

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

28 FEBRUARY 2014

REPORT OF THE REGENERATION, INWARD INVESTMENT AND ASSET MANAGEMENT PORTFOLIO HOLDER

A.6 DISPOSAL OF THE PUBLIC CONVENIENCES, OLD ROAD, CLACTON-ON-SEA

(Report prepared by Aileen Middleton)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider whether to initiate the disposal process with regard to the public conveniences in Old Road, Clacton-on-Sea.

To agree terms for the disposal of the site at auction.

EXECUTIVE SUMMARY

The Council holds the ownership of the public conveniences in Old Road, Clacton on Sea.

The public conveniences were built in 1929 but were very little used and were closed in 2003. They are in a very poor condition following vandalism and neglect. The Council faces on-going rates and potential liability.

The building has a relatively low value but may attract interest at auction from a potential bidder who may propose to refurbish the building and create either a retail or an office unit.

It is proposed that Cabinet agrees to initiate the disposals process and agrees in advance to dispose of the building at the level of the highest bid at auction.

RECOMMENDATION(S)

That the Cabinet:

- (a) Initiates the disposal process, whereby Officers consider the potential transaction, including valuation, examinations, and negotiations in accordance with the Council's Property Dealing Policy as set out in the Constitution.**
- (b) Authorises the Corporate Director: Corporate Services to dispose of the property at the highest bid following the auction process.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The disposal will contribute to Councils priorities on:

- **Regenerating the District and improving deprived areas.**
- **Protecting and enhancing our environment, countryside and coast.**

FINANCE, OTHER RESOURCES AND RISK
<p>Finance and other resources</p> <p>Disposal will generate a receipt for the Council.</p> <p>Risk</p> <p>The Building is not required by the Council. It adjoins the highway and is deteriorating. It represents on-going costs and potential liabilities.</p>
LEGAL
<p>Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.</p> <p>The General Disposal Consent Order (England) 2003 gives consent for disposal at below best consideration reasonably obtainable provided that the undervalue is less than £2m and the proposal enhances the environmental economic and social wellbeing of the area.</p> <p>Section 123(2A) Local Government Act 1972 indicates that, a local authority may not dispose of land held by it without advertising its intention to do so in the local press.</p> <p>In this case the price will be determined at public auction following the advice of the auctioneer. It is the view of officers that this will be the Best Consideration Reasonably Obtainable.</p> <p>In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.</p> <p>The Council's constitution provides for an initial decision by the Portfolio Holder prior to the further negotiation of property transactions. In this case, in the light of the proposal to auction the site, the Portfolio Holder has agreed that the whole matter be directly considered by Cabinet.</p>
OTHER IMPLICATIONS
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p> <p>Crime and Disorder/Equality and Diversity/Health Inequalities/Consultation/Public Engagement</p> <p>Crime and Disorder</p> <p>Disposal of the building would reduce vandalism and risk of crime.</p> <p>Ward</p> <p>St Marys</p>

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The Old Road toilets are no longer used and have been closed to the public since 2003. The building is very dilapidated and is prone to vandalism.</p> <p>The building is very much an eyesore on Old Road but could be turned into a small office or retail unit to complement those already on the opposite side of the road if we disposed</p>

of it.

At present the cost of holding the building to the Council is limited to the cost of safety work, rates and insurance. However this cost may rise significantly in the future.

Officers do not recommend demolition of the building has not been considered in this paper as the cost of demolition is likely to be in excess of the value of the site and would require planning permission.

CURRENT POSITION

No valuation has yet been obtained but it is intended that a market value will be ascertained by the Council's property consultants and an auctioneer prior to disposing of the building at a public auction. To ensure at least the valuation amount for the building the Council will set an auction reserve for the building based on the auctioneer's advice.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

APPENDICES

- Appendix A – Location map of the Public Conveniences on Old Road edged red.
- Appendix B – Assessment of Disposal Feasibility

Tendring
District Council

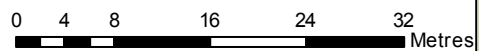


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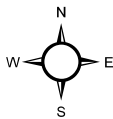
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Date: 16/09/2013

Author:



Map Notes



Assessment of Acquisition/Disposal Feasibility

Assessed by:	A.Middleton
Date:	September 2013
Site:	The Public Toilets, Old Road, Clacton on Sea
Reason for consideration:	Disposal of disused and derelict public toilet block in Old Road, Clacton on Sea
Location:	Old Road, Clacton on Sea. St Mary's Ward
Adjoining uses:	<ul style="list-style-type: none"> • Licensed Premises • Residential • Waste Ground • Public highway
Planning designation:	, Public Toilets
Within:	Settlement limits
Current use:	Closed public toilets. Now derelict and prone to vandalism.
Legal constraints:	There is a covenant to provide toilets for the use of the adjoining public house but this has not been done for many years and is likely to be unenforceable.
Service usage/issues:	The building is currently a closed public toilet. There is no current use.
Request for purchase/lease:	No direct request was made for the disposal but the toilets are a drain on resources and could provide a capital receipt if they were sold.
Corporate Priorities:	<p>This transaction would contribute to the Council's priorities by</p> <ul style="list-style-type: none"> • Regenerating the District and improving deprived areas. • Protecting and enhancing our environment, countryside and coast. • Reducing crime and the fear of crime.
Property Strategy Issues:	The site is not identified for any specific use in the draft Land and Property Strategy.
Valuation:	Not yet valued.
Other Issues:	None.
Conclusion:	<ul style="list-style-type: none"> • Disposal is desirable with regard to this property. TDC have no use for the property and it is in a very poor condition which is leading to money having to be spent on it in terms of repairs. • Due to the condition of the property vandalism has become an issue and this then creates vandalism and crime in the local area. • It gives a poor impression to Old Road, if this building was sold it would not only provide a capital receipt for the Council but would also enable a purchaser to refurbish the building and provide a small office or retail unit similar to the units opposite.