

Agenda



**Delegated Decisions - Joint Cabinet Member
Cabinet Member for Assets, Equalities & Member Development
(Deputy Leader)
Cabinet Member for Streetscene**

Date: Wednesday, 5 December 2018

To: Councillor M Whitcutt, R Jeavons

| Item | Wards Affected |
|--|----------------|
| 1 <u>Future use of Caerleon Toilets</u> (Pages 3 - 10) | |

This page is intentionally left blank



Report

Cabinet Member for Assets, Equalities and Member Development (Deputy Leader) Cabinet Member for Streetscene

Part 1

Date: 5 December 2108

Subject Future use of Caerleon Public Toilets (adjacent to Town Hall)

Purpose To seek approval from the Cabinet Member for Assets, Equalities & Member Development (Deputy Leader) and Cabinet Member for Streetscene to declare the subject premises surplus to Streetscene's requirements and reappropriate to Regeneration Investment and Housing in order that the property can be disposed of either by way of sale or lease on terms to be agreed by Head of Law and Regulation.

Author Housing and Asset Manager

Ward Caerleon

Summary When Newport City Council approved the final budget for the year 2018/2019 it included as a revenue saving the closure of public toilets in Caerleon, the toilets have therefore been closed to the public since March 2018. Alternative arrangements have been put in place to compensate for the loss of this facility with supporting organisations.

This report deals with the second phase of the process to ensure the building does not fall into neglect, has a viable alternative use and remains a long term part of the community fabric of Caerleon.

Proposal Declare the premises surplus to Streetscene requirements and re-appropriate to Regeneration, Investment and Housing in order that the property can be disposed of, either by way of sale, or lease on terms to be agreed by Head of Law and Regulation.

Action by Newport City Council and Newport Norse

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director – Place
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change
- Housing and Assets Manager
- Property Manager
- Head of Streetscene and City Services
- Capital Strategy and Asset Management Group
- Newport Norse

Signed

Background

The Newport City Council revenue savings proposals for 1st April 2018 included the closure of the Caerleon public toilets, in accordance with the adopted process for assessing the impact on any proposals; all revenue saving proposals must undergo a rigorous set of checks and scrutiny, along with public consultation in the form of open meetings etc. Once all consultations are complete and the final budget is determined it is approved by Cabinet and subsequently Council.

The closure of the Caerleon public toilets was one of the revenue savings included in the final budget and was approved by Council in February 2018

Acknowledging the loss that this amenity would have on residents and tourists to the historic area of Caerleon, on 6 July 2018 the Council announced that (following discussions between Newport City Council, the National Museums and Arts Galleries of Wales and CADW) toilets in Caerleon Pavilion would be reopened for the next twelve months. Arrangements were also put in place to allow public access to the toilets in Caerleon Town Hall (adjacent to subject property) during its opening hours and when certain events are taking place.

The closure was further debated at Council in July 2018 where it was reiterated that the closure had undergone extensive consultation at the time of the budget and that the measures Newport City Council had negotiated, as alternative options to the existing facilities, were sufficient to cover the loss of the facilities.

In accordance with the Council's approved budget Newport Norse have been instructed by Streetscene & City Services that they wish to declare the toilets by Caerleon Town Hall surplus to their service areas requirements (edged red on plan below).

The Council's legal department have confirmed that there are no restrictions on the land registry title which would prevent a disposal of the premises whether by way of lease or sale. The land surrounding the toilets (the war memorial gardens – edged green on plan below) are subject to a restriction that they must be used as open space only.

Interest has already been received by local residents as to the availability of the toilets for use as commercial premises. Informal planning comments are currently being sought for such uses. Such a use will meet a number of the Council's well-being objectives such as employment opportunities for the area and promoting economic growth.

Former toilets blocks in recent times have been increasingly converted into small cafes, shops or even performance studios. Examples of this are the former toilet block at Ridgeway which is now a successful café and the recent application for the former toilets at Alexandra Road to be used as a performing arts studio. Any of the above examples of use would work well within Caerleon and, long term, will ensure the property is redeveloped to a more sustainable use. This will also prevent the building from deteriorating and becoming a liability to the Council if left vacant.

Any capital receipt is likely to be minimal so Newport Norse would recommend that consideration is given to leasing this toilet block in order to bring an income to the Council and bring the building back in to use for the local area. Newport Norse and Newport City Council will work together to find a suitable tenant for the property and then work in collaboration with them to ensure the property is brought back in to use.

Financial Summary

- There are currently no costs associated with the building. If the property becomes subject to vandalism there will be cost implications

- The sale or lease of the property will bring either a small capital receipt or an income for the term of the lease.

