

**Decision Maker:** EXECUTIVE AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

**Date:** Wednesday 6 January 2016

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

**Title:** FORMER PUBLIC TOILETS, BROMLEY HILL CEMETERY

**Contact Officer:** Paul Cahalan, Valuer  
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**Chief Officer:** Director of Regeneration & Transformation

**Ward:**

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1. Reason for report

The report seeks authority to sell this property

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2. RECOMMENDATION(S)

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

2.2 The Resources Portfolio Holder is recommended to declare the former public toilets at Bromley Hill Cemetery, Bromley Hill, Bromley surplus to Council requirements and to agree to them being sold to the adjacent residents.

### 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: Generation of a capital receipt from the sale of the property.
  2. Ongoing costs: Recurring Cost: Annual saving of £270
  3. Budget head/performance centre: Repairs and maintenance – unplanned
  4. Total current budget for this head: £18,980
  5. Source of funding: Existing revenue budget 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: N/A
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### 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? Not Applicable The site is not within the borough.
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

- 3.1 The London Borough of Bromley sold The Lodge at Bromley Hill Cemetery in 1994. The property is not connected to the mains sewer, and so utilises a cesspool which is located beneath the cemetery. The public toilets (hatched red on the attached map) situated close to the Lodge also discharge into the cesspool.
- 3.2 The Transfer Deed for the sale required the Council to empty, cleanse, repair and maintain the cesspool, and the pipes connecting it to the Lodge and public toilets. The owners of the Lodge were to be responsible for 25% of the cost of this work.
- 3.3 A few years later the public toilets were closed, and so an approach was made to the owners of the Lodge with a view to updating the Transfer such that they would assume full responsibility for the cesspool and the associated costs.
- 3.4 The owners were amenable to this, but sought confirmation that they were now the only party using the cesspool. In particular, they queried whether the surface water drains within the cemetery also used this facility. Records were checked, but unfortunately nothing could be found to verify the position. A cctv survey was considered, but at around £900, when compared with the sum required to empty the cesspool - approximately £360 based upon two visits per year – was postponed while talks continued.
- 3.5 The owners of the Lodge were prepared to organise the survey themselves, but before doing so, enquired whether the Council would be willing to sell them the former public toilets.
- 3.6 The Assistant Director of Street Scene and Greenspace was informed of this request and confirmed his approval.
- 3.7 It is therefore recommended that the former public toilets be declared surplus, and that negotiations then take place with the owners of the Lodge for their sale. Such a transaction would occur at the same time as the amendment to the Transfer Deed in respect of the cesspool.

### **4. POLICY IMPLICATIONS**

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

### **5. FINANCIAL IMPLICATIONS**

- 5.1 The sale of the property will generate a capital receipt.
- 5.2 The Council will no longer be responsible for emptying the cesspool, thereby saving approximately £270 per year.

### **6. LEGAL IMPLICATIONS**

- 6.1 If the property is sold, S123 of the 1972 Local Government Act will apply. This requires a local authority to secure the best consideration reasonably obtainable when disposing of land (other than on a lease of 7 years or less) unless it has the benefit of an express or general consent of the Secretary of State.

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

