

## COLCHESTER BOROUGH COUNCIL

### RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

#### Explanatory Note

The Leader of the Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Cabinet member decisions are subject to review under the Call-in Procedure.

From the date the notice of the decision made is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed (called in) and deliver it to the Proper Officer.

If, at the end of the period, no request has been made, the decision may be implemented. If a valid call- in request has been made, the matter will be referred to the Scrutiny Panel

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#### Part A – To be completed by the appropriate Cabinet Member/Officer

##### Title of Report

**Disposal of Wivenhoe Town Hall, Car Park and Toilets**

##### Delegated Power

In respect of all land and buildings owned by the Council (except in its capacity as Housing Authority), to procure the specified service in the provision, implementation, maintenance and management of :-

1. Acquisitions and disposals including terms for acquisitions or disposals

##### Decision Taken

To approve the disposal of Wivenhoe Town Hall ,toilets and car park on Wivenhoe High Street to Wivenhoe Town Council.To authorise the Head of Commercial Services, to agree and settle final terms and consequential matters to complete the sale of the properties.

##### Key Decision

No

##### Forward Plan

N/A

### **Reasons for the Decision**

In line with the Councils priorities and budget savings activities discussions are taking place with Town and Parish Councils to review ownership of Public Conveniences.

Transfers to local ownership as a nil cost transfer of asset, provides opportunities for local communities to sustain facilities in the future and look at more efficient ways to run and operate them. It also provides the Borough Council with efficiencies needed given the reductions in grants and funding.

In this particular case the Town Hall and the car park on the High Street are also included in the negotiations. This is because the toilets are located in the centre of the car park and the Town Council were prepared to take on both facilities. The Town Council also wish to acquire the Town Hall site which they occupy under User Rights so they can carry out improvements and development for public uses in the future.

Any savings achieved through the asset transfer of public facilities will support future budget pressures and gaps.

The transfer of The Town Hall will provide a capital receipt to the Council .

### **Alternative Options**

As Wivenhoe Town Council occupy the Town Hall under User Rights the Council could not obtain vacant possession of the site to sell for a more valuable use. Wivenhoe Town Council is not in a position to move from the site and wish to further consolidate their presence.

Transfer of the public toilets into local ownership is the most sustainable way forward but if this cannot be agreed then options would include closure and demolition of the building. Sale of the toilets on the open market would not be a sensible option due to their location in the middle of the car park.

Charging for the toilets has been considered but for this to be a viable cost effective alternative the toilets need a certain level of footfall which is not realistic for most public toilets.

### **Conflict of Interest**

N/A

### **Dispensation by Head of Paid Service**

N/A

**Dispensation by Monitoring Officer**

N/A

**Approved by Portfolio Holder for Business & Resources**

**Signature Councillor Paul Smith**

**Date 26 February 2015**

(**NB** For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing)

**Part B – To be completed by the Proper Officer (Democratic Services)**

**Implementation  
BUS-011-14**

Date decision can be implemented if no request (Call-in) for the decision to be reviewed has been made

After 5pm 5 March 2015

The report accompanying this decision contains exempt information and not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial/business affairs of a particular person, including the authority holding information)

Please contact the author Fiona Duhamel, 01206 282252

**Call-in Procedure**

The Decision Notice for this decision was published on the internet and placed in the Members' Room and the Customer Service Centre on **26 February 2015**

A request for reference to the Scrutiny Panel must be made by **5pm on 5 March 2015**

**Signature of Proper Officer  
K Barnard**

## Report to Portfolio Holder for Business and Resources.

Item

Report of	Head of Commercial Services	Author	Fiona Duhamel ☎ 282252
Title	Disposal of Wivenhoe Town Hall and Car park and Toilets		
Wards affected	Wivenhoe		

**This report seeks approval to the disposal of Wivenhoe Town Hall and the public car park along with the toilets on the High Street, to Wivenhoe Town Council.**

