

## **Cabinet**

**29 July 2025**

### **Property Review: Operational Properties: Results of the consultation regarding the future of the Public Toilets at Rainham Shopping Centre**

Portfolio Holder: Councillor Zoe Van Dyke, Portfolio Holder for Business Management

Report from: Sunny Ee, Assistant Director, Regeneration

Author: David England, Head of Valuation and Asset Management

#### **Summary**

This report presents the outcome of the consultation in respect of the public toilets at Rainham Shopping Centre and requests that Cabinet declares them surplus.

#### **1. Recommendations**

- 1.1 The Cabinet is asked to declare surplus, the toilet block at Rainham Shopping Centre, so that it can be disposed of by the Director of Place, in consultation with the Council's Corporate Landlord Board (CLB) on the basis that the purchaser will be required to keep the toilets open or to provide alternative arrangements including the provision of disabled toilets within Rainham Shopping Centre.
- 1.2 The Cabinet is asked to agree to authorise the Council's legal department to conclude the resultant contractual documents.

#### **2. Suggested reasons for decision(s)**

- 2.1 To act on the recommendations which the Chartered Institute of Public Finance & Accountancy (CIPFA) made in its report dated January 2024.
- 2.2 To generate revenue savings and capital receipts for the Council, whilst avoiding future capital expenditure on properties, for example on required maintenance. This will help the Council to be more financially sustainable.

### 3. Budget and policy framework

- 3.1 Disposal of properties with a value that exceeds £500,000 per property are matters for Cabinet. The value of the toilet block at Rainham Shopping Centre is below this amount.
- 3.2 The closure/cessation of Council services is a matter for Cabinet.
- 3.3 Disposals with a value of over £1,000,000 per property are reported after completion to Full Council for information.

### 4. Background

- 4.1 CIPFA in its report dated January 2024, amongst other things recommended that the Council should carry out a property review to identify surplus non-operational property assets, which can be disposed of to reduce debt, and that the Council should also identify other property assets, including operational properties, which are attractive to the market and where their sale could contribute to Medway's longer-term financial sustainability. The aim of this review is to generate £20M from capital receipts over the next 5 years.
- 4.2 The first phase of the review, focussed on non-operational and let properties and Cabinet at its meeting on 24 October 2024, agreed that various non-operational properties were declared surplus so that they can be disposed of by the Director of Place in consultation with CLB over the next 3 years.
- 4.3 The second phase of the review focused on the operational portfolio and amongst other things Cabinet at its meeting on 11 March 2025:

Requested officers to undertake consultation concerning the future of the properties listed in the table contained in paragraph 4.7 of the report, including discussions with the relevant Parish Councils and adjoining stakeholders concerning the public toilets with the aim of these facilities remaining available for use. The results of this consultation would be brought to a future Cabinet meeting, so that Cabinet could then decide the way forward. The properties listed for consultation were: Upnor Castle, and the Public Toilets at Rainham Shopping Centre, Cooling Village Hall and High Halstow.

- 4.4 The Council owns the freehold of the Toilets at Rainham Shopping Centre as shown edged red on the plan at Appendix 2 to this report. It also owns the freehold of the adjoining shopping centre, which is let on a long lease, with eighty years remaining. The freehold of the shopping Centre was declared surplus by Cabinet on 24 October 2024, and the Council has appointed agents to dispose of the freehold of the shopping centre.
- 4.5 The Council has no legal interest in the toilets in Cooling; these are attached to Cooling Village Hall and are owned by the Village Hall Charity. The outcome of the consultation in respect of these toilets will be reported to a future Cabinet meeting.

- 4.6 The Council has a leasehold interest in the toilets at High Halstow. The lease expires in October 2070 and High Halstow Parish Council is the Council's Landlord. There is no clause in the lease, which requires Medway Council to keep the toilets open. The outcome of the consultation in respect of these toilets will be reported to a future Cabinet meeting.
- 4.7 The Council does not own Upnor Castle, it is owned by the Crown Estate and English Heritage (EH) is the Guardian of the Castle. The Council currently manages the castle on behalf of EH. The consultation with EH in respect of Upnor Castle links into discussions around the Local Management agreement in respect of other heritage properties. The outcome of this consultation will be reported to a future Cabinet meeting.

4.8 **Outcome of the consultation in respect of the Public Toilets at Rainham Shopping Centre.**

The consultee (the Head Tenant of the adjoining shopping centre) has confirmed that they would be happy to include the ownership and maintenance of the public toilets as part of the acquisition of the freehold of the shopping centre.

5. **Options**

- 5.1 Option 1- The Council could decide to take no action in respect of this toilet block and could continue to keep it open, however, this will not generate any savings for the Council.
- 5.2 Option 2- The Council could decide to close and declare surplus this toilet block and dispose of it.
- 5.3 **Option 2 is the recommended option.**

6. **Option 2 –Advice and analysis**

- 6.1 The Council needs to be able to set a sustainable budget and the capital receipts, capital savings and revenue savings that can be delivered from the closure and disposal of this toilet block will help the Council to do this.
- 6.2 The Council has the power to dispose of property (including the granting of easements) under s123 of the Local Government Act 1972. However, the Council has a duty to obtain best consideration, which the proposed transactions will deliver.
- 6.3 It is clear that the toilet block at Rainham Shopping Centre can be declared surplus and disposed of either with or without the freehold of the shopping centre on the basis that the owner of the shopping centre will be required to maintain the toilet block and keep it open or re-provide the facility elsewhere in the shopping Centre.

6.4 A Diversity Impact Assessment has been undertaken, which is set out at Appendix 3 to the report.

## 7. Risk management

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
The Council does not make savings from the closure and disposal of this public toilet block.	The Council decides to keep the facility open.	Agree to the closure and disposal of this toilet block.	CIII
The toilet block is closed and declared surplus and there are undesirable implications as a result.	For example, there are no toilet facilities available at the shopping centre.	Require the buyer to keep the toilets open or relocate them elsewhere in the shopping centre.	CIII
The closure and disposal of the facility becomes contentious.	There are objections to the closure and disposal of the facility.	The rationale for the closure and disposal of the facility (i.e. the need to be financially sustainable) needs to be clear and the Council needs to demonstrate that meaningful consultation has been carried out with stakeholders. The Council will require the buyer to keep the toilets open or relocate them elsewhere in the shopping centre.	CIII

<b>Likelihood</b>	<b>Impact:</b>
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

## 8. Consultation

8.1 As requested by Cabinet at its meeting on 11 March 2025, the adjoining owner has been consulted, and their responses are set out in this report.

## 9. Climate change implications.

9.1 There are no direct climate change implications as a result of this report.

## 10. Financial implications.

10.1 These are set out in this report and the Exempt Appendix 1 to this report.

## 11. Legal implications

11.1 The Council has the power to run public toilets but is not obliged to. The Council has a duty under Section 123 of the Local Government Act 1972, to obtain best consideration when it disposes of or grants leases for over seven years or more of land and property.

### Lead officer

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### Appendices

Exempt Appendix 1 Containing financial information in respect of the public toilets at Rainham.

Appendix 2 Plans of the public toilets which are referred to in this report.

Appendix 3 Diversity Impact Assessment.

### Background papers

[Cabinet report dated 11 March 2025, concerning the review of operational properties](#)

[CIPFA report dated January 2024](#)