

**SPECIAL COUNCIL MEETING MONDAY 27 SEPTEMBER 2021**

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<b>No.</b>	<b>Item</b>	<b>Decision</b>
<b>1.</b>	Apologies	<b><i>Alderman Duddy, Councillors McGlinchey, McLean, C McShane, Nicholl</i></b>
<b>2.</b>	Declarations of Interest	<b><i>Alderman Fielding</i></b>
	<b>'IN COMMITTEE'</b>	
<b>3.</b>	In Accordance With Standing Order 3.(1) The Mayor Has Called The Meeting To Receive An Update On Portstewart Town Hall	<b><i>Received</i></b>

**MINUTES OF THE PROCEEDINGS OF THE SPECIAL MEETING OF  
COUNCIL HELD IN THE COUNCIL CHAMBER AND VIA VIDEO  
CONFERENCE ON  
MONDAY 20 SEPTEMBER 2021 AT 7:00PM**

**In the Chair** : The Mayor, Councillor Holmes (C)

**Present** : Alderman Baird (C), Boyle (R), Fielding (C), Finlay (C),  
Hillis (C), McKeown (R), Knight-McQuillan (R), S  
McKillop (C), Robinson (R)

Councillors Anderson (C), Beattie (R), Callan (R),  
Chivers (R), Dallat O'Driscoll (R), Hunter (R), McAuley  
(C), McCandless (C), McCaw (R), McCorkell (R),  
McGurk (R), MA McKillop (R), McLaughlin (R), McMullan  
(R), Mulholland (C), Peacock (R), Quigley (C), Scott (R),  
Wallace (R), Watton (C), Wilson (R)

**Officers Present** : D Jackson, Chief Executive (C)  
M Quinn, Director of Corporate Services (R)  
J Mills, Council Solicitor (C)  
P Donaghy, Democratic & Central Services Manager (R)  
J Keen, Committee & Member Services Officer (R)  
I Owens, Committee & Member Services Officer (R)

**Officers in Attendance** : M Smyth, Director of Finance (Interim) (R)  
J Welsh, Head of Community and Culture (R)  
W Hall, Assets Realisation Officer (R)  
J Richardson, Head of Capital Works, Energy and Infrastructure (R)  
N Linnegan, Council Solicitor (R)  
A McAuley, PR Manager (R)  
  
J Winfield, ICT Manager (R)  
C Thompson, ICT Operations Officer (C)  
A Lennox, ICT Mobile Operations (C)

**In Attendance:** Press (3 No) (R)  
Public (12 No) (R)

**Key –** C = Attended in the Chamber  
R = Attended Remotely

The Chief Executive undertook a roll call.

The Mayor advised Council of its obligations and protocol whilst the meeting was being audio recorded; and with the remote meetings protocol.

**1. APOLOGIES**

Apologies were recorded for Alderman Duddy, Councillors McGlinchey, McLean, C McShane and Nicholl.

**2. DECLARATIONS OF INTEREST**

Alderman Fielding declared an interest in Item 3, Update on Portstewart Town Hall, Alderman Fielding left the meeting during consideration of the Item.

- \* **Alderman Fielding, having declared an interest, left the Chamber for the duration of the item.**

**3. IN ACCORDANCE WITH STANDING ORDER 3.(1) THE MAYOR HAS CALLED THE MEETING TO RECEIVE AN UPDATE ON PORTSTEWART TOWN HALL**

The Director of Corporate Services provided a verbal update regarding the timeline of events in the legal matter surrounding Portstewart Town Hall, commencing 2019 as follows:

1. 6<sup>th</sup> March 2019 – Land and Property Sub Committee  
Members were provided with a legal update regarding correspondence received from the Montagu Estate.
2. 1<sup>st</sup> May 2019 - Council received “Notice to Quit” from Montagu Estate solicitors.
3. 7<sup>th</sup> August 2019 – Land and Property Sub Committee.  
Members were provided with a further legal update.
4. 26<sup>th</sup> November 2019 – Corporate Policy and Resources Committee Report – Structural support to Portstewart Town Hall (went to Workshop in February)
5. January 2020 - Council Report (Environmental Services repairs)
6. 15<sup>th</sup> January 2020 – Land and Property Sub Committee Members were provided with a further legal update. (reports available on Members’ portal)
7. 5<sup>th</sup> February 2020 – Workshop – Agenda

Portstewart Town Hall Report Legal Opinion and Correspondence from Portstewart Community Association

