

## Wiltshire Council

### Cabinet member Delegated Decision

---

**Subject:** TRANSFER OF THE FREEHOLD INTEREST IN THE FORMER PUBLIC CONVENIENCES, PATFORD STREET, CALNE SN11 0EF TO CALNE TOWN COUNCIL

**Cabinet member:** Toby Sturgis  
For Spatial Planning, Development Management and Property

**Key Decision:** No

---

### Purpose of Report

- 1.1 To seek authority for the transfer of the freehold interest in the former public conveniences, Patford Street, Calne to Calne Town Council at nil consideration in accordance with the Cabinet Decision of 15 March 2016.

### Background

- 2.1 The proposed transfer is an extension to the resolution made by Cabinet on 15 March 2016 *“To note the outcome of the public consultation and transfer any public conveniences that the towns and parishes wish to manage and undertake a ‘cost benefit’ analysis on any remaining facilities to decide their future”*.
- 2.2 The public conveniences are purpose built and adjacent Calne Town Hall. They were not identified for disposal in Wiltshire Council’s 2016 review of public conveniences as they had been closed by North Wiltshire District Council some years previously.
- 2.3 They form part of a larger freehold owned by Wiltshire Council (HMLR Title No. WT232096; attached). The extent of the proposed transfer is shown edged red on the Location Plan (attached). It has an approximate area of 30m<sup>2</sup> with 100% site coverage.
- 2.4 The remainder of this Title comprises The Old Fire and Ambulance Stations which adjoin to the south, are in poor condition and vacant. These buildings are not covered by the Service Devolution and Asset Transfer Policy as they are not used for the delivery of statutory or discretionary services by Wiltshire Council.
- 2.5 All other adjoining property, including the access road immediately to the front of the public conveniences, is owned by Calne Town Council.
- 2.6 Calne Town Council unanimously resolved at a Full Council Meeting on 25 September 2018 *“to approve willingness to enter into an agreement for the whole site and delegate to the Head of Operations to progress”*.

- 2.7 Calne Town Council's The Head of Operations subsequently confirmed by email on 2 October 2018 the willingness to enter into negotiations for the transfer of the freehold interest of the public conveniences.
- 2.8 The proposed transfer is considered to be in accordance with Wiltshire Council's 2016 Policy and will enable the Town Council to re-open these public conveniences.
- 2.9 There are currently no operational public conveniences in Calne.
- 2.10 It is proposed that this transfer will not form part of a wider Service Devolution and Asset Transfer as this will enable it to complete as soon as practicable.

### **Main Considerations for the Council**

- 3.1 The former use of the property as public conveniences ceased some years ago and it has remained vacant since. It is now in apparent poor condition.
- 3.2 There are no readily apparent alternative uses, with the exception of small scale storage, and the property is not in a strategic location. Therefore, it is considered appropriate for the freehold to be transferred rather than a new lease to be granted.
- 3.3 The proposed transfer will enable Calne Town Council to refurbish and reopen the public conveniences. This will be to the public benefit.
- 3.4 Wiltshire Council also owns the former public conveniences in The Pippin. Calne Town Council unanimously resolved at an Amenities meeting on 27 February 2017 *"to delegate authority to Stuart West, Head of Operations, to negotiate with Wiltshire Council and finalise terms with Wiltshire Council and finalise the terms of the transfer to Calne Town Council with no caveats"*.
- 3.5 Stuart West confirmed by email on 2 October 2018 that *"the public toilets at The Pippin site are no longer of interest to the Town Council due to the overage clause"*. This enables Wiltshire Council to consider the disposal of the Patford Street public conveniences in accordance with previous transfers under the 2016 Cabinet Decision.

### **Safeguarding Considerations**

4. There are no direct safeguarding issues associated with this decision.

### **Public Health Implications**

5. There is no direct public health issue associated with this decision.

### **Environmental and Climate Change Considerations**

6. There are no direct environmental and climate change issues associated with this decision.

### **Equalities Impact of the Proposal**

7. There are no direct impacts on equality and inclusion issues associated with this decision.

### **Risk Assessment**

8. Various risks have been identified should the decision be taken or not and summarised below.

#### **Risks that may arise if the proposed decision and related work is not taken**

- 9.1 If the decision is not taken the property will remain vacant and its condition will further deteriorate resulting in an increased repairing liability in the future.
- 9.2 Calne Town Council's objective of providing public conveniences within the town will be impeded.

#### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

10. There are no apparent risks arising from the proposed transfer.

### **Financial Implications**

- 11.1 No capital receipt will be received. The transfer will, however, will result in long term revenue savings as Wiltshire Council will not be responsible for the maintenance and management of this property, or for the payment of Business Rates.
- 11.2 The transfer will be subject to the following conditions:
  - (i) The property will be used as a public convenience or such alternative community use as approved by Wiltshire Council
  - (ii) An option for Wiltshire Council to obtain possession if the property is no longer used as a public convenience or other community use.
  - (iii) An obligation on the Town Council whereby the sale proceeds will be split 50:50 with Wiltshire Council if it is sold for non-community use.
  - (iv) An obligation on Wiltshire Council whereby the sale proceeds will be split 50:00 with the Town Council if Wiltshire Council take the property back and it is subsequently sold for non-community use.

### **Legal Implications**

- 12.1 The transaction will be a disposal of the freehold interest in accordance with the Cabinet Decision made 15 March 2016.
- 12.2 The Local Government Act 1972 (s.123) gives Wiltshire Council the ability to transfer land at less than market value where that transfer helps secure the promotion of the economic, social, or environmental wellbeing of the area. The Secretary of State's approval is required if the undervalue exceeds £2,000,000. Strategic Asset & Facilities Management has confirmed that this undervalue for this property does not exceed this threshold.

12.3 Legal Services, in conjunction with Strategic Asset & Facilities Management, will review the title deeds for the property to evaluate any legal issues which may have an impact on the proposed disposal to Calne Town Council.

### **Options Considered**

13.1 The retention of the property is not considered to be of benefit to Wiltshire Council. There are no apparent alternative uses. Furthermore, there will be an ongoing liability for property management, maintenance and business rates.

### **Conclusions**

14.1 To authorise the disposal of the freehold interest in the Former Public Conveniences, Patford Street, Calne to Calne Town Council.

**Alistair Cunningham**  
**Corporate Director**

---

Report Author:

Rupert Williams, Estate Manager, Strategic Assets & Facilities Management  
Ext - 13283

Email – [rupert.williams@wiltshire.gov.uk](mailto:rupert.williams@wiltshire.gov.uk)

09 November 2018

### **Appendices**

Appendix 1

Appendix 2

Appendix 3

---