

THE OPENNESS OF LOCAL
GOVERNMENT BODIES
REGULATIONS 2014/
THE LOCAL AUTHORITIES
(EXECUTIVE ARRANGEMENTS)
(MEETINGS AND ACCESS TO
INFORMATION) (ENGLAND)
REGULATIONS 2012



RECORD OF OFFICER DECISION
TAKEN

Decision Taker: Head of Resources

Subject: 15 Year Lease of outdoor space with Queen Annes Building, The Strand, Barnstaple to S Rhodes and P Rhodes

Record of Decision Taken:

To lease the garden area and a strip of the paved area as a sitting out area together with a lease of the Queen Anne Building.

Reason(s) for the Decision:

It would create a vibrant use of the public open space in the form of an area for sitting out for food and drink. The area will also be maintained by a third party. The area is only to be leased and is only 300m² as part of an overall area of this end of The Strand of more than 2,000m². The remainder of The Strand, not already let or used for sitting out is available for free public seating.

Information:

The Queen Annes Building was formerly used as the Heritage Centre by Barnstaple Town Council but was handed back at the beginning of 2017 as no longer viable. A number of works were needed to bring the building back into productive use. It was decided to take the property to the market to see what investors/business people in the area would suggest using it for and what they could offer to the town and in terms of bringing the building back up to standard. Mr and Mrs Rhodes offered to lease the property as a restaurant/café but asked to lease a sitting out area for outside dining and day time use. This fitted with the idea of bringing The Strand to be a vibrant and used area of the town for 'café culture' and the other businesses coming to this part of the town. As Public Open Space the outside area and subject to the constraints on disposal in section 123 of the Local Government Act 1972, in that local authorities may not dispose of public open space without first advertising the intention to dispose in a local newspaper for two consecutive

weeks and considering the public views received. Disposal includes sales, leases and other rights granted over land. Advertisement of Public Open Space disposal was placed in the North Devon Journal on 18 and 25 January 2018 with the consultation to close on 15 February 2018. One response was received. This letter objected to the disposal on the basis that property would be sold and unable to be used by the public for walking, sitting and enjoying the views of the River Taw. The area is only to be leased and is only 300m² as part of an overall area of this end of The Strand of more than 2,000m². The remainder of The Strand, not already let or used for sitting out is available for free public seating. The Tarka Trail runs along the river with public benches and walks with views of the River Taw. The council's vision for this area of town is of venues to sit and eat and bring tourists and local alike to enjoy the area and use as sitting out areas for dining establishments assist in this vision.

Alternative Options considered and rejected at the time of the decision:

- (1) To lease solely the building and not any outdoor space. This would have made the property less attractive to the restaurant/café business the proposed tenant wanted to use if for, and would not have brought additional activity to the public open space in the form of sitting out for food and drink consumption and made The Strand a less vibrant place at all times
- (2) To not lease the outdoor space or the building. This would result in the building not being brought back into good repair and use and a poorer offer of facilities to the public on The Strand in general

Declaration of any Conflict of Interest made by any Councillor consulted by the officer or declared when granting the specific authorisation to take the decision (including details of any dispensations granted by the Ethics Committee)

None

List Of Background Papers that were relied on in making the decision or the decision is based (but not including published works or those which disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor)

Advertisement of Public Open Space disposal in accordance with section 123 of the Local Government Act 1972, in the North Devon Journal dated 18 January 2018

Advertisement of Public Open Space disposal in accordance with section 123 of the Local Government Act 1972, in the North Devon Journal dated 25 January 2018

Letter in response to Advertisement dated 26 January 2018

Date that decision was taken: 21 February 2018

Date of Publication of decision: 16 May 2018

Financial Implications: (NOTE: Please state if there are any financial implications. If so, state if there are sufficient funds within the agreed budget. If there are not sufficient funds, please state how the decision will be financed)

The lease will command a market rent for the property but no further rent will be demanded for the outdoor seating area

Consultation undertaken:

The following have been consulted prior to the decision being taken:

Consultee	Consulted Yes / No / Not applicable	Date
Executive Member		
Ward Member(s)		
Chief Executive		
Head of Service (name)	Jon Triggs	21/02/2018
Legal	Yes	16/02/2018
Finance	Yes	16/02/2018
Public consultation via NDJ	Yes	18-25/02/2018 open until 15/202/2018

GUIDANCE NOTES TO OFFICERS:

Exempt/Confidential information: Please note that the contents of the decision or background papers must not disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor) as the record of decision is a public record.

Publication of record: Please forward the decision together with any background papers that have not already been published to Member Services for publication. The record and background papers must be kept by the decision taker for **6 years** from the date that the decision was taken.