

EAST LINDSEY DISTRICT COUNCIL EXECUTIVE DECISION NOTICE

1. Decision to be taken: That approval is given to formally document the longstanding vehicular access over the Skegness Town Hall driveway in favour of 'Avenue Cottage', rear of Park Avenue, Skegness.

2. This is a:

PORTFOLIO HOLDER SUPPORTED OFFICER DECISION

3. The following is the decision making body or person:

OFFICER: Victoria Burgess, Assistant Director (Place)

4. The decision was taken on:

10-08-18

5. Contact Officer and details: Victoria Burgess Tel. 01507 613214 e-mail: victoria.burgess@e-lindsey.gov.uk

6. List of documents submitted for consideration in relation to the matter in respect of which the decision is to be made (except exempt items): Heads of Terms

7. Where the documents are held and where they can be obtained from (except exempt items) when they become available: Property & Technical Services, Tedder Hall, Manby Park, Louth.

8. The reason for the decision and other alternative options considered and rejected:

The owners of the Avenue Cottage have acquired prescriptive rights of vehicular access to the property over the driveway of Skegness Town Hall. Since the mid 1970's the Council has allowed owners of the Avenue Cottage unfettered vehicular access across the Town Hall campus. A kerb edged driveway has been installed leading from the Town Hall driveway to the boundary of the Avenue Cottage. This work is believed to have been undertaken many years ago, probably in the 1970s.

It is considered the owners have acquired vehicular rights of way and would like to formally document the position by written agreement with the Council.

The Council can proceed with its provisional agreement providing the most beneficial terms for the Council or alternatively wait for the current owner to litigate their rights. The latter carries reputational risk and may result in a court determining less favourable terms to those provisionally agreed.

Decision Notice Form (ExD2)

It is recommended that the Council agrees to formally document the access rights on the most favourable terms to the Council, per the heads of terms.

9. Declaration of any conflicts of interest of the decision making body or the individual:

Not applicable

10. Provide a note of any subsequent dispensations granted by the Head of Paid service:

Not applicable

Signed: (Head of Paid Service/ (or person presiding at the Executive Board where appropriate))



Date: 09/08/18

Name: R Barlow


Signed: (Leader, Officer)



Date: 9.8.18.

Name: VICTORIA BURGESS

Co-signed (Portfolio Holder if officer decision)



Date: 09/08/18

Name: Councillor Fry