

**UNADOPTED
POLEGATE TOWN COUNCIL**

Minutes of the Special Full Council meeting held on Monday 27th January 2014 Council Chambers, 49 High Street, Polegate BN26 6AL at 8.15pm

Present: Cllrs M Cunningham **MC**(Chair), M Clewett **MCI**, H Parker **HP**, S Shing **SS**, J Harmer **JH**, Mrs M Piper **MP**, Mrs C Berry **CB**, E Board **EB**, D Shing **DS**, T Voyce **TV**, J O’Riordan **JOR**, D Broadbent **DB (12)**

Not Present: Cllrs Gibbs MBE **GG**, Mrs J Voyce **JV**, M Pybus **MP (3)**

3 members of the public

Also present District Councillor Portfolio Holder- Graham Wells, Mr Colin Thompson (Asset Management Coordinator - Wealden District Council), Mrs Amanda Hodge (Head of Housing & Property Services - Wealden District Council)

Minute No.	Subject/Resolution	Action
10877	Apologies for absence Cllrs Mrs J Voyce (personal), G Gibbs MBE (personal)	-
10878	Declarations of interest Cllr D Broadbent declared a non pecuniary interest in minute 10881 (District Councillor)	
10879	Opportunity for public comment No one wished to speak	
10880	Minutes of the Full Council Meeting of 13th January 2014. It was resolved that the full council minutes of 13th January 2014 be taken as read and accepted as an accurate record of the meeting. The Mayor signed the minutes. VOTE All in favour.	
10881	High Street Toilets a) Consideration of options for negotiation. The Mayor stated that there were three options available from Wealden District Council and there were other options such as the Town Council putting their own toilets somewhere. The Mayor proposed to suspend standing orders to allow questions to be asked of those present representing the District Council. It was resolved to suspend standing orders to allow questions to be asked of the District representatives and a free discussion of the matter of the toilets. VOTE All in favour Standing Orders Suspended The Mayor asked councillors to refrain from making any statements and invited councillors to ask any questions of the Wealden representatives present. He also addressed the three members of the public present and asked if they wished to ask any questions that they also keep their comments to questions and not statements. The Mayor opened by recapping the options available from Wealden District Council Option 1 – Lease to Polegate Town Council for peppercorn rent £1 per annum on a 5,10 or 25 year lease. Full repairing lease granted. Capital works (estimate £8k) to be undertaken by Polegate Town Council. WDC arranges insurance but Polegate pay the annual charge. Option 2 – Lease to Polegate Town Council for commercial rent £1,350 per annum on a 5, 10 or 25 year lease. Capital works to be undertaken by	

	WDC. Full repairing lease granted. WDC arranges insurance but Polegate pay the annual charge. Option 3 – Freehold disposal to Polegate Town Council. Valuation of freehold at £29k. Capital works of £8k to be discounted from the valuation which would leave a sale price to Polegate Town Council of £21k Handover date to Polegate Town Council under any of the options so that the new responsibility for the toilets commences 1.4.14 and coincides with the new financial year The Mayor stated that this had been discussed many times but that at this meeting it was essential that Council resolve whether to enter into negotiations with Wealden District Council or to go down another route. A councillor commented that before anything else was discussed he felt that there should be a public toilet in Polegate. He stated that all of the options depended on various factors. He stated that before the Town Council chose whether to lease or to purchase, the council would need to know what the boundaries were. What the Town Council would be negotiating on. He stated that he would need a full specification of what the District Council would consider the value of £8000 would be intended to purchase (capital costs). He stated that this was required so that the Town Council could consider whether this capital would bring the toilets to a sufficient standard and whether this was a best estimate or if this would actually cost this amount of money. He stated that the Town Council would need to be able to seek quotes/tenders for these works and find out if the works could be completed for the sum of the £8000 as stated by the District Council. Mr Thompson from the District Council gave further detail about the three options available: Option 1 – 25 years lease with the peppercorn rent and no rental review, with a break clause annually in case the Town Council (and a 5 yearly for the District Council) were no longer able to provide the toilets because of future funding issues that may occur. The Town Council would be provided with a plan of the building and immediate access area. With regards to the full repairing lease, once the lease was in place the District Council would carry out no repairs to the leased area. The District would look to carry out a condition survey before the lease commenced and the Town Council would be expected to return the lease area in no worse condition. The District would carry out the survey with the Town Council before the lease start and keep records for later on. (Photographic record). The District Council would insure the block under its present property owner's policy; the costs would be recharged to the Town Council. The annual premium is indicated to be in the region of £175. Mr Thompson stated that he could leave details of the policy with the clerk, which covered the excesses as well. The District Council would provide a schedule and performance	
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specification for the capital works expected of the Town Council, to be completed in the first year of the lease. There will be no claw back either way if the works value exceeds or is below the budget cost. The Town Council should satisfy themselves that the budget cost is reasonable.

