

Time line for Long Stratton toilets

16 May 2016 – Meeting held, Roberta Bennett (Clerk for Long Stratton) Paula Boyce, Rachel Raine, Andy Sheppard.

South Norfolk District Council (SNDC) position is that they cannot continue to run the toilets and are considering options. It cost SNDC £3,615.66 to run toilets annually. There is an additional cost for resource for opening, cleaning, maintenance and generally to comply with legislation.

SNDC offered £20k for refurbishment, a commuted sum of £18,078 based on leasehold for 35 yrs with unilateral clause should land be required from redevelopment etc

28 March 2017 – The Clerk received an email from Helen Sibley, officer at South Norfolk District Council (SNDC) which confirmed that the sums on offer were £30k for the refurbishment and a commuted sum of £49,500 which was based on 5yr running cost.

The rateable value of the toilets is £3700 which means that the business rates are £1724.20

8 June 2017 – Email from Councillor Andrew Thomas to the Clerk, asking for additional information relating to a break down of running costs.

14 June 2017 – Email from the Clerk to Councillor Andrew Thomas advising that no further information had been provided in response to the questions asked relating to running costs.

14 June 2017 – Meeting held, in attendance, Councillor Kevin Worsley, Councillor Andrew Thomas, Roberta Bennett (clerk) Helen Sibley (SNDC officer) and Angela Schug (SNDC officer) for both parties to share information. Long Stratton advised that the commuted lump sum offered short of what the toilets cost to run, it did not include any costs for resource. It was also asked for a breakdown of costs to cover vandalism and broken windows over the past 5 years as well as all the running costs that had been previously asked for. Transfer of asset would be preferable over a lease. Discussed that money passed to LSC to carry out refurb work. It was also asked if SNDC would hand over the current recycling area and requested the associated costs in maintaining that area. Long Stratton PC were keen to adopt both areas to reduce the 'grey' areas in the village.

26 June 2017 – Email from Helen Sibley stating that LSC were unable to have the freehold of the area which included the recycling area as the recycling area was already on a 60 year lease to the coop (2063) therefore a lease to run alongside the coop lease could be considered for the toilet block area (the bullet shaped piece of land the toilet block is sat on) Once both leases cease the area could be looked at as a whole.

17 July 2017 – Offer letter from SNDC for £30k & £49500 with a 99yr lease, freehold of toilet block only was a possibility if the PC wanted to pursue, opt 1 LSC to take all monies and project manage the refurb etc, opt 2 SNDC to refurb the toilets in partnership with LSC and pass over the commuted sum only. It was expected toilets were to be kept for a minimum of 10 years before any application for a change of use would be accepted for consideration. It was referenced the transfer of open space within Stratton would also be carried out.

The PC stated that they wanted the transfer of the open spaces to take place at the same time as the central toilets.

2 October 2017 - Heads of Terms (HoT's) received from Helen Sibley

3 October 2017 – Email from Councillor Andrew Thomas to The Clerk (Becky Buck) Councillor Kevin Worsley commenting that points from HoT's unsatisfactory, if we were to have the freehold SNDC

were still placing conditions on what we can and can't do, asking SNDC permission if we want to charge after a 5 yr period and if we apply for change of use we would have to secure SNDC approval, with hidden costs. The consequences if we breach the terms were not satisfactory.

4 October 2017 – Email from Bob Wade asking that LSPC agree the Heads of Terms prior to the open space being devolved due to the tight timescales SNDC were working too. SNDC wanted toilets devolved by 31.03.18 with open space being a later date.

5 October 2017 – Email from The Clerk to Bob Wade stating it was the Councils resolution to have toilets and open space as one transfer and as such any decision would have to wait until the next Council meeting.

5 October 2017 – Email from Bob Wade stating that no promise was made to transfer as one and SNDC to reassure SNDC commitment to transfer the open spaces but the toilets must be done first, he would wait the outcome of the meeting.

8 October 2017 – Email from Councillor Andrew Thomas to Councillor Kevin Worsley and the Clerk advising that the 5 year cost breakdown requested on 8th June was still not received. Going concern that Long Stratton Parish Council insurance would not cover vandalism to windows due to frequency of occurrence and therefore this would be an ongoing cost to the Council.

9 October 2017 – LSPC resolved to have 1 transaction including toilets and open spaces

12 October 2017 - The Clerk sent an email sent to Bob Wade asking for HoT's for open spaces and advised that HoT's for toilets will be reviewed.

13 October 2017 – Email from Bob Wade asking that SNDC divest the toilets to Long Stratton Parish Council by 31.03.18 with refurb then taking 6 months and the day to day responsibility. It was agreed the open space would be transferred over by 31.03.18 as per council resolution.

19 October 2017 – Email from Councillor Andrew Thomas to Councillor Kevin Worsley and the Clerk pointing out the flaws in the HoT's for the toilets and queries that needed to be addressed for Council consideration when making a resolution regarding the toilets.

