

# Report



## To Cabinet Member for Assets and Cabinet Member for City Services (Deputy Leader)

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### Part 1

Date: 14 June 2021

**Subject** Future use of Cardiff Road Toilets, Newport

**Purpose** To seek approval from the Cabinet Member for Assets and Cabinet Member for City Services (Deputy Leader) to declare the subject premises surplus to City Services 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** Stow Hill

**Summary** The premises subject to this report closed in March 2018 and is not required for direct delivery of Council services. This report therefore considers the future use of the asset.

**Proposal** **Declare the premises surplus to City Service'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**

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

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change
- Housing & Assets Manager
- Property Manager
- Head of City Services
- Capital Strategy and Asset Management Group
- Associate Valuation and Estate Management, Newport Norse

**Signed**

## **Background**

City Services took the decision in 2018 to close the Public Conveniences on Cardiff Road and declare them surplus to their service areas requirements (edged red on plan below). The benefits of closing and disposing of the site are that the Council will reduce costs for running and maintaining the property.

The property is therefore currently vacant and a decision is required for the future use of the asset.

The Council no longer have a requirement for the asset and we would therefore propose that expressions of interest be sought for offers either for the lease or sale of the asset. Offering assets for disposal by way of a lease presents the Council with an opportunity to secure the long term future by agreeing a lease to allow the tenant the opportunity to grow and develop their business as well as allow the Council to generate an income stream over a period of time. Offering the asset for sale would generate a small capital receipt.

In disposing of the toilets by way of a lease or sale, there is the opportunity for the Council to work collaboratively with tenants and purchasers to encourage economic growth and opportunities for the local community. There can also be engagement with the local community to involve them in the schemes that are created as a result of the disposals through potential employment opportunities. By marketing the property to bring it back into use, this would help meet several of the wellbeing goals such as a more prosperous Wales and a more resilient Wales. This proposal should not adversely affect the other wellbeing goals. Any future use of the property would be subject to planning permission and this would also involve consultation and engagement with residents.

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 sale of the former toilets at Alexandra Road which is now used as a performing arts studio. Any of the above examples of use would work well within the location and in the longer term will ensure the property is redeveloped to a more sustainable use. This will also prevent the building from deteriorating if left vacant. Furthermore interest has already been received by local groups as to the availability of the building.

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.

There are no staffing issues as the toilets that are proposed to be disposed of are already closed and therefore staffing issues have been previously resolved.

The toilets are currently vacant and while there have been no issues of vandalism or anti-social behaviour reported, it would be helpful to dispose of the assets to prevent such issues from happening in the future.

## **Financial Summary**

- There are currently no costs associated with the building. If the property becomes subject to vandalism / break ins there will be cost implications
- The sale or lease of the property will bring in 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.	City Services/RIH
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

This proposal meets the following commitments and well-being objectives of the council as specified in the Corporate Plan 2017 – 2022

### Thriving City

- Transforming vacant and underused buildings into potential new community facilities.

### Well-being Objectives

- Objective 2: To promote economic growth and regeneration whilst protecting the environment**  
Transforming vacant and underused buildings into potential new community facilities is a sustainable alternative.
- Objective 4: To build cohesive and sustainable communities**  
Cohesive communities are those which are able to meet and support each other. The building could act as a focal point for local groups and individuals to come together for a range of reasons, including providing new services or work opportunities.

## Options Available and considered

- Take no action. The building will remain closed to the public and will deteriorate
- Reopen the toilets for Public use. A decision has already been made by the Council to close these facilities.
- Declare the premises surplus to City Service's 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 the Head of Law and Regulation.

## Preferred Option and Why

Option 3. Declare the premises surplus to City Service's 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. This represents a more sustainable use of the premises and has the potential to be used for community benefit.

## Comments of Chief Financial Officer

Disposal of this asset will benefit the Council by the realisation of a capital receipt, which is reinvested into the Council's overall capital programme, or the income from the lease which will provide a small income to Regeneration, Investment and Housing. Disposal of the asset will also remove any potential future maintenance liabilities.

## **Comments of Monitoring Officer**

The proposed action is in accordance with the Council's statutory powers to re-appropriate and dispose of surplus land in accordance with Section 122 and 123 of the Local Government Act 1972. The public toilets in Cardiff Road have been closed since 2018 and can, therefore, be re-appropriated for asset management purposes, declared surplus to the Council's operational requirements and disposed of, whether by way of an outright sale of the freehold or by way of a long lease. However, the Cabinet adopted a Local Toilet Strategy in November 2019 in accordance with its statutory duties under Part 8 of the Public Health (Wales) Act 2017. In accordance with that strategy, the Cabinet Member is required to have regard to any potential impact that the disposal and change of use of these toilets would have on the need for publicly accessible toilets in Cardiff Road. If it is considered that there is no continuing need for these public toilets, then the Council would still have a duty to secure best value in terms of any sale or long lease. Given the limited capital receipt that could be generated by a sale, a long lease may be a better option, as it would generate a continuing rental income for the Council, as well as providing greater control over the use of the property.

