

PETITION REGARDING WESTERN UNDERCLIFF FACILITIES

Cabinet	30 January 2018
Report Author	Tim Howes, Director of Corporate Governance and Monitoring Officer
Portfolio Holder	Cllr John Townend, Portfolio Holder (Finance & Estates)
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Expenditure not in budget
Previously Considered by	Council – 7 December 2017
Ward:	Cliffsend and Pegwell Ward

Executive Summary:

A petition containing 1910 valid signatures and an e-petition containing 135 valid signatures were received by the Council requesting the reinstatement of local facilities along Western Undercliff, Ramsgate.

On 7 December 2017 Council approved the recommendation to refer the petition to Cabinet without debate as the petition is in reference to an executive function.

This report provides Cabinet with background information leading to the closure of the kiosk and toilets and the consideration taken in relation to the provision of toilets in the area.

Recommendation(s):

There is no funding to build or maintain toilets in the area and with facilities located reasonably close to the beach the recommendation is to consider these comments as part of the strategic toilet review which is ongoing and will be presented to Cabinet in 2018.

CORPORATE IMPLICATIONS

Financial and Value for Money	<p>As the toilets were maintained by a leaseholder there is no current budget provision to maintain a new facility on the site.</p> <p>Based on the previous amount of rent achieved when a tenant was in place against the relevant costs to reinstate, a sufficient return on investment cannot be achieved.</p> <p>There is no Capital funding available and borrowing to undertake the demolition and reinstatement requires a sufficient revenue stream to finance the cost of borrowing and this cannot be achieved.</p>
Legal	There are no legal implications arising directly from this report.
Corporate	The premises are held on the investment portfolio and have been closed since October 2014. There are sufficient facilities nearby to serve all members of the public and it is important that the funding we have

	available is spent keeping those facilities well maintained to ensure a clean and welcoming environment.								
Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td>X</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td>X</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td>X</td> </tr> </table> <p>An assessment has been completed and passed to the Equality Team. The premises have been closed since October 2014 with adequate facilities located in the vicinity.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	X	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X	Foster good relations between people who share a protected characteristic and people who do not share it.	X
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	✓
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	✓
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 Western Undercliff Kiosk and Toilets are held on the investment portfolio. The kiosk and toilets (the premises) were leased to a tenant, the tenant maintained premises and there was a requirement for the tenant to open the toilets for members of the public to use between Easter and September subject to certain weather conditions.
- 1.2 During a closed period, October 2014, a Southern Water main located adjacent to the building fractured resulting in substantial damage to the premises including severe flooding. Unfortunately the damage caused made the premises incapable for the tenant to carry on their business and reinstatement was unviable, so the lease was determined.
- 1.3 The premises has remained closed since this time and as part of the asset management review was agreed as surplus by Cabinet with permission granted to the asset management team to dispose of the freehold at market value and obtain a capital receipt to support the Capital Programme.
- 1.4 The premises are registered as an asset of community value and are now being advertised for sale as regulated by the Localism Act 2011.

2.0 The Current Situation

- 2.1 The premises are being prepared for disposal. Advertisements alerting the community have been advertised at the site, in the local press with press releases issued via our communications department asking interested organisations to express an interest by contacting the estates department. Additionally, we have written to the Ward Councillors to share this information with their constituents.
- 2.2 The photos annexed to this report give an indication of the condition of inside of the premises. We understand that Southern Water have completed the remedial works to the main drain but are to return to finish further works to the connections.
- 2.3 The condition of the premises was damaged sufficiently to require the tenant to leave with the lease determined. Reinstatement was unviable however should the premises have been retained and reinstated the tenant would have been entitled to a new lease.
- 2.4 Fee estimates were obtained to look at options for the premises, summaries are below:-
 - 2.4.1 Demolish the whole premises including making good the area estimate £119,433 ex VAT.
 - 2.4.2 Demolish the kiosk, retain and refurbish the public toilets estimate of £151,198 ex VAT.
 - 2.4.3 Demolish part of the kiosk and refurbish the remaining part and the toilets fee estimate of £203,637.00 ex VAT.
- 2.5 The estimates are at 2016 prices and include provisional sums for hoardings, scaffolding, mechanical and electrical decommissioning, allowance for works to retaining wall, footpath/road diversions, preliminaries and professional fees.
- 2.6 The kiosk and toilets are held on the Investment portfolio, the income earned was used to support service provision. With no income and holding costs increasing the asset was reviewed earlier in 2017 with a recommendation made to Cabinet to dispose of the asset on the open market, with the proceeds being used to fund the Capital Programme.
- 2.7 Cabinet approved the recommendation and the premises is being prepared for sale however the community have an option purchase the premises at full market value subject to the due diligence disposal process.
- 2.8 It should be noted that there are toilet facilities located at a reasonable distance from this area of beach, not only at the top of the cliff but accessible toilets near the harbour. Western Undercliff Kiosk and toilets have been closed over three years, so the disposal will not reduce the services currently available.
- 2.9 There remain a significant number of toilets in the District, thirty one are available for public use. A review of facilities is ongoing and the comments made in the petition will be factored in to this review.

3.0 Options

- 3.1 There is no capital funding available to demolish the premises and rebuild toilets however there is the option to take the comments into account when undertaking the toilet review.

Contact Officer:	Edwina Crowley, Interim Head of Asset Management
Reporting to:	Tim Howes, Director of Corporate Governance and Monitoring Officer

Annex List

Annex 1	Photos Western Undercliff Kiosk and Toilets
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Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Sophia Nartey, Interim Head of Legal Services