- SNDC want to transfer to LSC however LSC bare some legal costs
- Commuted sum doesn't cover 5 yr operation
- After 5 years we own the freehold however are unable to charge/change anything without SNDC permission and in cases of change of use will have to pay costs back to SNDC
- The only breach of contract that should apply is if LSC do not keep it as a toilet.

20 October 2017 – meeting arranged on 30 October 2017 with Councillor Andrew Thomas, Councillor Kevin Worsley, Becky Buck (the Clerk), Helen Sibley (SNDC Officer) Bob Wade (SNDC Officer)

30 October 2017 – meeting held in Long Stratton Parish Council offices with the attendees as mentioned above. Long Stratton outline their position and advise of their red lines which were

1. The lease which accommodates the central toilets and surrounding areas are passed to Long Stratton Parish Council in their entirety.

2. The open spaces as previously discussed (8 in total) to be passed over at the same time and date as area described above
3. Conveyancing of the land 3 transactions, to be at the cost of SNDC
4. Heads of Terms to have a maximum clause of 5 yrs
5. Long Stratton Parish Council will not be liable for any payment to SNDC after the clause period of 5 years.
6. All areas as described above to be made fit for purpose as the original planning criteria dictates prior to development
7. A one off lump sum to be transferred to cover maintenance for 5 years of the open spaces
8. S106 monies for land in Churchfields to be transferred in its entirety.

1st November 2017 – email sent to Bob Wade outlining LSC ‘red lines’ as discussed at the meeting on the 30.10.17.

6 November 2017 – email from Bob Wade responding to red lines – not all were acceptable to SNDC, however some were

1. Was not acceptable
2. Agreed
3. Agreed
4. Suitable alternative provision would need to be available for up to 10 years but there would be rules imposed by SNDC about disposal and gain after 10 years.
5. This was not agreed however based on no.4 could be discussed further.
6. Needs to be more specific
7. It was considered a reasonable request but as there had been no budget set aside for this it would need further consideration
8. Agreed in principle.

17 November 2017 – email to Bob Wade reporting the resolution of the Parish Council not to accept the central toilets without the freehold, the freehold being used to offset maintenance costs that outweighed the commuted sum making the project cost neutral to the Council. The transfer of open spaces with the ‘red line’ email parameters were agreed.

23 November 2017 – clarification of the ‘freehold’ was the toilet block and adjacent car park

15 December 2017 – Email from Councillor Kevin Worsley stating that in his capacity as District Councillor, Councillor Kevin Worsley was approached by District Councillor Kay Billig to potentially meet to discuss the toilets further to look at renegotiating the Heads of Terms and advising that it was worth meeting to try and ‘thrash out’ a deal that would see the asset remain.

24 January 2018 – Meeting held, in attendance Councillor Kevin Worsley, Councillor Andrew Thomas, Becky Buck, Clerk & District Councillor Kay Billig. District Councillor Kay Billig advised that she was keen to solve the issue of toilets to enable Long Stratton Parish Council to keep them open. Key notes from the meeting.

1. Refurbishment costs and running costs need to be clarified, Long Stratton Parish Council still have not received the breakdown of costs as requested in June 2017.
2. Long Stratton Parish Council concern over employing staff to open and clean toilets and the costs involved.

3. Councillor Billig asked if it would be an option to reduce the number of toilets and use the building for a kiosk or an office for the Council? Long Stratton Parish Council advised that they were not interested in using the space as an office and wanted to keep it as toilets if possible.
4. Long Stratton Parish Council advised that Subway require public conveniences as part of their franchise. SNDC will look into this separately.
5. Enquiry as to a longer lease 99 yrs with ah 5 yr break clause
6. Query over CIL monies to be received by Long Stratton Council. Clerk advised that CIL monies due had already been earmarked.
7. Refurbishment needs to go to tender so could be several months before work starts
8. Could solar panels be placed on the roof, yes could not see why not
9. Would a refurb need planning permission
10. Long Stratton needs the project to be cost neutral, concerns have been outlined, how can SNDC help towards meeting this objective.
11. Could LSPC have a sub lease?

Other matters discussed, pay machines in the car park – being looked at as a separate matter.

Open spaces agreement, this can be progressed and will come with S106 monies.

25 January 2018 – Email from District Councillor Kay Billig detailing the main points from the meeting (as above) and asking for clarification over the open spaces. Confirmation given that the open spaces would be devolved S106 monies.

26 January 2018 – email from the Clerk to District Councillor Kay Billig asking for a proposal of the open spaces as the Parish Council were concerned that it would not happen if not done at the same time as the toilets.

26 January – email from District Councillor Kay Billig stating the devolvement of open spaces will not happen before adoption of toilets, guarantee given that this would be a priority

31 January 2018 – round robin email from Bob Wade to Becky Buck (Clerk) clarifying the points raised from the meeting with District Councillor Kay Billig and the answers to questions asked.

