

Report to: Cabinet
Date of Meeting: 14 June 2017
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Exemption: Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person
Review date for release: 1 April 2019



Agenda item: 20

Subject: Branscombe Beach Public Conveniences

Purpose of report: To seek approval to make minor amendments to the recommendations resolved by Cabinet 07 October 2015

Recommendation: To authorise the recommended minor variations to Cabinet's previous resolution as set out in this report.

Reason for recommendation: To enable the surrender of the Council's leasehold interest in the land at Branscombe Car Park together with the associated public convenience building

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Financial implications: The proposal will allow the Council to save approximately £12,000 per annum from the public conveniences budget from 1st April 2018. Additionally, the non-payment of the dowry contribution will allow the £25,000, previously set aside to be returned to the General Fund balance.

Legal implications: It should be noted that if the restriction referred to in paragraph 2.4(5) is not included in the legal agreements then EDDC will have no recourse for non-compliance with the obligations set out in this report, against a successor in title to the current owners of the car park [REDACTED] and would have only limited recourse against the [REDACTED]

Amendments to the existing draft Deed of Covenant to reflect the contents of this report and the terms of any additional legal documentation required, to be agreed between Legal Services & Property Services.

Equalities impact: Low Impact
Under the terms agreed, public convenience provision will remain at Branscombe beach and there should therefore be little adverse effect on people with protected characteristics

Risk: Low Risk
The provision of public conveniences is not a statutory requirement of the Council. The decision to close these public conveniences and to surrender the lease to the owner of the car park had been approved (when). The proposal now put forward, enables the authority to

discontinue direct service in Branscombe while being assured that arrangements for ongoing provision will be made through an alternative provider.

The owner of the car park has received consent to build new toilets adjacent to the Sea Shanty café on the site and in that context the car park owner wishes to ensure that there is provision of toilet accommodation for visitors to the beach and café. It is therefore considered that there is only a small risk that the car park and beach will be left bereft of toilet facilities.

Links to background information:

- [Cabinet minutes 07 October 2015](#)

Link to Council Plan: Encouraging communities to become outstanding

Report in full

1. Background

- 1.1. In 1990, the Council acquired a lease on some land at Branscombe beach car park to build a public conveniences block. The lease term is 42 years from 1st October 1988, with the rent being a peppercorn. At its meeting in October 2015, Cabinet approval was sought for the Council to surrender its lease to the car park owner [REDACTED]. Approval was sought on the basis that the landowner would continue to provide and refurbish the public toilet facility for the next six years
- 1.2. It was resolved that
 - 1) the surrender of the lease on land at Branscombe beach car park on which the Council built public conveniences be endorsed;
 - 2) The payment of a £25,000 dowry to the car park owner on surrender of the Council's lease to ensure the public toilet provision for six years following surrender be approved;
 - 3) it be noted the toilets would be refurbished and provided in the current building for the next six years. After that, they would be provided from other agreed suitable locations on the Branscombe car park site at the landowner's own cost and expense and would be of no less a standard than the current provision once refurbished.
- 1.3 the reasoning behind the resolution made was to alleviate the impact on the local community and visitors as a result of the Council's decision to close the facilities.

2. Current Position

- 2.1 In the 18 months or so that have passed since Cabinet approved the surrender, the landlord has not been able to agree to the restrictions proposed to be placed on his title by the Council. In addition, he has now secured planning permission for alternative toilet facilities on land adjacent to the Sea Shanty restaurant. ([Planning permission 17/0116/FUL](#)).
- 2.2 It is intended that construction will start in November this year and the new toilets will be opened in the Spring of 2018.

- 2.3 Rather than surrender of the Council's lease in lieu of a £25,000 dowry payment to the landlord to run the existing facilities until such time as a new provision is made, the following arrangement is now proposed:-
- 1) The Council continue to run the existing toilet facilities for the financial year 2017-18 (at a cost of approximately £12,000 from the public conveniences East budget).
 - 2) The Council's lease will be surrendered, on 31 March 2018.
 - 3) If the new toilet facilities have not been completed by 31st March 2018, the landowner will take on the running of the existing public toilets until such time as the new facilities are available for use.
 - 4) The Council will not be required to demolish the existing public convenience building nor make any dowry contribution
- 2.4 The recommendation to agree the surrender terms on the basis of the arrangement proposed above are:-
- 1) The Council made a decision to shut the public conveniences in 2014.
 - 2) The new public conveniences will be modern and offer a better disabled facility with room for a carer along with a privacy screen.
 - 3) With the toilet provision being made by an alternative provider, the Council will save approximately £12,000 per annum.
 - 4) The Council will no longer be required to pay a dowry of £25,000 and the freeholder will not be expected to have any restrictions placed on his land ownership title.
 - 5) If the landowner is unable to complete the construction of the new facilities as planned for whatever reason, the landowner will operate the existing facilities for a period of not less than four years, at his own cost and expense.
 - 6) If required, the Council will ensure that any necessary planning permission is in place to demolish the existing toilet block prior to surrendering the lease. Initial enquiries of the Planning Authority indicate that planning permission is likely to be required and this will cost up to £800.
 - 7) Each party will be responsible for their own professional and legal costs.