### 1. Decision(s) Required

- 1.1 Agree the freehold disposal of Wivenhoe Town Hall and the public car park along with the toilets on High Street, Wivenhoe to Wivenhoe Town Council as shown approximately on the attached plan.
- 1.2 The transfer of the Town Hall to be for consideration reflecting the Market value for its current use. The transfer of the car park and toilets to be for nil consideration
- 1.3 Agree delegated power to the Head of Commercial Services to conclude the sale substantially in accordance with the agreed Heads of Terms

### 2. Reasons for Decision(s)

- 2.1 In December 2014 the Portfolio Holder for Housing and Public Protection approved the transfer or closure of the public toilets at High Street, Wivenhoe along with other such facilities in the Borough. In line with the Councils priorities and budget savings activities discussions are taking place with Town and Parish Councils to review ownership of Public Conveniences.

Transfers to local ownership as a nil cost transfer of asset, provides opportunities for local communities to sustain facilities in the future and look at more efficient ways to run and operate them. It also provides the Borough Council with efficiencies needed given the reductions in grants and funding.

- 2.2 In this particular case the Town Hall and the car park on the High Street are also included in the negotiations. This is because the toilets are located in the centre of the car park and the Town Council were prepared to take on both facilities. The Town Council also wish to acquire the Town Hall site which they occupy under User Rights so they can carry out improvements and development for public uses in the future.
- 2.3 Any savings achieved through the asset transfer of public facilities will support future budget pressures and gaps.
- 2.4 The transfer of The Town Hall will provide a capital receipt to the Council.

### **3. Alternative Options**

- 3.1 As Wivenhoe Town Council occupy the Town Hall under User Rights, the Council could not obtain vacant possession of the site to sell for a more valuable use. Wivenhoe Town Council is not in a position to move from the site and wish to further consolidate their presence.
- 3.2 Transfer of the public toilets into local ownership is the most sustainable way forward but if this cannot be agreed then options would include closure and demolition of the building. Sale of the toilets on the open market would not be a sensible option due to their location in the middle of the car park.
- 3.3 Charging for the toilets has been considered but for this to be a viable cost effective alternative the toilets need a certain level of footfall which is not realistic for most public toilets.

### **4. Supporting Information**

- 4.1 The freehold of the Town Hall site was transferred to Colchester Borough Council on Local Government reorganisation in 1974 but the Town Council retained User Rights.
- 4.2 The Borough Council also let part of the ground floor of the Town Hall to the Post Office as a sorting office and storage to Wivenhoe Town Council and a parent and toddler group. The sale will be subject to these lettings.
- 4.2 The Town Council approached Colchester Borough Council last year requesting to buy the freehold of the Town.
- 4.3 The consideration for the Town hall reflects the Market value for its current uses.
- 4.4 The transfer of the public toilets and the car park was also discussed with the Town Council who agreed to take the ownership and liability for them provided the transfer of the Town Hall could be completed at the same time.

### **5. Proposals**

- 5.1 The freehold of the Town Hall site to be transferred to Wivenhoe Town Council for a consideration. The freehold of the toilets and car park to be transferred to Wivenhoe Town Council for nil consideration.
- 5.2 The Town Hall, car park and toilets will be subject to an overage deed whereby the Borough Council will clawback value should the sites be sold or developed for more valuable uses in the future.

### **6. Strategic Plan References**

- 6.1 This proposal supports “Develop a strong sense of community across the Borough by enabling people and groups to take more ownership and responsibility for their quality of life “ within the Strategic Plan 2015 - 2018.

## **7. Consultation**

- 7.1 There has been no resident consultation. Ward members have been made aware of the negotiations.

## **8. Financial implications**

- 8.1 There will be savings in respect of the toilets and the car park.
- 8.3 The Council will forego income from lettings in respect of the Town hall but receive a capital receipt.

## **9. Equality, Diversity and Human Rights implications**

- 9.1 The EQIA for public toilets can be viewed at  
<http://www.colchester.gov.uk/article/12744/Community-Services>

## **10. Community Safety Implications**

- 10.1 N/A.

## **11. Health and Safety Implications**

- 11.1 N/A

## **12. Risk Management Implications**

No specific risks have been identified. However there is a risk that the public toilets will close if the transfer does not occur.

## **Background Papers**

1. Plan of the sites for disposal.