



MARLBOROUGH ROAD PUBLIC TOILETS

TOWN COUNCIL MEETING

REPORT 6/22

10 JANUARY 2022

The purpose of this Report is to consider activating the Break Clause in the Lease it holds from the Isle of Wight Council for the management of the Marlborough Road Public Toilets.

No. DETAILS

1) BACKGROUND

- a) The Isle of Wight Council's Executive meeting of 27 October 2015 decided to close its 41 Public Toilets with effect from 1 April 2016 in order to save their total £500,000 cost as part of its Budget savings.
- b) It further decided at its meeting of 9 November 2015 to invite Expressions of Interest from Town and Parish Councils to take over management or ownership of the toilets in their area from 1 April 2016.
- c) By Minute 29/16 of its meeting of 14 March 2016 the Town Council agreed to take on the management of the Marlborough Road, Esplanade and Ventnor Park toilets – it already held a lease for Shore Road toilets – on the basis of a Tenancy at Will from 1 April 2016.
- d) The transfer of the ownership of the Esplanade and Ventnor Park toilets was duly completed but the existence of a flat leased to Southern Housing Group by the Isle of Wight Council above the Marlborough Road toilets led the Town Council to opt for a Lease arrangement.
- e) A 125-year Lease was agreed by the Town Council in Minute 129/17 of its meeting of 13 November 2017.
- f) Following the Town Council's decision to build a new, accessible public toilet in the Central Car Park, it discussed the future of the Marlborough Road toilets at its meeting of 10 February 2020 and agreed, in Minute 17/20, the return of the Marlborough Street Public Toilets to the Isle of Wight Council under the terms of the Lease's Break Clause at a date to be confirmed.

2) BREAK CLAUSE

- a) The Lease contains a Break Clause at Clause 37.
- b) Activating it requires the issue of a Break Notice to terminate the Lease specifying the Break Date and the reason for the termination.
- c) The Break Date must be at least six months after the issue of the Break Notice.
- d) Clause 37.2.1 provides that the Town Council may terminate the Lease if for any reason it wishes to do so.

3) PROCESS

- a) The construction of the new public toilet will start on 10 January 2022 and has a 26-week completion period.
- b) On that basis a Break Notice could be issued with a termination date of 1 August 2022 or any date after that the Town Council determines.

4) RECOMMENDATION

The Town Council is recommended to agree a termination date for the Lease of the Marlborough Street Public Toilets