- 8.** 4<sup>th</sup> November 2020 – Land and Property Sub Committee – For Decision – Recommend that council considers the information presented and recommend a direction of travel in relation to Portstewart Town Hall. Land and Property recommendation Further information requested to inform consideration and bring back to the Sub Committee
- 8.1** 24<sup>th</sup> November Corporate Policy and Resources Committee – Minutes of Land and Property approved
- 8.2** 1<sup>st</sup> December 2020 – Council Meeting – adoption of the minutes and recommendations therein approved.
- 9.** 3<sup>rd</sup> February 2021 – Land and Property Sub Committee – report presented to Land and Property Sub Committee with recommendation that Members consider the information presented in relation to Portstewart Town Hall and provide direction on Council's preferred option for the future of the Town Hall. 3 Options were presented
- a) Acknowledge Montague Estate's title and Notice to Quit
  - b) Instruct Counsel and make an adverse possession claim
  - c) Purchase the site from the Montague Estate

Land and Property Sub Committee recommendation – Approve Option 1 (unanimous 7)

- 9.1** 23<sup>rd</sup> February 2021 – Corporate Policy and Resources Committee – recommend that the minutes of the Land and Property Sub Committee held on 3<sup>rd</sup> February 2021 and recommendations therein are approved (11 voted for, 0 against)
- 9.2** 2<sup>nd</sup> March 2021 Council Meeting – Under matters arising in Committee, Minutes of Land and Property Sub Committee regarding Portstewart Town Hall

Amendment

Proposed by Councillor Mulholland

Seconded by Councillor McCaw

- that Council defer consideration for 3-4 months, mindful of the pandemic and requiring a longer timescale, for consultation, as promised to us by the Land and Property Sub-Committee and have a statutory duty to do so.

11 Members had voted For; 25 Members had voted Against and 2 Members had Abstained. The Mayor declared the Amendment lost.

On completion of the timeline of events presentation, The Mayor invited Elected Members to ask questions.

Elected Members raised questions regarding who held Title for the building.

The Council Solicitor, in response to questions, clarified Council do not have legal Title to the building, The Montagu Estate have historical title to the building and to the land on which Portstewart Town Hall had been built upon.

The Council Solicitor advised that further detailed legal advice would be provided '*In Committee*'.

### **MOTION TO PROCEED '*IN COMMITTEE*'**

Proposed by Councillor McMullan  
Seconded by Councillor Anderson and

**AGREED** – to recommend that Council move, '*In Committee*'.

#### \* **Press and Public were disconnected from the meeting at 7:21pm**

***The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014***

The Mayor invited Council Solicitor in attendance to provide a legal update surrounding Council's position on Portstewart Town Hall.

The Council Solicitor provided a detailed response and cited from external Opinion provided by the Solicitor engaged by Council in relation to the matter.

Elected Members sought further clarification on the information provided.

During debate, Councillor Mulholland raised a Point of Order, stating a breach in Standing Orders, the meeting should have been convened under Standing Order 3.2 and not under Standing Order 3.1.

The Mayor ruled the proposed requisition to call a Special meeting under Standing Order 3.1, did not have the required number of signatures. Therefore, he had called the Special meeting under Standing Order 3.2.

Councillor Mulholland proposed - that a further meeting is convened at the earliest opportunity, observing Standing Orders and to hold a vote as per the original request; that legal proceedings are paused until Council is able to hold the vote.

The Council Solicitor provided an opinion in response to Councillor Mulholland's request.

Elected Members deemed it valuable to receive the update and clarification on the issues presented.

Elected Members were content to release a public statement, regarding Council's position in the matter.

Elected Members sought clarification of adverse possession, costs, to include repairs, and rent. Members sought information on community engagement regarding the Town Hall and future plans for the use of community spaces.

In response to questions raised during debate, the Chief Executive advised work had already started regarding a community needs assessment – areas of community space have been identified and the next step was public consultation to determine how the space should be used. It was further advised that a draft statement had been prepared, to be released.

Further questions were put as to Council's obligations under the Prudential Code, Financial Act and Council Policies.

The Chief Executive advised affordability and value for the rate payer were considerations.

### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Alderman S McKillop

Seconded by Councillor McMullan

**AGREED** – to recommend that Committee move 'In Public'.

The Mayor read the following statement in order to provide clarity to the public regarding the Council's position regarding Portstewart Town Hall.

*The legal owner of Portstewart Town Hall, the Montagu Estate, served a Notice to Quit on the Council in 2019. Council believes there was a 60 year lease for the building dating from the 1930's which subsequently expired. The ownership of Portstewart Town Hall has been under detailed consideration by Council for over 2 years and in March 2021 Council made the decision which was not challenged using any of the normal channels either call in or rescinding motion. That decision was to acknowledge the Montagu Estate's Notice to Quit and the nub of the issue here is the ownership of the building. The Council is now progressing with the hand back of the building following the decision, the community is free to negotiate with the Montagu Estate. Preliminary work to establish the need for community space in Portstewart has already begun as proposed by council members. The town is also served by FlowerField Arts Centre, the Warren and numerous other community spaces.*

This being all the business, The Mayor thanked everyone for their attendance and the meeting concluded at 9:07pm.

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MAYOR