

Extraordinary Economy and Property Committee	
Meeting Date	14 January 2026
Report Title	Transfer of Public Conveniences - Central Car Park, Faversham
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson, Head Place Services
Lead Officer	David Johnson - Interim Property Consultant
Classification	Open
Recommendations	1. To delegate to the Head of Place to negotiate and agree terms of the transfer of the freehold interest in the public conveniences at Central Car Park, Bank Street, Faversham (as shown on the attached plan at Appendix I) to Faversham Town Council, within a 12 month period. 2. To delegate the enactment of this transfer to the Head of Place, in consultation with the Head of Legal Services.

1. Purpose of Report

- 1.1 This report recommends the transfer of Swale Borough Council's (SBC) freehold interest in Public Conveniences, Central Car Park, Faversham
- 1.2 The proposal supports the Council's Corporate Plan Community Priority to "Work in partnership with the local towns and parishes and voluntary sector on our community assets."
- 1.3 The proposal also supports a resolution by the Environmental Services and Climate Change Committee, which identified Central Car Park Toilet was one of seven public conveniences that could be transferred to Town and Parish Councils or other appropriate local organisations".

2. Background

- 2.1 The Property comprises a single-storey public convenience block with male, female, and accessible facilities, located within the Central Car Park off Bank Street, Faversham, Kent, ME13 8NZ. The site area for proposed for transfer is approximately 200 square metres, immediately surrounding the building and abutting the public highway (Leslie Smith Street) to the north and east. The building is of brick construction under a flat roof, dating from the mid-20th century, and serves visitors to Faversham town centre, including shoppers,

tourists, and users of nearby amenities such as the Alexander Centre and Faversham Swimming Pool.

- 2.2 The land is currently unregistered, but SBC has instructed Mid Kent Legal Services to undertake first registration of a larger holding that includes the Property and adjacent areas. Upon registration, any transfer would carve out only the immediate footprint of the public conveniences and associated access, ensuring no impact on the retained car park operations. The Property benefits from direct highway access, with utilities (water, electricity, drainage) connected via the car park, necessitating standard reservations in the transfer.
- 2.3 SBC has historically provided and maintained public conveniences across the borough as a non-statutory service, supporting local tourism, health, and community needs. However, budget constraints have prompted a comprehensive review of these assets, as detailed in the Public Conveniences Review - Business Case and Consultation Launch, presented to the Environmental Services and Climate Change Committee on 10th July 2025. The review identified opportunities to balance the budget through closures, transfers to town/parish councils, and introduction of a Community Toilet Scheme.
- 2.4 A stock condition survey (April 2023) rates the building as 'Yellow' (fair condition requiring cyclical refurbishment), with forecast expenditures over 10 years totalling approximately £20,000-£30,000 for roof repairs, internal redecoration, and sanitary ware replacement. Current annual running costs for SBC are in the order of £51,700, excluding unplanned maintenance works.
- 2.5 As a part of the review, SBC consulted residents and stakeholders, receiving feedback emphasising the importance of town centre facilities for accessibility and tourism. On the 12th November, the Environmental Services and Climate Change Committee resolved that the Central Car Park Toilet was not considered for closure but it was identified as one of seven public conveniences that could be transferred to Town and Parish Councils or other appropriate local organisations.
- 2.6 FTC has expressed an interest in acquiring the Property to ensure continued operation, potentially integrating it with town centre improvements and exploring funding for upgrades (e.g., energy-efficient fixtures to support net-zero goals).
- 2.7 The recommendation to the Economy and Property Committee is to now support the Environmental Services and Climate Change Committee's resolution through a transfer to FTC. This offers advantages over open-market disposal, including immediate cost savings for SBC, local management tailored to Faversham's needs and preservation of public access without service disruption.
- 2.8 This transfer could streamline SBC's property portfolio, devolve responsibility to a more localised authority and contribute to the savings requirement which

informed the Public Conveniences review, helping mitigate against the need for future cost savings, which otherwise could put toilet provision at risk in the future.