The schedule of works is not a guess it is from a survey of condition (June 2013).

(These figures were passed to the clerk but not circulated at the meeting. The list was read out.)

Refurbishment	£
Scaffold Inc remove vegetation	750
Roof repairs and remove moss from roof	250
External redecoration	450
Internal redecoration	950
Internal repairs to tiles and associated works	600
Overhaul of sanitary fittings	1050
Upgrade of electrical fittings	1100
Disconnect air conditioning unit	250
Deep clean of all surfaces	600
Rodding of drains	450
Contingency	500
Rebuilding of side wall	950
Contingency	100
Total	8000

Option 2 - Lease rental (initial rent £1350pa)

Lease period of 25 years, rent review option at 5 years (District Valuer to assess levels – to be accepted by both parties), break clause annually for the Town Council and 5 yearly for Wealden District Council.

The lease area to include the building and immediate access area. Full repairing lease, the District would carry out no repairs to the leased area during the lease. A condition survey would be carried out prior to the commencement of the lease and the Town Council would be expected to return the lease area in no worse condition. The insurance to be part of the block policy and to be recharged to the Town Council as previously discussed. Wealden District Council to carry out the capital works identified at the commencement of the lease.

Option 3 – Freehold disposal (£21,000)

The District valuer valued the property at £29,000 and takes account of the use and condition of the leased area at the time of the valuation, but District records show that there is a need to spend £8000 over the coming 5 years so this is reflected in the discounted price.

As the freeholder the Town Council would need to arrange their own insurance.

There would be anticipated to be an overage clause if the site is sold on for any purpose other than a public toilet in the next 50 years. The District council would expect a claw back for any monies over and above the valuation of the toilet. He stated that the Town Council may feel that this period was a bit too long, and this was a point for negotiation.

The other requirement was that the Town Council comply with the minimum requirements of the Community toilet Scheme. The insurance premium would be around £175 per annum. He

