

## Policy Group – 17 October 2018

### Toilets at West Lulworth

#### 1. Purpose of report

To provide an update on the sale of the public toilets at West Lulworth.

#### 2. Summary

- 2.1 In June 2017 the Council agreed to sell the public toilets to the Lulworth Estate (Min 31 17/18 refers). At that time the Secretary of State had yet to make his decision on the reorganisation of local government in Dorset, but even so there was an awareness that there might come a point at some time in 2018 at which the transfer of the toilets might be prevented. Assurances were sought and given by the Lulworth Estate that the transfer would be expedited.
- 2.2 Over the following months further discussions took place between officers and the Lulworth Estate regarding the details of the heads of terms. On 16 June 2018 the Solicitor to the Council instructed Battens to carry out the legal work in connection with the sale. Draft documents were sent to the solicitors acting for the Weld Estate on 29 June 2018 and this was followed-up two weeks later when approval still had not been given to the draft documents.
- 2.3 By 20 September 2018 a set of documents had been approved. Exchange and completion has however not taken place and on 11 October 2018 the Deputy Leader raised concerns that completion had not taken place and requested that an update was provided to the Policy Group. The Leader has agreed that such a report was urgent given the importance of completing the sale and the protracted nature of the negotiations before heads of terms were agreed.

#### 3. Recommendation

Policy Group notes the position.

#### 4. Policy issues

##### 4.1 How will this affect the environment, social issues and the local economy

The transfer of the public toilets will result in improved facilities for those members of the public visiting West Lulworth and the Cove.

##### 4.2 Implications

###### 4.2.1 Resources

Battens' costs of £900 are fixed and are being funded from reserves.

###### 4.2.2 Equalities

There are no equalities implications arising from this report.

## 5. Further information

5.1 The documents that have been agreed are:

5.1.1 Agreement. The sale price is £1.00.

5.1.2 Draft Transfer. This document, once dated, will legally transfer ownership from the Council to the Lulworth Estate. It contains both the positive and restrictive covenants which are to be imposed upon the Lulworth Estate. The positive covenants require the Lulworth Estate to act in a certain way, namely to maintain the existing toilet facilities, until such time as they are developed; and to provide temporary toilet facilities during the development in a position to be approved by the Council. The toilet facilities are to be maintained by the Lulworth Estate at all times to the Council's satisfaction and finally the facilities must be accessible to members of the public, free of charge at reasonable times.

5.1.3 The restrictive covenants prevent the Lulworth Estate from acting in a certain way, namely preventing the property being sold or leased without a buyer at the time entering into a direct covenant with the Council. A restriction will be entered onto the title for the toilets which confirms that the property cannot be sold without a signed certificate.

5.1.4 Put Option. This document contains the buyback option. Its terms have again been lifted from the Heads of Terms; for a period of 10 years from the date of completion should the Lulworth Estate be unable to secure Satisfactory Planning Permission (defined at clause 1.1.11), then it can serve a notice on the Council, exercising the Option. The Council then have a period of 4 weeks to accept the notice and, once accepted, formal completion of the sale back to the Council of the property must take place within 50 working days. The purchase price will be £1.00.

5.2 Battens has advised that part of the delay has been due to the last of the documents. Originally, this was intended to be incorporated within one of the other documents on the basis that it was relatively straight-forward, but the solicitors for the Lulworth Estate required the option to be a new and separate document. Although they drafted it, Battens still had to consider and approve it.

5.3 It is understood that the documents will shortly be sent to the parties for signature and that completion would take place within a couple of weeks of that happening.

5.4 A planning application for the redevelopment of the site has been received and is currently going through the validation process.

Background papers:

There are none.

For further information contact:-

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