2.8 Terms would include a nominal consideration (reflecting community value and under-£2m threshold for social benefit disposals), covenants restricting use to public conveniences or ancillary community purposes, and reservations for SBC including:

- Rights of support and protection for adjoining structures (e.g., retaining walls or boundaries).
- Rights of access over the transferred land for maintenance of retained car park areas, including emergency vehicle access if required.
- Rights to lay, maintain, and use services (e.g., water pipes, drainage, electricity cables) through the Property, with obligations on FTC not to interfere.
- Rights of entry for inspection and repairs to services or boundaries, upon reasonable notice except in emergencies.
- Mutual covenants for boundary maintenance.

2.10 The transfer would pass full responsibility for maintenance, insurance, and compliance to FTC, allowing them to pursue enhancements.

2.11 This proposal supports SBC's Property Asset Strategy by divesting a non-core asset with recurring costs, while delivering social value through sustained local service provision.

3. Proposal

3.1. To delegate to the Head of Place to negotiate and agree terms of the transfer of the freehold interest in the public conveniences at Central Car Park, Bank Street, Faversham (as shown on the attached plan at Appendix I) to Faversham Town Council, within a 12 month period.

3.2 To delegate the enactment of this transfer to the Head of Place, in consultation with the Head of Legal Services.

4. Alternative Options Considered and Rejected

4.1 To market the Property on the open market following registration. This might yield a modest capital receipt (estimated £20,000-£40,000 based on comparable small utility buildings), but could lead to closure or redevelopment, risking loss of public amenity and conflicting with consultation feedback. This option is not recommended and does not support the Environmental Services and Climate Change Committee, when it considered the outcome of the Public Convenience Review.

5. Consultation Undertaken or Proposed

- 5.1 The Public Conveniences Review included public consultation in summer 2025, with responses highlighting the value of town centre facilities. Informal discussions with FTC have indicated support for the transfer.
- 5.2 If recommendations are agreed, further negotiation with FTC will be required. No additional formal consultation is proposed, given the prior review process and alignment with expressed interests.

6 Implications

Issue	Implications
Corporate Plan	The proposal supports the Community priority to “Work in partnership with the local towns and parishes and voluntary sector on our community assets – e.g., playgrounds, sports pitches and pavilions, community halls”.
Financial, Resource and Property	The transfer would eliminate SBC's annual net liability of £51,700, plus any future unplanned maintenance. Nominal consideration applies under community transfer policies, forgoing a possible small receipt. Transferring the assets to Town or Parish Councils may likely require a public convenience time-limited dowry payment to take on the assets, to cover maintenance liabilities / consumables / legal fees
Legal, Statutory and Procurement	The Council has discretion to dispose of land under section 123 of the Local Government Act 1972, subject to best consideration (exceptions for under £2m via General Disposal Consent 2003). Legal services will deal with the required land registration and transfer documents. Any future FTC alterations would require planning consent. As part of the transfer process there may be employee protections (TUPE) which will need to be considered.
Crime and Disorder	Active management by FTC would help to mitigate risks of vandalism or anti-social behaviour.
Environment and Climate/Ecological Emergency	Transfer potentially encourages sustainable upgrades (e.g., water-saving fixtures)
Health and Wellbeing	The proposed transfer would maintain accessible facilities promoting public health and inclusion.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	The proposed transfer reduces SBC's exposure to maintenance and liability risks.

Equality and Diversity	The proposed transfer would ensure continued provision for diverse users, including disabled access.
Privacy and Data Protection	None identified at this stage.
Local Government Reorganisation	The transfer of the site to Faversham Town Council is viewed as a positive step towards retaining local stewardship of an important community asset.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:

Appendix I: Transfer Plan

8 Background Papers

Report to Environmental Services and Climate Change Committee, 10th July 2025 - Public Conveniences Review - Business Case and Consultation Launch

Report to Environmental Services and Climate Change Committee, 12th November 2025 - Public Conveniences Review - Consultation Outcome