

# Report

## The Leader of the Council

---

### Part 1

Date: 21 May 2020

**Subject** Lease for Maindee Public Conveniences

**Purpose** To seek approval from the Leader to agree to a 99-year lease to Maindee Unlimited in order to facilitate a Community Asset Transfer of Maindee Public Conveniences and land surrounding also known as 'Maindee Triangle'.

**Author** Housing and Asset Manager

**Ward** Victoria

**Summary** In September 2017 Maindee Unlimited were successful in entering into a lease for Maindee Library following a successful bid to Big Lottery for funding to take on the property as a Community Asset Transfer. At the same time they were also keen to redevelop the area known as 'Maindee Triangle' upon which sits the Maindee Public Conveniences and land surrounding.

The lease for Maindee Triangle did not proceed as efforts were focused on the transfer of the Library and works to develop the facility.

However Maindee Unlimited have now been successful with a further bid for Maindee Triangle and have funding in place to proceed with a Community Asset Transfer by way of a further full repairing and insuring 99 year lease.

**Proposal** To grant a 99 year lease of 'Maindee Triangle' to Maindee Unlimited to facilitate a Community Asset Transfer

**Action by** Head of Regeneration, Investment and Housing

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director, Place
- Head of Regeneration, Investment and Housing
- Head of Law and Regulation – Monitoring Officer
- Head of Finance – Chief Finance Officer
- Head of People and Business Change
- Capital Strategy and Asset Management Group
- Housing and Assets Manager
- Newport Norse – Associate Valuation and Estate Management
- Newport Norse – Chartered Surveyor

**Signed**

## Background

In September 2017 the Council entered into a lease for Maindee Library to Maindee Unlimited so that the organisation could take on responsibility for the premises by way of a Community Asset Transfer.

This was following a decision by the Council to declare Maindee Library surplus to their requirements.

Maindee Unlimited are a registered charity whose aim is to regenerate the Maindee area of the City with the help of Big Lottery following successful bids for funding.

The purpose of their bid was to establish a new community space within Maindee Library, support local businesses within the Maindee District Centre, improve the street environment and increase and improve green space provision.

Maindee Library in the two years since Maindee Unlimited has been responsible for the property, has become a successful community space, with improved facilities.

It was always Maindee Unlimited's intention to redevelop the 'Maindee Triangle' area alongside Maindee Library to provide improved community facilities for the area of Maindee. The latter did not progress due to the commitment needed to complete the proposals for Maindee Library.

Maindee Unlimited are however, now in a position to progress the proposals for Maindee Triangle and have secured funding to proceed with taking on the site by way of a Community Asset Transfer. The group has worked closely with the Council to bring their proposals forward.

As with Maindee Library, they will require a long lease to take this forward which provides the Council with a long term transfer of liability as the lease will be full repairing and insuring. Maindee Unlimited will in the short term bring the toilets back into use and over the long term work with the community to manage the premises as a community resource over the long term of the proposed lease.

Their proposals involve the refurbishment of the existing public conveniences, change of use of part to A3 café and community space, erection of a climbing wall, public sculpture and play equipment and modification to existing community garden and associated landscaping.

The proposals have been developed from Maindee Unlimited's consultations with the community to understand what services the local residents require to be retained. With the ability to retain the library service and the public conveniences being brought back into use this will also create employment opportunities for individuals in the local area.

There has recently been a review of Public Conveniences with a view to declaring the assets surplus to City Services and re-appropriating them to Regeneration, Investment and Housing. This has resulted in the public conveniences being closed. The above proposal will ensure that the asset and public service it provides is reinstated and prevent the asset remaining vacant.

Maindee Public Conveniences have formed part of the review and it is accepted that the Council will explore the option of leasing the premises to Maindee Unlimited. However, if this is not successful it is viewed that the premises should be marketed for let.

The proposal meets the Well-being Goals as part of the Well-being of Future Generations Act. It will bring employment opportunities by bringing services back into use. This will in turn promote economic growth and regenerate the area surrounding the toilets which at present is not well maintained or used for community purposes. These services will be independently managed by a Community Group and therefore sustainable as they will be actively managed over the term of the proposed lease with the benefit of funding which the group can and have successfully accessed.

## Financial Summary

- The costs and financial implications: You must discuss financial implications with the Head of Finance and the report must identify from where your proposals will be funded, together with any impact on budgets or any opportunity costs.

The proposal will not provide any income to the Council as the lease is to be subject to a peppercorn rent.

The public conveniences are currently closed therefore incur a limited maintenance liability to the authority.

All future repair and maintenance responsibility will transfer to the Lessee as per the terms of the proposed lease.

## Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

In this section, you should consider the key risks facing the proposals in your report, particularly those which would impact on delivery or sustainability of the project or projected outcomes. You will need to include details of how risks will be managed. If your proposals rely on short or medium term grant aid or funding streams you will need to outline your exit or continuation policy here.