	stated that there were some issues with the path and a fracture in the wall that has not been included in this £8000 estimate. The Mayor asked if there were any further questions. A councillor questioned whether the whole wall was owned by Wealden District Council or part of the wall and the entrance in. Mr Thompson stated that he understood it to be to the stagger in the height but this would be checked, and the whole of the path. Mrs Hodge stated that these queries would be investigated and details brought back to the council within a few days to ensure that all questions had been adequately answered. A councillor asked if the district Council would lower the lease on option 2 from 5 years to say 2. Mr Thompson stated that if the council had a yearly break clause they could stop after 1 or two years. A councillor asked who would pay Wealden District Council's legal fees and those of the Town Council. Mr Thompson stated that each party would normally pay their own legal fees. A councillor asked about the claw back period of 50 years for the option to purchase the freehold. Mr Thompson stated that as there was potential for some redevelopment at that site, although this had not had to be used before, that this was negotiable, but that as an asset it had to be considered with a claw back. District Councillor Wells stated that he would want to make sure that it stayed as a toilet for some period of time, and overage clause of say 5 years would probably be considered too little, he accepted that 50 years was probably too much but this was an area for negotiation. A councillor stated that possibly 10 years may be a reasonable claw back period. Mr Thompson stated that another possibility was to match the lease period. A councillor asked District Cllr Wells if he wanted to see the area kept as a toilet. Cllr wells stated that he would like to see a Community toilet Scheme or at least a toilet in that location for some period of time and that was the reason why the discounted purchase price had been offered, in order that the investment into the toilet could be made. The councillor asked if the Town Council rejected the idea to purchase what would the District Council do. District Councillor Wells stated that it would be closed. He stated that they had tried the Community Toilet Scheme and that had not worked, but because of the costs of the other 11 toilets on the District Councils books, that he was determined to save that sum of money. The councillor asked what would be done with the toilet after it had closed. District Councillor Wells stated that he would have to lock it and possibly some time in the future would demolish it at some	
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	point, which is what had been done elsewhere. The Mayor stated that the first decision of the Town Council was whether to negotiate with Wealden District on the toilets. He stated that there was a timescale with the district which was decreasing. A councillor asked what timescales would be on option 2 for the rent review. Mr Thompson confirmed that every five years there would be a review of the rent. The councillor stated that normally rent reviews then went up. Mr Thompson stated that this was not always the case, comparables were sought out and that the reviews were not always high and were fair. This would be carried out by the District Valuer. A councillor stated that he felt that option 1 on a long lease (25 years) would probably serve the Town Council best. He stated that the Town Council would have to pay for the capital works whether the Council bought or rented the toilet. He asked when this would need to be done. Mr Thompson confirmed that the works were suggested to have been carried out in the first year of the lease, but that was negotiable. He stated that he felt the Town Council should go for that option to see that a toilet would be there for the foreseeable future. It was proposed that the Town Council negotiate with the District Council on option 1. The motion was not seconded. A councillor stated that he disagreed with option 1 and that if they were forced to accept one he would go for option 2 as it had the least possible commitment, as the Town Council had their own plans which they were exploring elsewhere. He stated that he did not think the Town Council should be taking on these toilets as he felt that the Town Council could do far better. He proposed that the Town Council did not take on the toilets and look at providing alternatives. A councillor stated that he did not think option 2 could be considered. He felt that there was no reason to take out anything other than a long lease of around 25 years. In 25 years in option 2 the Town Council would have given over £28,000 in rent alone, without ancillary costs of insurance, repair, refurbishment and maintenance. So he said that you would have given more in this than if they wanted to sell it freehold. He stated that the options lay between option 1 and 3 and that he preferred option 1 although he would support option 3, as the peppercorn rent would remain throughout the term of the lease. He said that with the full repair lease the Town Council would take out a schedule of dilapidations on it. He stated that he felt it was in a disgraceful state both outside and inside. He felt that for a £1 a year that was a good option even with cleaning costs etc. He stated that he had observed that it was well used. A councillor stated that he had worked out (based on a 5 year lease) that option 2 was the cheapest. (£6750 excluding other costs) He stated that after that the plans that the Town Council had may be in hand and if not then there may be an option to extend the lease by another 5 years, although that would not be	
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	the most economical option. He stated that with the running costs estimated to be £13,000 per annum and half way through a 25 years lease looking at a serious amount for a refurbishment again. He stated that he would like to see it taken on for five years, upgraded and reconsider the position before the end of the 5 years with alternatives. The Mayor stated that he would like to have everyone ask their questions before the actual options were discussed in detail. A councillor stated that he felt it was essential to negotiate and that the option of doing nothing was not viable, he felt that the Town had a unit that existed, everyone knew where it was, it worked although it was scruffy and needed doing up. He was not sure how much it would cost to get a capital works loan for the £8000, but thought that would not be a great deal. He stated that the Council had put the precept up anyway, taking into account that the Council had all of the different services to provide and some of the rise included a small portion of the toilets costs. He felt that option 1 was almost the cheapest, as although there were capital works to be done, the lease was only £1 this could be taken on for 25 years and the Town Council still have the option to bail out at year 1 if they could not afford the running costs. A councillor stated that she felt all of the options would be very costly to the council, she understood that Wealden were having to close the toilets because of the running costs too. She stated that if the Town Council took on the running of the toilets, this would be an additional burden on the council tax payers of Polegate. She stated that the costs of all the options were astronomical and that the condition of the toilets was very poor. She stated that her feelings were that it was better not to