1. **Summary**

1.1 Following the termination of the Council's lease and subsequent demolition by Dover Harbour Board of the Clock Tower public conveniences on Marine Parade, the East Cliff public conveniences are now the only public toilet provision on the seafront.

1.2 This toilet block requires extensive repairs and an agreement to jointly fund a refurbishment scheme has been arranged between Dover District Council, Dover Town Council and Dover Harbour Board.

1.3 The agreement requires the release of £65,000 from the Capital budget to meet the Council's share of the refurbishment cost and to delegate authority to the Director of Environment and Corporate Assets in consultation with the Portfolio Holder for Access and Property Management to accept the best value tender so that work can commence on site as soon as possible.

2. **Introduction and Background**

2.1 The East Cliff public convenience is located on the western end of the Dover seafront and has been closed since 2010. The toilets are in need of extensive works to renovate them to provide a facility that will meet the requirements of both local users and visitors.
2.2 Following the improvement works to the seafront esplanade with a new three-wave promenade and the provision of a sea sports centre this toilet block remains an eyesore due to its external disrepair and need of investment.

2.3 This public convenience is located on the promenade on land leased by Dover District Council from Dover Harbour Board at a ground rent of £5.00/per annum. Dover District Council who is currently responsible for maintenance and running costs.

2.4 The Council has held extensive negotiations with the project partners, Dover Town Council and Dover Harbour Board, with the view to determine the best option for the future operation of this public convenience. Both partners are willing to work with the Council and contribute a substantial sum of money towards the cost of improving these toilet facilities:

- Dover Harbour Board has demolished the Clock Tower toilets at their own expense even though it was DDC’s responsibility.
- Dover Harbour Board will provide a £12,500 contribution towards refurbishment.
- Dover Town Council will provide a £12,500 contribution towards refurbishment.
- Dover District Council will provide £65,000 from the Medium Term Financial Plan.

2.5 At the completion of the works Dover Town Council will support and run this facility in its entirety. The Dover District Council will surrender its lease to Dover Harbour Board and the Town Council will enter into a new lease with Dover Harbour Board.

2.6 It is quite evident that this public convenience as currently designed is oversized, providing far too many urinals and WCs than are required. Therefore the proposal is to convert one half of the toilet block into a unisex facility with baby changing and a disabled toilet provision. The remaining half will be converted into a "concession store", which will be sub-let by Dover Town Council, so that the concessionaire will oversee the day-to-day running of the toilet block.

2.7 The Council’s Property Services Section has prepared the specification and design drawings for the refurbishment and have tendered the work. They will also project manage the works on site. The lowest tender has not been accepted, pending written confirmation from the project partners of their contribution and Cabinet approval to release the required capital. It will be necessary to delegate authority to the Director of Environment and Corporate Assets in consultation with the Portfolio Holder for Access and Property Management to accept the best value tender and to award the contract.

3. **Identification of Options**

3.1 Option 1. To do nothing: If these facilities are to be reopened, it is imperative that the Council carries out renovation works in order that they remain operational and in a safe condition for the well being of members of the public. Failure to provide a public toilet on the seafront could result in incidents of anti-social behaviour associated with the lack of provision of local toilet facilities.
3.2 Option 2. To accept: Undertaking this project will provide a quality public convenience that will meet public expectations and will pass the management and all associated costs of providing this facility to Dover Town Council. In the longer term Dover District Council will benefit from a saving.

4. Evaluation of Options

4.1 Option 1 is not recommended as a viable option, this would not achieve the main objectives.

4.2 Option 2 is the preferred option.

5. Resource Implications

<table>
<thead>
<tr>
<th>Capital/Major Revenue Project Expenditure</th>
<th>2012/13</th>
<th>2013/14</th>
<th>2014/15</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure</td>
<td>Nil</td>
<td>£90,000</td>
<td>Nil</td>
<td>£90,000</td>
</tr>
<tr>
<td>Income Contributions from DHB &amp; DTC</td>
<td>Nil</td>
<td>£25,000</td>
<td>Nil</td>
<td>£25,000</td>
</tr>
<tr>
<td>Provision for the project which was included in the Medium Term Financial Plan</td>
<td>Nil</td>
<td>£65,000</td>
<td>Nil</td>
<td>£65,000</td>
</tr>
</tbody>
</table>

6. Corporate Implications

6.1 Comment from the Section 151 Officer: Sufficient funding has been authorised "subject to appraisal" within the existing Medium Term Financial Plan to accommodate DDC’s contribution as advised above. It is noted that there is no formal agreement in place in respect of the Partner contributions. The absence of a formal agreement increases the financial risk of the project (PH)

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

6.3 Comment from the Equalities Officer: The Equality officer has been consulted during the development of this report and has no further comments to make other than to remind members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 if the Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15

7. Risk

7.1 Dover Harbour Board and Dover Town Council have confirmed their agreement to their £12,500 contribution. However, there is no legally binding agreement between the three parties to this effect.

7.2 Similarly, the proposals with regard to the surrender of the lease by the Dover District Council to the Harbour Board and the grant of a new lease to the Dover Town Council although agreed, are not the subject of a legally binding agreement.

7.3 Ideally, and in order to keep risk to an absolute minimum the matters identified in the two paragraphs above should be the subject of a formal tripartite agreement. However, given the nature of the bodies with whom the District Council is dealing it may be considered that a formal agreement is unnecessary.
7.4 The assessment of officers is that the risk of not delivering the project is low but the impact would be high, as the main goals would not be achieved and Dover District Council could have incurred considerable expense by the time project failure becomes apparent.

8. **Background Papers**

None

Contact Officer: Frank Thompson Senior Asset Management Surveyor