**NB: This section on risk in the report should consider the risk of taking the proposed decision as well as any risks that could impact on the proposals**

**In any dispute, the SLT will conclude on whether the risk appraisals are of sufficient quality.**

You will need to complete the following Risk table

<b>Risk</b>	<b>Impact of Risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
The lease to Maindee Unlimited does not proceed	M	M	The site will be advertised to let should the lease to Maindee Unlimited not proceed.	Newport Norse & Newport City Council

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

1. Asset Management Plan
2. Medium Term Financial Plan

## Options Available and considered

1. Grant a lease to Maindee Unlimited in order for the site to be transferred by way of a Community Asset Transfer
2. Advertise the site for let on the open market

## **Preferred Option and Why**

Grant a lease to Maindee Unlimited in order for the site to be transferred by way of a Community Asset Transfer

### **Comments of Chief Financial Officer**

The recommended option will be beneficial as Maindee Unlimited would take on a full repair and maintenance lease, removing any cost liabilities to NCC currently associated with the building. Although as the public conveniences are currently closed there is already a limited maintenance liability to the authority.

### **Comments of Monitoring Officer**

The proposed grant of a long lease to Maindee Unlimited of the “triangle” site and the public conveniences is in accordance with the Council’s legal powers under Sections 122 and 123 of the Local Government Act 1972. The grant of a 99 year lease will constitute a formal “disposal” of the and buildings for the purposes of section 123. Therefore, the property will also need to be declared surplus to the Council’s requirements and formally re-appropriated for disposal purposes in accordance with section 122 of the Act. The Council has a statutory duty to ensure that the land is sold at the best price reasonably obtainable and Welsh Government consent is required for any disposal at less than market value. Although no premium will be paid and the land will be leased at a peppercorn rent, the leaseholders will be taking on full repairing and insuring obligations and will also be committed to utilising the grant funding to redevelop and refurbish the property. Also, the Welsh Government has issued a general disposal consent to permit these types of community asset transfers at less than market value where there are overriding social and economic benefits of the sale. The use of this land and building by the local community is in accordance with the Council’s strategies for rationalisation of its assets and empowerment of local community groups, and is consistent with the sustainable development principle and well-being objectives under the Well-Being of Future Generations Act. The proposed refurbishment of the public toilets is also consistent with the Council’s Toilets Strategy under the Public Health (Wales) Act. The lease will need a commitment on the part of Maindee Unlimited to undertake this work and to use the facilities for community purposes and a restriction on sale, to safeguard against any commercial use in the future.

### **Comments of Head of People and Business Change**

This proposal fully supports the ethos of the Well-being of Future Generations (Wales) Act 2015.

Considering the sustainable development principle (five ways of working) of the Act, a 99-year lease is being proposed so this asset can be utilised by the community in the long term. The council has worked in collaboration with Maindee Unlimited and the local community has been involved and consulted. Maindee Unlimited plan to use the asset in a multi-function way which will prevent this asset being lost by the local community. This proposal has many benefits to the community and the local environment and will therefore meet many of the well-being goals the council’s well-being objectives and the well-being objectives of other organisations which shows this proposal is truly integrated.

### **Comments of the Leader**

The Leader has been briefed on the report.

## **Local issues – Comments of Ward Member**

Councillor Majid Rahman:

Maindee Unlimited are a registered charity whose aim is to regenerate the Maindee area of the City. I have to declare an interest as I am a Trustee of Maindee Unlimited and I have been supporting the charity since its inception. However, I am commenting as a ward member and a resident of Maindee/Victoria Ward. The area known as Maindee Triangle is a plot of land in between Chepstow Road and Livingston Place which currently has Public Toilets and a bench facing Chepstow Road.

Unfortunately, recently the area has attracted anti-social behaviour and the use of the area by drug users who litter the area with dangerous drug paraphernalia. It is becoming a public open area that local residents are unable to use due to these ongoing issues. Maindee Unlimited are proposing to lease the land by way of a Community Asset Transfer and work closely with the Council to refurbish the existing public conveniences and regenerate the land for use by local residents.

Maindee Unlimited has a successful track record of regeneration and sustainability in the area as they have brought back use of Maindee Library and made it into a sustainable project. They have also recently been involved in regenerating the limited number of green spaces in the area for better use by the community. They are the only charity dedicated to such projects in the local area and have the expertise and funding to carry out this project.

Therefore, I recommend that Option 1 is agreed; granting a lease to Maindee Unlimited in order for the site to be transferred by way of a Community Asset Transfer.

## **Comments of non-executive Ward Members**

Councillor P Hourahine:

The proposal has my total support with best wishes for its success.

Councillor K Thomas:

This proposal has my support.

Councillor J Watkins:

I have consistently made my views known in respect of public conveniences and the decision by this Council to close all such public toilets across the city. Many people have been disadvantaged by this decision especially the elderly, those with disability issues and parents with small children.

