

Meeting: Cabinet

Date: 9th July 2019

Wards Affected: Goodrington with Roselands

Report Title: Lease of Land and Building at South Sands, WC and Kiosk, Goodrington, Paignton

Is the decision a key decision? No

When does the decision need to be implemented? As soon as possible.

Cabinet Member Contact Details: Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, Swithin.Long@torbay.gov.uk

Supporting Officer Contact Details: Kevin Mowat, Interim Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The current public toilet at South Sands, Goodrington is scheduled to close permanently in October 2019 following the summer season 2019. The current leaseholder of the adjoining kiosk proposes to redevelop the whole site to create a new larger café / bistro which would include a toilet for customers. The proposal will see the redundant toilets and the kiosk demolished and subject to obtaining the necessary statutory approvals re-built to create a new and modern facility, which will complement the existing provision at Goodrington.
- 1.2 At the Council meeting held on 19 June 2019, Members received and debated a petition, containing 1292 signatures, to save the beach toilets at the south end of Goodrington Beach. The Council resolved:

“that Cabinet be recommended to offer a long term lease to the current tenant of South Sands Beach Cafe including toilets to its customers and the general public during its opening hours. Furthermore, that public toilet provision at Goodrington North and Goodrington South will remain open for the summer season 2019.”
- 1.3 The Cabinet is requested to consider the recommendation of the Council in response to the petition and the officer recommendations set out in this report.

2. Reason for Proposal and associated financial commitments

- 2.1 It is considered a lease of the land and buildings known as South Sands WC Block & Kiosk, Goodrington, Paignton to South Sands Café Goodrington Limited to be in the best interests of the Council and will secure the long term future of a facility at the south end of Goodrington Beach.

- 2.2 The proposal will generate additional revenue income through an increase of rent for the additional space. The proposal will also reduce the repair and maintenance liability for the redundant building.
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3. Recommendation(s) / Proposed Decision

- 3.1 That the petition to 'save our beach toilets at Goodrington, set out at Appendix 2 to the submitted report be noted.
- 3.2 That the Interim Director of Place, in consultation with the Chief Executive, be authorised to grant a lease for a term of 30 years of the land and buildings known as South Sands Toilet Block & Kiosk, Goodrington, Paignton to South Sands Café Goodrington Limited (Company Number 06542047) as shown in plan EM3030.

Appendices

Appendix 1: South Sands Toilet Block & Kiosk Plan - EM3030

Appendix 2: Petition - save our beach toilets at Goodrington

Background Documents

None

Section 1: Background Information

1. What is the proposal / issue?

The existing tenant, South Sands Café Goodrington Limited has been in occupation of the kiosk since 2004. The most recent lease signed in January 2016 is a protected tenancy under the Landlord and Tenant Act 1954 and is for a period of 10 years.

The public toilet block forming the remainder of the building is due to close in October 2019 following the completion of the summer season 2019. In general terms this facility is in poor condition. However, following a significant amount of investment the Council will open the new replacement toilet block at Goodrington central, in July 2019.

The tenant approached the Council about the possibility of redeveloping the whole site to create a new larger café / bistro which would incorporate the existing kiosk and the toilet block area as well. Terms for the redevelopment of the site, subject to Council approval, have been negotiated and agreed in principle. The proposal will see the tenant remain in occupation of the kiosk under the existing lease. The Council will simultaneously grant a Development Agreement, which will place conditions upon the tenant to obtain satisfactory planning approval, provide written confirmation of funding before then constructing the proposed facility in accordance with approved plans and specifications.

On practical completion of the redevelopment, the Council will then grant a new Landlord & Tenant Act 1954 protected lease of 30 years to the tenant. The new lease will provide for regular rent reviews.

The proposal will see the existing toilet block and the kiosk redeveloped into a new modern facility providing a covered bistro and kiosk, with customer toilets.

2. What is the current situation?

Given the poor condition of the existing public toilets at Goodrington South Sands and the relative close proximity of the new replacement central toilet facility, it is expected that officers will recommend permanent closure of the South Sands toilets from October 2019 (after the 2019 summer season). Also, there is no identified budget to maintain an additional public toilet provision beyond this date at this location. The toilets are therefore scheduled to be shut and permanently decommissioned in October 2019.

The proposal set out in this report will see a redevelopment of the redundant toilet block. This redeveloped building will provide an improved and enhanced catering provision with additional toilet for customers.