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

From an HR perspective there are no staffing implications.

The report writer has fully considered the Well-being of Future Generations Act (Wales) 2015. Considering both the sustainable development principle and the council well-being objectives. As stated in the report disposing of this property will enable it to be brought back in to use potentially with well-being benefits for the community.

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

Councillor Al-Nuaimi:

In respect of the proposal to re-appropriate the Cardiff Road Toilets block to Regeneration and Housing. I wish to confirm that I fully support option 3, which is –

Declare the premises surplus to City Service's 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.

This represents a more sustainable use of the premises and has the potential to be used for community benefit.

Councillor M Evans:

I wish to strongly object to the disposal of the Cardiff Road toilets. We have heard recently of some of the problems caused in Pill due to a lack of public toilets with the homeless in particular. The Council should never have closed them in the first place and I would like to know what detailed consultation took place to do this? It is opposite the main police station so should not be a target for antisocial behaviour. Families with young children and the elderly will be adversely affected and I do not believe there are any public facilities in the vicinity, and due consideration should be given to them. We are told that selling the asset would only generate a small capital receipt whereas reopening them would provide a facility for all residents and would be particularly beneficial when events like the Merchant Navy Commemoration are held there. While there might be interest from community groups we have hundreds of empty properties that could be utilised instead.

Councillor C Ferris:

I endorse the comments made by Cllr Matthew Evans regarding the toilets on Cardiff Road. Even if they weren't open all the time they should be usable for the veterans on remembrance day for the Royal and Merchant Navy's commemorations. Some of the veterans are of advancing years and these facilities are important. The toilets are also of great use on the Pill carnival route. Even if we can't stretch to keeping them open all the time, they should stay ready to be used at these times and also for future use. It's said that toilets in pubs could be used instead but this isn't an option for small children and some events may take place at times, like Sunday mornings when the pubs aren't open.

Councillor J Watkins:

I am strongly opposed to this council's policy of closing public toilet across the city , it flies in the face of all sensibility given as human beings we all have need of a toilet several times a day and the provision of public facilities should make provision for that.

These toilets are in close proximity to the Main Newport Police Station so any potential for vandalism should not be an issue of concern.

Revenues raised from any sale of these toilets will be limited and surely this Council is not that desperate for cash?

I object to the closure and sale of these toilets on the grounds closure would disadvantage the elderly together with the disabled, mothers with young children and indeed anyone having need of these facilities.

#### Response to comments:

The decision being requested is to dispose of a vacant building on Cardiff Road, which has historically been subject to repeated vandalism, anti-social behaviour and numerous complaints from residents in the immediate area. The decision to close the facilities as public toilets was reported to Council in 2018 and the current recommendation to dispose of the premises does not conflict with that decision. As a property, which has been vacant for the past few years, the recommended disposal provides the opportunity for the site to be brought back into beneficial use. Future uses of the building will be subject to planning regulations and we will have further opportunity to engage with residents and stakeholders as part of the planning process.

### **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, planning permission will be required for any change of use and 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 Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into

account the impact they could have on people living in Wales, in the future. The Council has always sought to engage with residents before taking any decision which may impact upon the delivery of any public service, in accordance with the principles of fairness and legitimate expectation.

The 5 main considerations in respect of the Wellbeing of Future Generations (Wales) Act 2015 are set out below with an explanation of how this decision meets these objectives:

- Long term: The disposal of the property will enable the building to be brought back into use, potentially for a use which will benefit the local community.
- Prevention: It is hoped that the disposal of the property will create a more sustainable use within the local community, providing access to services or employment opportunities and therefore contributing to the ongoing wellbeing of residents.
- Integration: Any redevelopment plans should secure integrated wellbeing gains, particularly through the use of the property by community groups or community purposes.
- Collaboration: Working alongside new owners or tenants will ensure that wellbeing gains are achieved through any redevelopment proposals.
- Involvement: Consultation with residents and stakeholders as part of the planning approval process will ensure that the wellbeing gains are maximised.

### **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**

None.

### **Background Papers**

None

**Dated: 28 May 2021**