We all have need of toilet facilities at home and in the public domain, and I am disgusted that this Council has chosen to abdicate a responsibility in not only closing these facilities but in now selling them off, thereby preventing a reversal of the decision in the future.

## **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**

The author has given consideration to the Act throughout the background of the report. The proposed letting will assist with meeting some of the seven well-being goals including a prosperous Wales, by utilising resources efficiently and proportionately.

### **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.

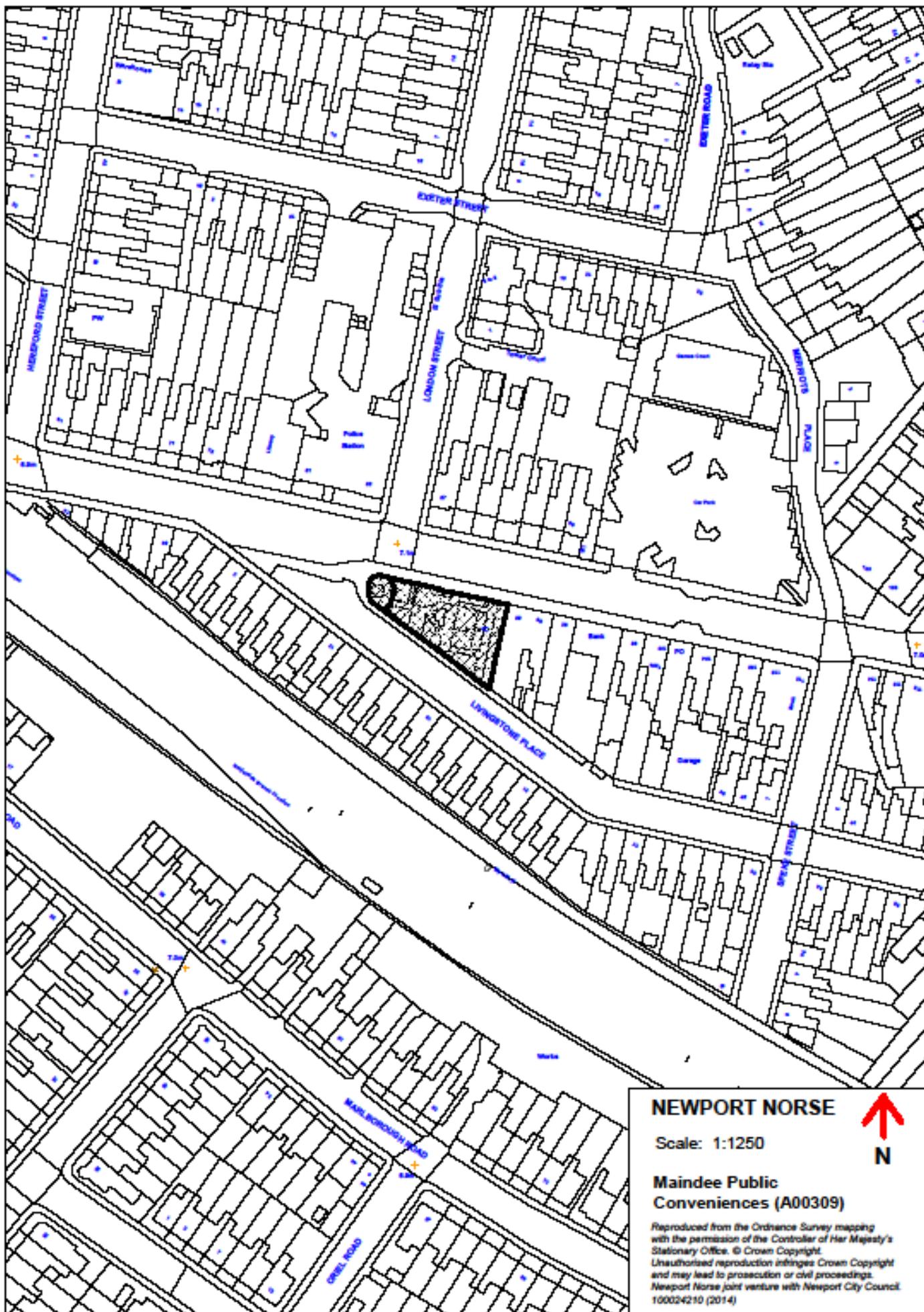
### **Consultation**

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: 11 May 2020**



**NEWPORT NORSE**

Scale: 1:1250



**Maindee Public  
Conveniences (A00309)**

*Reproduced from the Ordnance Survey mapping  
with the permission of the Controller of Her Majesty's  
Stationary Office. © Crown Copyright.  
Unauthorized reproduction infringes Crown Copyright  
and may lead to prosecution or civil proceedings.  
Newport Norse joint venture with Newport City Council.  
100024210 (2014)*