

**Decision Maker:** Resources Portfolio Holder

**Date:** **For Pre-Decision Scrutiny by the Executive and Resources Policy Development and Scrutiny Committee on Thursday 14 May 2015**

**Decision Type:** Non-Urgent                      Executive                      Non-Key

**Title:** **FORMER PENGE PUBLIC TOILETS, HIGH STREET, PENGE**

**Contact Officer:** Heather Hosking, Head of Strategic Property  
Tel: 020 8313 4421    E-mail: heather.hosking@bromley.gov.uk

**Chief Officer:** Director of Regeneration & Transformation

**Ward:** Penge and Cator;

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1. Reason for report

This report seeks agreement to declare the former public toilets in Penge High Street surplus to requirements and authority to advertise the building for sale on the open market.

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2. **RECOMMENDATION(S)**

**The Executive and Resources Policy Development and Scrutiny Committee is requested to consider the proposed decision of the Resources Portfolio Holder and**

**The Resources Portfolio Holder is recommended to agree that the former public toilets in High Street, Penge, should be declared surplus to Council requirements and authority given for the marketing of the building or for its demolition, should it not prove possible to find a purchaser.**

### Corporate Policy

1. Policy Status: Existing Policy: Maximising the Council's assets
  2. BBB Priority: Excellent Council:
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### Financial

1. Cost of proposal £15k demolition costs should a purchaser not be found
  2. Ongoing costs £340 per month until the property is either sold or demolished, thereafter annual savings of £4k will be achieved
  3. Budget head/performance centre: Street Scene and Green Space
  4. Total current budget for this head: £31.2m
  5. Source of funding: Existing revenue budget for 2015/16
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### Staff

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

### Legal

1. Legal Requirement: Statutory Requirement: S123 of the 1972 Local Government Act
  2. Call-in: Applicable:
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
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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 former public toilets in Penge are located in the High Street in Arperly Square. They were the subject of a report to the Executive on 15<sup>th</sup> October 2014 regarding the introduction of the Community Toilet Scheme in Penge and the closure of the toilets. Members resolved to defer a decision to allow further public consultation. An approach was received from Freeway Union, which was interested in operating the toilets as a community project. Subsequently, it was agreed at the Executive's meeting on 26<sup>th</sup> November that the proposal from Freeway Union should be considered if the Environment Portfolio Holder considered this appropriate, prior to closure. Freeway Union did not put forward a proposal and, accordingly, the toilets closed on 31<sup>st</sup> January 2015.

3.2 No other Council use has been identified for the toilet building and it is, therefore, recommended that it should be declared surplus requirements and offered for sale.

3.3 There are some issues that will have to be resolved before the property can be marketed:

#### **i) Legal Title**

Part of the toilet building has been constructed on land to which the Council does not have title. It was built following the closure of Arpley Road, which was stopped up in the late 1970's to allow the development of the Blenheim Centre. Part of the building is on land to which the Council has title, while part is on a former section of the road. The toilets were built more than 12 years ago, and, therefore, it will be possible for the Council to make a claim for adverse possession. This course of action will be taken if, following the marketing of the property, a purchaser is found.

#### **ii) Public Art Installation**

The Council erected a large art installation in front of the toilet building in the late 1990's, using funding from the Crystal Palace Single Regeneration Budget. This screens Arpley Square from an area of car parking at the rear. It incorporates gates to provide access to the toilets, and part of the structure is fixed to the toilet building. It may prove difficult to maintain in this position if the toilet building passes into private ownership, and it would have to be removed if the toilets were demolished. The Head of Town Centre Planning Projects has advised that officers are preparing improvement proposals for Penge High Street which will consider the future of the installation and its possible relocation.

#### **iii) Asset of Community Value**

This property has been listed as an asset of community value. As a result, community groups must be given six weeks to decide whether they wish to make a bid. If a group advises that it wishes to bid, there will be a six month moratorium during which the asset cannot be sold. This period can be run in tandem with the marketing exercise and any local group expressing a wish to bid can be invited to do so as part of that process.

