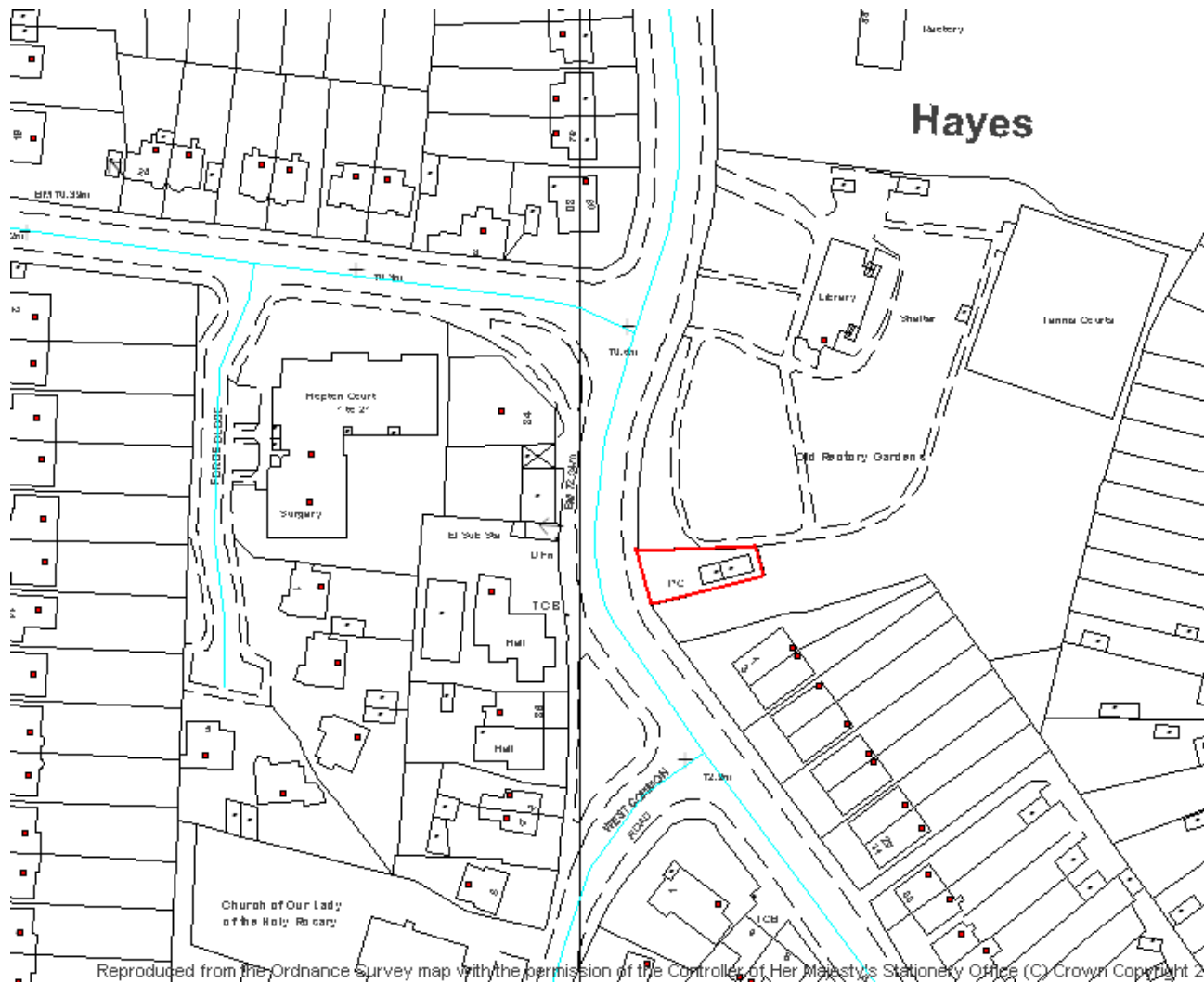
Pallant Way, Locks Bottom.



3.10 The toilets at Locks Bottom are located at the edge of the Sainsbury store's customer car park. The land was transferred to the Council by J Sainsbury in 1984 but its use is not restricted to this purpose in the transfer. The building adjoins a plot of land owned by the Council which, historically, had been acquired for the development of a library. This land is currently used for permit parking by local businesses with a space for weekly visits by the mobile library. It is subject to a restrictive covenant, imposed when the land was transferred to the Council by Key Markets Ltd in 1981, restricting its use to a public library or for any public purpose associated with local government. Members will be aware that a review of library provision has recently been conducted and that The Executive has considered the future of the library service on a number of occasions recently. The development of new library facilities has not been proposed at this location and the disposal of this area could, therefore, be considered. The two areas of land together could create a development site, but this would require the agreement of Key Markets or their successors to the removal or relaxation of the covenant. The empty business rates payable will be £2,702 per annum subject to annual increases. It is suggested that further investigation could be carried out into the possibility of dealing with the two areas together to create a development opportunity and that this be the subject of a future report.

Hayes Street, Hayes

3.11 The toilets are located in an area adjoining the park in Hayes Street. Interest has been shown in them for storage by a nearby business. It is recommended that they be offered for sale but that if a purchaser is not found they should be demolished. The estimated cost of demolition is £9,000 and the empty rates payable are £1,854 subject to annual increase.



3.12 Summary of Proposals

Location	Proposal	Empty rates payable (at 2012 rate in £)	Estimated Cost of demolition	Comments
Chislehurst High Street	Investigate use by Chislehurst Town Team. If appropriate, demolish.	Included in car park assessment.	£9,500	
Coney Hall	Market, if unsuccessful, demolish	£0	£9,000	Council owns leasehold interest – consent of freeholder required to any change of use
Green Street Green	Market; if unsuccessful, demolish	£1,809	£9,000	
Priory Gardens,	Market; if unsuccessful,	£1,534	£8,750	Electricity supply also

Orpington	demolish			serves the park.
Elmers End	Market or demolish	£0	£6,500	
Locks Bottom	Sell	£2,702		Consider including with adjoining Council owned site
Hayes	Market, if unsuccessful, demolish	£1,854	£9,000	

Method of Sale

3.13 In view of the work involved in bringing the six properties identified for sale to the market and the recent reduction in staff numbers in the Valuation and Estates Section it is recommended that an agent be appointed to deal with these sales and that the properties be marketed on the basis that the purchaser pays the agent's fee. Agents would be instructed on the basis that abortive fees would not be paid.

4. POLICY IMPLICATIONS

The Council's aims include being a Council which manages its assets well

5. FINANCIAL IMPLICATIONS

Capital receipts will be generated through the sale of these properties. In view of the unique nature of the properties it is very difficult to estimate values for the sites. The cost of appointing an agent to act on the Council's behalf in marketing the properties will be recovered from the purchasers.

Should it be necessary to demolish all the properties identified in the schedule above the cost has been estimated at £51,750 (subject to detailed survey). A provision for the demolition of these toilets will be made in next years planned maintenance programme.

The cost of the empty rates (£7,900) will be met from the public convenience budget which is held within the Environment Portfolio and has £25,000 for set aside to meet the cost of business rates.

6. LEGAL IMPLICATIONS

Section 123 of the Local Government Act 1972 requires a local authority to secure the best consideration reasonably obtainable when it disposes of land (other than on a lease of seven years or less) unless it has the benefit of express or general consent from the Secretary of State.

Non-Applicable Sections:	Personnel Considerations
Background Documents: (Access via Contact Officer)	