

<b>LICENCE AGREEMENT FOR MAINTENANCE OF FLOWERBED AT ENTRANCE TO WEST STRAND CAR PARK, PORTRUSH</b>	<b>5<sup>th</sup> February 2019</b>
<b>TO: ENVIRONMENTAL SERVICES COMMITTEE</b>	
<b>FOR DECISION</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and enhancing our environments and assets
<b>Outcome</b>	Formalising ongoing maintenance of flowerbed located on NI Transport Holding Co land
<b>Lead Officer</b>	Head of Estates
<b>Cost: (If applicable)</b>	Nil

## Background

Recommendation to Item 7 (ES committee 4/12/18) was to consider and explore whether Council has the right to claim ownership.

## Detail

Report Item 4/12/18:

*“Council historically has maintained a shrubbery/flowerbed on the footpath at the entrance to West Strand Car Park, Portrush (see attached). The hard landscaping (wooden sleepers) at this location is in need of refurbishment. Before instigating any work, confirmation of ownership of the bed was sought as it is in the public footpath. It has now been confirmed that the portion of land belongs to NI Transport Holding Company. Communication with them has confirmed that they are content with Council continuing to maintain this location as part of the floral presentation of Portrush. To this end a Licence Agreement has been drafted formalising this arrangement. Council are asked to agree to the licence agreement. As the site is not owned by Council it is intended that any upgrade and planting regime will be kept to a minimum in terms of cost and on-going maintenance.”*

Maintenance would consist of locating planters at this site during the summer months.

Although there is anecdotal evidence that this location has been maintained for several years by Council, there is no documentary confirmation giving any details on the actual period of maintenance. Legal advice would suggest that Council would find it difficult to make a case to claim ownership.

## Recommendation

It is recommended that Council enter into a licence agreement with NI Transport Holding Co. for the continuing maintenance of the floral presentation at the entrance to West Strand Car Park, Portrush.

