

Record of Officer Decision

Disposal of Land at Paignton Harbour in Connection with the Harbour Light

Decision Taker and Date Decision Taken:

Interim Director of Place on 13 September 2019

Summary of Matter or Issue Requiring Decision:

On 22 June 2017, the Council approved funding for the redevelopment of the Harbour Light building at Paignton Harbour following a recommendation from the Harbour Committee in accordance with the Port Masterplan, subject to vacant possession of the building, as set out in the business case in the submitted report. Vacant possession has now been secured and a tenant to redevelop the building found, Planning permission and Listed Building Consent has also been obtained for the changes/fit out to the building.

The Interim Director of Place instructed the TDA to advertise a proposal to dispose of an area of public open space forming part of the land adjoining Paignton Harbour required as part of the redevelopment of the Harbour Light building. It is intended that this will be via a lease to the tenant of the Harbour Light building to enable outside tables and chairs to be used in conjunction with the adjoining restaurant. Other outside tables and chairs are proposed within the confines of Paignton harbour for which there was not a requirement for it to form part of the advertisement.

The advertisement was placed in the local paper setting a closing date of 4 September 2019 for consultation responses.

A number of comments / objections have been received which have been considered by the Council's Legal Officers, with their advice being 'Section 123 of the Local Government Act 1972 permits a Council to dispose of land in any manner they wish, subject only to the requirement that the Council must when disposing of open space, do so for the 'best consideration that can reasonably be obtained'; and 'consider any objections received'.

Whilst we may have received a number of responses addressing: noise, nuisance, anti-social behaviour, refuse, and seagull issues; nothing provided to the Interim Director of Place asserts him to call into question or challenge the consideration obtained by the Council for this disposal as not being the best that could have been reasonably obtained, nor more generally indicates any reason why the disposal should not occur.

The Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long), Ward Councillors (Councillors Barbara Lewis and Carter) have been consulted and understand the proposal.

Decision Taken:

- (i) that the land adjoining Paignton Harbour shown on Drawing Number 203, attached to this Record of Decision, be disposed of by means of a lease to the tenant of the Harbour Light building to enable tables and chairs to be used in conjunction with the adjoining restaurant.

Summary of Reason(s) for Decision Taken:

To facilitate the redevelopment of the Harbour Light.

Summary of Alternatives or Options considered and rejected and Background Papers:

None

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None

Implementation:

This decision will come into force immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email governance.support@torbay.gov.uk

Signed: _____ Date: _____
Interim Director of Place