Risks

| Risk | Impact of Risk if it occurs* (H/M/L) | Probability of risk occurring (H/M/L) | What is the Council doing or what has it done to avoid the risk or reduce its effect | Who is responsible for dealing with the risk? |
|--|--------------------------------------|---------------------------------------|--|---|
| Deterioration of the Property if not sold / leased | H | h | This report seeks to reduce this risk by declaring the property surplus and agreeing for it to be sold or let. | Newport City Council |
| Premises may be advertised and not sold | H | L | Premises will be advertised widely. Already interest in the property. | Newport Norse |

Links to Council Policies and Priorities

Property Rationalisation Programme
Medium Term Revenue Plan (MTRP)
Strategic Asset Management Plan

Options Available and considered

1. Take no action. The building will remain closed to the public and will deteriorate with liabilities falling to the Council to address.
2. Declare the premises surplus to Streetscene's requirements and reappropriate to Regeneration, Investment and Housing in order that the property can be disposed of either by way of sale or lease on terms to be agreed by Head of Law and Regulation.

Preferred Option and Why

Option 2: Declare the premises surplus to Streetscene's requirements and reappropriate to Regeneration, Investment and Housing in order that the property can be disposed of either by way of sale or lease on terms to be agreed by Head of Law and Regulation.

Comments of Chief Financial Officer

Either disposal or leasing of this asset will benefit the Council by the realisation of a small capital receipt which can be reinvested in the capital programme or on going income for the service area. If the asset is leased, it is recommended that it be a full repairing lease so that the Council minimises its on-going liabilities.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's legal powers under sections 122 and 123 of the Local Government Act 1972 to re-appropriate and dispose of redundant assets and property. These public toilets have been closed as a consequence of the MTRP budget savings proposals for 18/19 previously agreed by Cabinet. As they are no longer required for operational use by City Services, then they can be re-appropriated to Regeneration Investment and Housing and declared surplus for the purposes of disposal. In accordance with Section 123, the Council is required to secure the best price reasonably obtainable for the property, unless there are wider social benefits of any proposed transfer. Therefore, if the land and property was to be sold on a commercial basis for redevelopment purposes, then this value should be reflected in the purchase price. Alternatively, if the property was to be

transferred to any local voluntary group as a community asset transfer, then a reduced price could be agreed.

Comments of Head of People and Business Change

This proposal has fully considered the Well-being of Future Generations (Wales) Act 2015 including the well-being goals and the sustainable development principle (long-term, prevention, integration, collaboration, involvement) within the Act.

From an HR perspective there are no staffing implications.

Comments of Cabinet Members

Cabinet Member for Assets and Members Development – Cllr Whitcutt
Has been briefed on the report.

Cabinet Member for City Services – Cllr Jeavons

The closure of the Caerleon public toilets was one of the revenue savings included in the final budget and was approved by Council in February 2018. Alternative arrangements were made to provide similar facilities with further debate to extended opening hours on occasions at the nearby Caerleon Town Hall.

Local issues – Comments of Ward Members

Cllr Joan Watkins

The closure of these public facilities has resulted in a public outcry given that they are very necessary amenity, particularly as Caerleon boasts so much amazing Roman Heritage attracting visitors from across the globe. Said visitors should be supported by the provision and availability of these facilities. This is not to mention servicing the needs of the local residents including older people, mothers with children and those suffering disability. It is alleged that facilities are available in the Town Hall however this is not the case when the town hall is closed or when the Caretaker is off site as access is then denied. To follow the shameful decision to close these toilets with this decision to sell them off so quickly is an insult and affront to both visitors and residents some 700 of the latter who signed a petition against the closure.

Could you please advise me as to whether these toilets will be sold to a purchaser who will continue to ensure their continued use as public toilets.

Cllr Gail Giles

Given the increased availability of the toilets in Caerleon Town Hall, which are more comfortable and provide the assistance of members of staff, it is important that the old toilet block, immediately adjacent to the Hall, is made available either by lease or sale for the benefit of our community.

Cllr Jason Hughes

I appreciate that the disposal of the former toilet building is a separate issue to the closure of the toilet that was taken by cabinet and council earlier this year. I have noted and welcome the improved toilet facility within the Town Hall and believe it is in the best interest of the community to make use of the former building.

The council would I believe be acting appropriately in considering suitable uses for this building on a sale or lease basis in order to minimise costs of maintenance to the public purse over coming years and also ideally providing space that can be of use to the community and avoid the building becoming an eye sore.

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

In arriving at the difficult decision to close a set of public toilets the Council has had regard to and followed the five ways of working laid out in the Wellbeing of Future Generations (Wales) Act 2015. This report is the second part of the process and the 5 ways of working are spread across both parts.

The first was the decision to close the public toilets, whilst considering it as a finance issue it was acknowledged that the need for access to facilities for the public was integral to the tourism aspect of Caerleon. The Council collaborated with a number of organisations to find a solution that created an alternative provision of facilities.

The budget setting process of the Council includes considerable consultation and involvement of the public, members and organisations.

The second phase of the process is what to do with the closed toilets to prevent dereliction, possible eyesore in the area and create a long term future for the building and area around it. This again has involved some contact and consultation with local residents, developers and investors as Newport has a track record of utilising such buildings and converting them into thriving small businesses within the community.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Site plan attached.

Dated: 5 December 2018

