

Cabinet

16 December 2025

Property Review: Operational Properties: Results of Consultations

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

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Summary

This report presents the outcome of the consultations in respect of two public toilet facilities namely, those at Cooling and High Halstow and requests that Cabinet makes decisions in respect of their future.

1. Recommendations

- 1.1 The Cabinet is asked to declare surplus, the public toilets at Cooling, and unless Cooling Parish Council (CPC), Cooling Village Hall Committee (CVHC)(the owner of the toilets) or a third party is prepared to run the toilets, so that they can be passed over to the relevant party using the Head of Valuation & Asset Management's delegated powers as set out in the Constitution, then Medway Council is to close the toilets during 2026.
- 1.2 The Cabinet is asked to declare surplus, the leasehold public toilet block at High Halstow, so unless High Halstow Parish Council (HHPC) is prepared to run the toilets, and the lease of the toilets can be surrendered back to HHPC using the Head of Valuation & Asset Management's delegated powers as set out in the Constitution, then Medway Council is to close the toilets during 2026.
- 1.3 The Cabinet agrees 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 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.

2.3 To give local partners the opportunity to manage local assets.

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 these public toilets is below this amount.

3.2 The closure/cessation of Council services is a matter for Cabinet.

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 Corporate Landlord Board (CLB) over the next 3 years.

4.3 The second phase of the review focused on the operational portfolio and 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 does not own Upnor Castle, it is owned by the Crown Estate and English Heritage (EH) is the Guardian of the Castle, however the Council currently manages the castle on behalf of EH. The Council has consulted with EH in respect of Upnor Castle and the Local Management agreement in respect of other heritage properties and this matter will be considered by Cabinet separately.

4.5 Cabinet at its meeting on 29 July 2025, (decision number 102/2025) agreed to declare surplus, the toilet block at Rainham Shopping Centre, so that it could be disposed of by the Director of Place, in consultation with the Council's

Corporate Landlord Board (CLB) on the basis that the purchaser would be required to keep the toilets open or to provide alternative arrangements including the provision of disabled toilets within Rainham Shopping Centre.

- 4.6 The toilets at Cooling are edged red on the plan at Appendix 2 to this report. The Council has no legal interest in these toilets, which are attached to Cooling Village Hall and are owned by the CVHC. These toilets were built by Strood Rural District Council (SRDC) before it was abolished on 31 March 1974. SRDC and its successor Councils (The Borough of Medway, Rochester Upon Medway Council, Rochester Upon Medway City Council and Medway Council) never completed a legal agreement in respect of the toilets, so Medway Council is not legally obliged to maintain them or keep them open.
- 4.7 The Council has a leasehold interest in the toilets at High Halstow, as edged red on the plan at Appendix 2 to this report. The lease was granted to SRDC, it commenced in 1971 and expires in October 2070 and HHPC is the Council's Landlord. There is no clause in the lease, which requires Medway Council to keep the toilets open, but Medway Council is obliged to maintain them.
- 4.8 The consultees in respect of the public toilets at High Halstow and Cooling have now responded, and their comments are set out below.

4.9 **Outcome of the consultation in respect of the Public Toilets at Cooling Village Hall.**

- 4.9.1 A summary of CPC's comments is below, and the full comments are contained in Appendix 4 to this report.

CPC has formally objected to any closure of the public toilets in Cooling and has said that any closure would have a profoundly negative impact on both residents and the many visitors who come to the village each year.

CPC strongly urges Medway Council to keep this vital facility open as closing these toilets would not only disadvantage residents and visitors but also contradict the Council's own promotion of the village as an historic and cultural destination.

CPC states that if the toilets had to be run by it that this would place an unfair financial burden on Council taxpayers in the village.

- 4.9.2 A summary of CVHC's (the owner of the toilets) comments is below, and the full comments are contained in Appendix 4 to this report.

CVHC considers that the toilets are a valuable community facility, and that Medway Council should not close them as to do so would result in negative impacts for the area.4.9.3 **Officer's Comments on CPC's and CVHC's statements:**

Cabinet has not yet agreed to close the toilets at High Halstow but has agreed to consult before making a decision about their future, in any event, HHPC has now agreed to take a surrender of the lease of the toilets and run them itself.

The toilets at Cliffe were closed for repairs but are open again. There are also other public toilet facilities available in the peninsula area including those at Stoke and Hoo.

4.10 **Outcome of the consultation in respect of the Public Toilets at High Halstow.**

HHPC also owns the freehold of the toilets and is the Council's Landlord and it has commented as follows:

HHPC would like the toilets to remain open and is prepared consider running the toilets itself.

4.10.1 **Officer's Comments on HHPC's statements:**

High Halstow has now agreed to take a surrender of the lease of the toilets and run them itself.

5. Options

5.1 Option 1- The Council could decide to take no action in respect of these toilets and could continue to keep them open, however, this will not generate any savings for the Council.

5.2 Option 2- The Council could decide to close one or both of these two toilet facilities, and in the case of High Halstow, seek to agree a surrender of the Council's lease of these with the Council's landlord HHPC and in the case of Cooling, hand these back to the owners of them CVHC or with CVHC's agreement hand them over to CPC. .

5.3 Option 3- The Council could decide to declare surplus one or both of these two toilet facilities but only dispose of them, on the basis that the party which is taking them on agrees to keep them open or to provide alternative facilities.

5.4 **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 and revenue savings that can be delivered from the closure and disposal of these toilets will help the Council to do this.

6.2 The Council is under no obligation to keep the toilets at Cooling open or maintain them. The Council can generate revenue savings by closing the toilets.

6.3 The Council is under no obligation to keep the toilets at High Halstow open, but it is required to maintain them, under the terms of its lease. The Council can generate revenue savings by closing the toilets.

- 6.4 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 CPC has set out in its response to the consultation what it considers the impact of closure of the toilets at Cooling will be.
- 6.4 CVHC (owner of the toilets and owner of the adjoining village hall) has set out in its response to the consultation what it considers the impact of closure of the toilets at Cooling will be.
- 6.5 HHPC as Parish Council and freeholder of the toilets has said that it would like the toilets to remain open and it has agreed to take a surrender of the lease of the toilets and run them itself.
- 6.6 A Diversity Impact Assessment has been undertaken, which is set out at Appendix 3 to the report.

7. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
The Council does not make savings from the closure and disposal of these three public toilet facilities.	The Council decides to keep both facilities open.	Agree to close and declare surplus the two blocks of toilets.	BIII
The toilets are closed and declared surplus and there are undesirable implications as a result.	The consultees in respect of the toilets at Cooling feel that there is a risk of this if the toilets at Cooling are closed.	Where appropriate, negotiate with adjoining owners and Parish Councils to keep these facilities open.	CIII
The closure and disposal of the facilities becomes contentious.	There are objections to the closure and disposal of operational properties.	The rationale for the closure and disposal of properties (i.e. the need to be financially sustainable) needs to be clear. The Council needs to demonstrate that meaningful consultation has been carried out with stakeholders and that it is working with	BIII

Risk	Description	Action to avoid or mitigate risk	Risk rating
		stakeholders to keep the toilets open.	

Likelihood	Impact:
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 Parish Councils and owners have all been consulted, and their responses are set out in this report and appendix 4.

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 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 two public toilets.

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

Appendix 3 Diversity Impact Assessment.

Appendix 4 Detailed comments from Consultees.

Background papers

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

[CIPFA report dated January 2024](#)