

**Committee:** Cabinet

**Agenda Item**

**Date:** 17 September 2014

**10**

**Title:** Devolution of Public Convenience at Hill Street Saffron Walden to Saffron Walden Town Council

**Portfolio Holder:** Cllr Chambers

Key decision: Yes

### Summary

1. The report recommends that the Hill Street Public Convenience is transferred to Saffron Walden Town Council with a five year grant from this council to assist with the upkeep.

### Recommendations

2. That the freehold of the piece of land as shown in Appendix One is transferred to Saffron Walden Town Council at no cost at the earliest possible date following the refurbishment of the facility.
3. That the council agrees to pay to Saffron Walden Town Council a five year grant, to assist with the upkeep of the Public Convenience, as set out in paragraph 13 of this report.

### Financial Implications

4. The grant will be £20,000 per annum for 5 years as set out in paragraph 13 of this report. Thereafter an annual Strategic Solutions saving of £13,000 will be achieved. It is anticipated the transfer will occur in the final quarter of the 2014/15 year and therefore £5,000 is included in the budget forecast for 2014/15 which is a later agenda item at tonight's meeting.

### Background Papers

5. None

### Impact

Communication / Consultation	Discussions have been held with Saffron Walden Town Council and it has been the subject of agenda items at their Town Council meetings.
Community Safety	None
Equalities	None.

Health and Safety	No issues.
Human Rights/Legal Implications	As referred to in paragraph 11 of this report
Sustainability	Conserves the provision of Public Conveniences in the town.
Ward-specific impacts	The three Saffron Walden Wards.
Workforce/Workplace	The member of staff responsible for cleaning the public conveniences will be retained by the district council. There is no TUPE in this arrangement.

## Situation

6. Devolution of services that are more appropriately administered at a Town or Parish level is a key workstream of the council's Strategic Solutions which is part of the Medium Term Financial Strategy. Such an example is public conveniences. In 2008 the council agreed to devolve responsibility for the public conveniences in Great Dunmow to the Town Council and in 2012 it did the same for the public conveniences and car park in Thaxted.
7. The public conveniences in Saffron Walden are the only ones still run by the district council.
8. Discussions have been held with Saffron Walden Town Council and they are now in a position to be able to take over the ownership of the Hill Street toilets in Saffron Walden. This was confirmed at a meeting of the Town Council held in August 2014.
9. Valuation of all council assets was undertaken on 31 March 2014 by Wilks Head and Eve LLP. At that time the Hill Street public convenience was valued at £123,551 and the land on which it sits £13,148.
10. The land is not deemed to be an asset central to the business of this council nor a strategic asset that should be retained.
11. Section 123 of the Local Government Act 1972 provides that a local authority may not dispose of land (other than by way of a tenancy for less than 7 years) for less than the best consideration that can reasonably be obtained without the consent of the Secretary of State. Section 128 of the Act gives the Secretary of State power to grant a general consent for such disposals. In 2003 the secretary of state issued Circular 06/03, the Local Government Act 1972: General Disposal Consent. This applies to transactions where the shortfall between the best consideration reasonably obtainable and the actual consideration (if any) received does not exceed £2 million. In such cases where the authority is satisfied that the disposal will help to secure the

promotion or improvement of the economic, social or environmental well-being of its area specific consent is unnecessary and the general consent may be relied upon. In deciding whether to dispose of land at an undervalue authorities are required by the Circular to have regard to their community strategy. It is also a requirement that the authority should comply with normal and prudent commercial policies including taking advice from a professionally qualified valuer as to the amount of the undervalue (or in the case of a gift of land the value of the land itself).

12. The value of the land is below the maximum identified in paragraph 11 above. The transfer of the land would enable the facilities to be administered at a local level ensuring continued provision of a toilet facility which would meet the social and environmental well-being of the area requirement.
13. The transfer agreement would be subject to this council providing a grant for the next five years of £20,000 per annum to assist with the upkeep. Thereafter there will be no further contributions from this council for the toilet.

### **Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
The proposed transfer fails to go ahead	1- There are no significant risks arising from the proposal	1 - There are no significant risks arising from the proposal	All parties fully support and agree with the process.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

# Appendix One: Hill Street Public Conveniences, Saffron Walden



Date: 04/09/2014

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