<p>3.</p>	<p>What options have been considered?</p> <ol style="list-style-type: none"> 1. Continue with the existing tenant operating the kiosk only and to permanently decommission the attached toilet block. An ongoing repair and maintenance liability for the toilet block will remain with the Council for an indefinite period of time. This option will damage the image and trading opportunity of the existing business. 2. Continue with the existing tenant operating the kiosk with a public toilet in its existing condition, open during the summer season only (i.e. the current arrangement). There has been little investment in this facility for some years and the Council doesn't have sufficient resources to undertake any future repairs or to properly meet the ongoing maintenance liability. The continued upkeep of this facility would result in a significant cost to the authority. 3. Continue with the existing tenant operating the kiosk with the public toilet block refurbished by the Council's Public Toilet Operator (Healthmatic), who in turn would look to install a pay and use operation. This option would require investment from the Council and it would result in a significant cost to the authority.
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>The proposal will support and complement the existing provision at Goodrington, reducing demand on existing Council resources.</p> <p>The new facility upon completion will help ensure Goodrington continues to be an attractive place to visit. It will also help promote a healthy and active lifestyle, by encouraging the community to exercise and visit Goodrington all year round.</p> <p>The proposal from the operator to invest in this redevelopment, if supported will help towards creating a more prosperous Torbay, through the creation of new jobs.</p>
<p>5.</p>	<p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p>Not applicable.</p>
<p>6.</p>	<p>How does this proposal tackle deprivation?</p> <p>Not applicable.</p>
<p>7.</p>	<p>How does this proposal tackle inequalities?</p> <p>Not applicable.</p>

8.	<p>How does the proposal impact on people with learning disabilities?</p> <p>Not applicable.</p>
9.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>It is likely that the construction phase of the redevelopment would happen during the winter months when the kiosk and public toilets are normally closed. As a consequence the physical impact of the redevelopment will be minimal.</p> <p>This matter has already been the subject of a debate at a recent Council meeting, following the submission of a petition. The proposal will see the redevelopment of the site into a new larger café / bistro, with some modest but improved internal toilet facilities for customers. Public toilets will still be available at two other locations on Goodrington Beach and toilets are also provided inside other attractions at this popular beach location.</p>
10.	<p>How will you propose to consult?</p> <p>The demolition and redevelopment of the building will be subject to the usual statutory requirements including Planning Consent and Building Regulation approvals. This process requires formal consultation and provides an opportunity to comment on the proposal.</p> <p>A member of the Cabinet has met with local stakeholders at an on-site meeting in the last few weeks.</p> <p>No further consultation is planned.</p>

Section 2: Implications and Impact Assessment

11.	<p>What are the financial and legal implications?</p> <p>Financial Impact – There is no negative financial impact to the Council. If the development is approved then the tenant will pay an increased rent under the negotiated terms of the new lease.</p> <p>Legal Impact – The tenant currently has a 10 year protected lease under the Landlord & Tenant Act 1954. The intention is for the Council to grant a Development Agreement, which will place conditions upon the tenant to obtain satisfactory planning approval, provide written confirmation of funding before then constructing the proposed facility in accordance with approved plans and specifications.</p> <p>On practical completion of the redevelopment, the Council will then grant a new Landlord & Tenant Act 1954 protected lease of 30 years to the tenant. The new lease will provide for regular rent reviews.</p>
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12.	<p>What are the risks?</p> <p>If the proposal is not implemented the Council will retain the ongoing liability for the repair and maintenance of the existing structure.</p> <p>If the proposal is approved the Council will need to ensure that the tenant has sufficient funds to complete the redevelopment.</p>
13.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>
14.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Evidence, data and research undertaken by Healthmatic, the Council's Public Toilet Operator, would suggest that there will be a sufficient provision of public toilets on Goodrington Beach if this proposal goes ahead. The results from the needs analysis carried out during the 2016 season confirmed that the annual seasonal usage of Goodrington central toilet block was 78,500 users. Goodrington south toilet block was an estimated as 37,500. The average seasonal usage of both toilet facilities (Goodrington south and central), during the 2016 season was therefore estimated at 116,000. Statistical analysis at other tourist locations in the UK has identified the effects and impact on locals and tourists when installing a pay to enter system varies, depending on the rate of charge Torbay Council have calculated a reduction of usage after the implementation of a 30p charge of 30%, which is based on evidence from facilities that have already been upgraded in Torbay and taking into consideration that tourists have proven to be less price sensitive to toilet charging than local people.</p> <p>Healthmatic's analysis calculated from national user numbers for the size of the unit at Goodrington, is 12,500 users per annum per cubicle. The new toilet facility has 5 cubicles, 1 DDA unisex facility and a urinal for 4, a total of 10 public toilets. According to statistics, it is therefore capable of 125,000 users per annum. This capacity exceeds the 116,000 estimate from 2016 and this is before any percentage reduction is assumed following the implementation of a 30p charge. Consequently the research demonstrates that the new toilet provision at Goodrington central should be capable of meeting the expected demand.</p> <p>Healthmatic also have a track record of delivering and understanding the needs of public toilet provision and they provide this service to a number of other local authorities.</p>
15.	<p>What are key findings from the consultation you have carried out?</p> <p>No consultation undertaken.</p>

16.

Amendments to Proposal / Mitigating Actions

No amendments are proposed.

Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			No differential impact.
	People with caring Responsibilities			No differential impact.
	People with a disability			No differential impact.
	Women or men			No differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			No differential impact.
	Religion or belief (including lack of belief)			No differential impact.
	People who are lesbian, gay or bisexual			No differential impact.
	People who are transgendered			No differential impact.
	People who are in a marriage or civil partnership			No differential impact.
	Women who are pregnant / on maternity leave			No differential impact.

	Socio-economic impacts (Including impact on child poverty issues and deprivation)			No differential impact.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			No differential impact.
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	No differential impact at this time.		
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No differential impact at this time.		