1. Refurbishment costs and running costs need to be clarified, Long Stratton Parish Council still have not received the breakdown of costs as requested in June 2017.
£30k refurbishment and £49,500 commuted sum
2. Long Stratton Parish Council concern over employing staff to open and clean toilets and the costs involved.
Could consider timer locks, and would recommend employing a cleaner – SNDC offered no assistance with this.
3. Councillor Billig asked if it would be an option to reduce the number of toilets and use the building for a kiosk or an office for the Council?
Long Stratton Parish Council advised that they were not interested in using the space as an office and wanted to keep it as toilets if possible.
4. Long Stratton Parish Council advised that Subway require public conveniences as part of their franchise. SNDC will look into this separately.
The toilet divestment programme is Council based and therefore SNDC are unable to follow this course.
5. Enquiry as to a longer lease 99 yrs with ah 5 yr break clause
Has to be a consistent approach and therefore must stick to a 10yr claw back.

6. Query over CIL monies to be received by Long Stratton Council.
Clerk advised that CIL monies due had already been earmarked.
7. Refurbishment needs to go to tender so could be several months before work starts
8. Could solar panels be placed on the roof to keep energy costs low? District Councillor Kay Billig states yes could not see why not
Not through SNDC although SNDC welcomes the thought process
9. Would a refurb need planning permission
Possibly but not a show stopper
10. Long Stratton needs the project to be cost neutral, concerns have been outlined, how can SNDC help towards meeting this objective.
Can only offer in refurbishment with modern cisterns and sanitary contracts
11. Could LSPC have a sub lease?
SNDC would need to check best value.

Other matters discussed, pay machines in the car park – **being looked at as a separate matter.**

Open spaces agreement, this can be progressed and will come with S106 monies. **Unless there is S106 monies there will be no other commuted sum** (please refer to point 7 from email received from Bob Wade 7th November 2017)

Bob Wade made it clear that they were duty bound to seek ‘best value’ and therefore were unable to offer any different to what had already been tabled.

5 February 2018 – email from the Clerk to Bob Wade asking for revised HoT’s

6 Feb 2018 – email from Bob Wade asking further questions surrounding terms of adoption ie leasehold/freehold, asks for justification of omitting the clause that it must remain a toilet for 10 yrs however advises that clawback may still apply, advises that we can add solar panels but this will be to the cost of the Council, asks if we still want the open spaces and states that this is in addition to the original offer however only Churchfields would come with money attached.

8 February 2018 – email from the Clerk to Bob Wade stating deal appeared no different in nature to the one already turned down by the PC and asking again for the information that had been requested regarding 5yrs worth of running costs

8 February 2018 – email from Bob Wade to Becky Buck stating that they had to work to parameters for all towns and parish councils and therefore very little wiggle room

12 February 2018 – Becky Buck (Clerk) email to Bob Wade addressing concerns about the toilets being cost neutral to the Council and also the possibility of sub leasing

12 February 2018 – Becky Buck email to District Councillor Kay Billig stating disappointment that despite meeting to discuss what was being offered none of the points raised by Long Stratton Parish Council had been addressed including sub leasing ; and the HoT’s had not been altered at all, the deal was the same deal that had been previously turned down

12 February 2018 – email from District Councillor Kay Billig stating that despite a frank conversation Long Stratton Parish Council still want more than SNDC can offer and that the HoT’s are the same for all parishes whom have adopted toilets. Reiteration that SNDC are tied as they have to justify the financial offer made to their tax payers and that all other parishes have accepted the terms. Confirmation that the open spaces will still be dealt with next by SNDC

12 February 2018 – email from Bob Wade to the Clerk addressing points made (above) 5 yr running costs not produced however if refurb costs less LSPC get the shortfall – subleasing is down to LSPC as long as do not break the conditions of the HoT's, clawback within the 10 yr period if there is a change of use is to recover the refurb costs made on the toilets.

14 February 2018 – Council resolved to not adopt the toilets, email sent to Bob Wade confirming the PC's decision.

Since then.

The Clerk has asked numerous times for updates to the toilets however no information was forthcoming. The Council never received the breakdown of running costs.

SNDC applied for planning permissions which was objected to by Long Stratton Parish Council and the Clerk following resolution of the Council immediately approached Jamie Sutterby Director of Community and Wellbeing at SNDC and advised that with the abolishment of business rates on toilets and having an addition full time member of staff are now in a different position and could adopt the toilets without impacting the precept and asked if the conversation could be reopened.

The answer was no, SNDC had little or no interest in reopening the conversation.

Members of Long Stratton Parish Council attended the Development Management Committee where Councillor Steve Adcock spoke objecting to the plans.

Planning permission was granted 6-2 in favour.

Since then, District Councillor Des Fulcher stated that SNDC had been in talks with Britannia Café 18 months ago, this is strange when District Councillor Kay Billig approached the Council December 2017, 14 months ago.

There are a number of petitions around the village in local businesses for the toilets to remain as an asset and in addition to this the Clerk has written to the MP Richard Bacon.