3.4 To date purchasers have been found for all the former public toilets that have been marketed. However, the site of the toilet building is very limited and it cannot be guaranteed that a purchaser will be found. If, after a marketing exercise, it does not prove possible to find a purchaser, authority is requested to demolish the building, at an estimated cost in the region of £15,000.

### **4. POLICY IMPLICATIONS**

4.1 The Council's aims include being an authority which manages its assets well.

## 5. FINANCIAL IMPLICATIONS

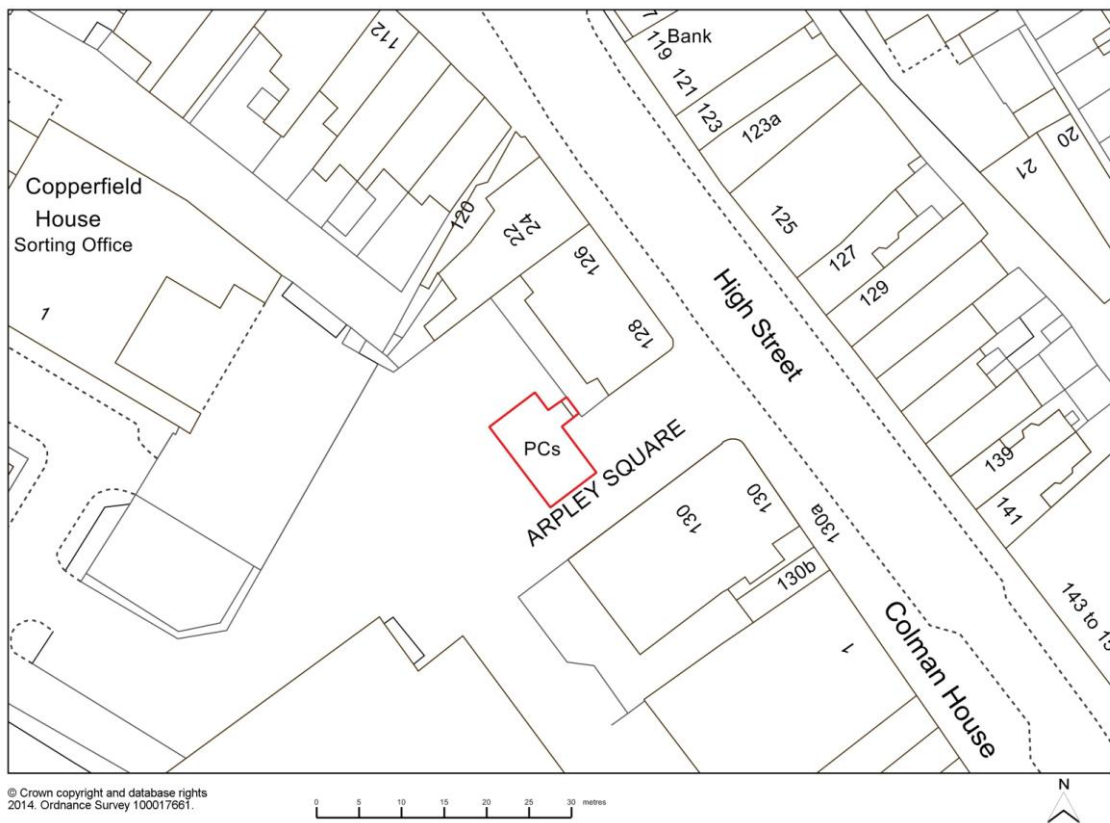
5.1 A capital receipt will be forthcoming if a sale is achieved.

5.2 Costs of £340 per month will be incurred to cover Business Rates and standing charges for utility costs until the property is either sold or demolished. Funding for these costs is held within the Street Scene and Green Space budget.

5.3 Should the building need to be demolished, the estimated cost of £15k would be met from within the Street Scene and Green Space budget as set out in the October committee report.

## 6. LEGAL IMPLICATIONS

The Council is required under S123 of the 1972 Local Government Act to secure the best consideration reasonably obtainable (unless it grants a lease of 7 years or less) unless it has the benefit of an express or general consent of the Secretary of State. This property will be advertised for sale on the open market to ensure compliance with this requirement.



<b>Non-Applicable Sections:</b>	Personnel Implications
Background Documents: (Access via Contact Officer)	