take on these toilets but to look into providing alternatives, possibly in a more central location. A councillor stated that the general trend was to discontinue with public toilets but that there was a need if your town is a tourist destination, which Polegate is not. Polegate already supports a local toilet at the Wannock Road area, which already costs the Town Council over £6000 to run, and therefore he did not wish to support any of the three options presented by the District Council. A councillor stated that with the railway, a lot of people came off the trains and ask where the public toilets are, and therefore she did feel that the public toilets were a necessity in Polegate. The Cuckoo trail was a well used tourist destination which people do come to. A councillor asked that if the Town Council did take over the toilets, that they would have the right to employ their own cleaner/ cleaning company? Mrs Hodge confirmed that this would be the case and stated that she understood the clerk had obtained a cost estimate for the cleaning of the toilets. The clerk confirmed this was the case. A councillor stated that if the Town Council wished to purchase the toilets he felt that most of the money was there to do this. He stated that the Council could not guess at what the freeholders would think in five years time, and that a developer could come along and make the District Council a good offer and at that point they could use the break clause and the Town Council would not be able to renew the lease. He stated that	
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	there were people using the toilets coming off the train, the users of the cuckoo trail, disabled people using the toilets. (Including hidden disabilities.) He stated because of this he would support either the 25 year lease option 1 or the purchase options 3. A councillor stated that he had looked at options 1,2 & 3 and did not like any of them. He felt that the reasons Wealden wanted to get rid of the toilets is because they could not afford to run them and for the same reason the Town Council would struggle financially to look after them. He stated that he did not agree with doing nothing at all, as Polegate needed some form of toilets. He stated that option 5 (to provide alternative toilets) was his preferred choice. He felt that putting temporary toilets on the council land, in the view of the CCTV was the best option. He stated that portaloos did not have to be locked, they would be cleaned and stocked by the company renting them. It would be a one off cost for these toilets until a more permanent solution could be found. He stated that all the time the Council owned the land, the toilets could remain and it was a central location for them. He stated that he had considered other options as it was residents' money and he felt that the best value option should be taken. A councillor stated that you would need planning permission for any permanently sited portaloos, the clerk confirmed that this was the case. A councillor queried whether the Mayor would be putting his motion forward, he stated that he would not, but that he would ask councillors to vote on whether to enter into negotiations with Wealden District Council, and if the vote was for negotiations, then the options would then be discussed further. A councillor stated that Willingdon had a portable toilet at their cemetery and this cost around £700 pa for one. The clerk confirmed that excluding permission the rental quote for three toilets had been given as £3816 pa (for bringing to site, cleaning and stocking once per week and removing at the end of the rental period.) A councillor stated that there was an area where this could go outside the council offices. A councillor stated that she did not feel that was a good location as people would be viewed using the toilets. A councillor stated that portable toilets could be open 24 hours and that the current toilets were not. The councillor stated that if he was asked he would go for an alternative option. A councillor asked if the councillors were talking about portaloos or portakabin toilets. The clerk confirmed that the estimate shown was for the hire of the festival style portaloos not a work site style portakabin toilet. A councillor stated that the ratepayer was already paying for the toilets in their current council tax and as Wealden are closing the toilets, any of these options will be very costly and the Town Council precept would be raised to pay for that and he felt it was morally wrong to ask the residents to pay for something, which they had already been paying for from the District Council part of the council tax. A councillor asked if the cost of hiring the toilets was likely to rise after the first year. The clerk stated that she had only been asked to obtain a quote for the hire of three toilets (male, female, disabled) for one year to give a price comparison. These	
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	costs did not include any planning costs and was for one years hire, cleaning once per week and restocking once per week only and these costs had been given as £3816 for a year. A councillor stated that he thought this was more expensive, but the Mayor confirmed that the cleaning costs alone for the High Street toilets were estimated to be in the region of £6,000-14,000 per year depending on how the cleaning was carried out. The Mayor stated that the Council still needed to decide whether it wished to negotiate with Wealden District Council. <u>It was proposed that the Town Council enter into negotiations with Wealden District Council with regards to the toilets. The motion was seconded.</u> A councillor stated that he did not wish to vote for negotiation if there was no chance of purchasing the toilets. A general discussion took place regarding this and the clerk stated that the council could not vote on this and this could be used for informal consensus only. The consensus was that few people supported the option to purchase. (Option 3) <u>A vote was taken on the motion. "that the Town Council enter into negotiations with Wealden District Council with regards to the toilets" a recorded vote was requested.</u> <u>VOTE 5 FOR Cllrs H Parker, M Clewett, Mrs C Berry, D Broadbent, J O'Riordan 5 AGAINST Cllrs T Voyce, M Cunningham, Mrs M Piper, E Board, J Harmer</u> <u>2 ABSTENTIONS Cllrs S Shing, D Shing</u> <u>the voting was tied at this point, casting vote by the mayor against the proposal</u> MOTION LOST The Town Council therefore would not enter into negotiations with Wealden District Council. Mrs Hodge, confirmed that the toilets would therefore be closed by Wealden District Council on 31st March 2014. Mrs Hodge, District Councillor Wells, Mr Thompson left the meeting. The Mayor confirmed that the meeting would now continue and brought the meeting back to order. Standing orders reinstated b) To Appoint Hedleys Solicitors to negotiate on behalf of Polegate Town Council with Wealden District Council in respect of the High Street Toilets at an approximate costs of £1000 to be met from General Reserves Matter no longer applicable and withdrawn.	
10882	Full Review of Location of Town Council Meetings as per minute 10708 (decision to hold the meeting on 27th January 2014 in the Council Chambers was made at the meeting of 13th January 2014.) A discussion took place on the lack of attendees at council meetings. It was resolved to hold meetings in the Council Chambers 49 High Street, Polegate. VOTE 8 for 0 against 4 abstentions Cllrs D Shing, S Shing, Mrs C Berry, H Parker	

The meeting closed at 9.16 pm