

Audit of Need and Options Appraisal in relation to Community Facilities in Ballymoney Town (deferred from 12th January)	8th March 2016
To: Leisure and Development Committee For Decision	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Resilient, Healthy & Engaged Communities
Outcome	Council will work to develop and promote stable and cohesive communities across the Borough
Lead Officer	Julie Welsh - Head of Community & Culture Louise Scullion – Community Development Manager
Cost: (If applicable)	N/A

The purpose of the report is to reconsider the recommendations presented at the Leisure & Development Committee on 12th January in relation to the Audit of Need and Options Appraisal for Community Facilities in Ballymoney Town. The report also provides an updated legal position in relation to title deeds for Edward Street Social Centre.

Background

An Audit of Need and Options Appraisal was carried out in relation to Community Facilities in Ballymoney town in order to inform decision making around future investment on community facilities in Ballymoney. The Options considered as part of the Report are attached at **Annex F**.

The report recommended that officers:

- Proceed with the relocation of the Edward Street Social Centre users to suitable alternative locations.
- Present alternative options to Council for the Edward Street Social Centre site.
- Relevant to wider community group access to existing facilities, review all fees and charges at community facilities to increase occupancy rates.
- Relevant to the Ballymoney Music Centre proposal, engage with key stakeholders (including the Education Authority) to develop the concept, economic appraisal, business case and investigate grant funding availability, for Council's future consideration.

Following deferment on the matter, a review of all paperwork relating to title of Edward Street Social Centre was carried out and extensive searches were carried out through Land Registry. The legal opinion provided by Council's solicitor is provided in full within **Annex G**. The advice includes the following key points for consideration:

The owners of the property, at Edward Street, Ballymoney, are the Northern Ireland Council of Social Service (Incorporated). They acquired the property in 1963, by way of a conveyance. A trust deed was then enacted between the NI Council of Social Service and Ballymoney

Evergreen Club, also in 1963. Under the trust deed the club, with the consent of the NI Council of Social Service are permitted to sell the premises and invest the money in the provision of new premises.

Searches were carried out in the Registry of Deeds and the Land Registry to establish if any deeds relating to ownership were registered after 1963, with no results.

Furthermore, the legal opinion indicates Council are not in the position to establish a possessory title for the reasons stated within the report attached.

The report acknowledges the poor state of repair of the building and subsequent risk this poses to Council continuing to utilise the facility on an ongoing basis and the need to inform the owners of the property of such.

Recommendations:

- 1. In light of the legal opinion in relation to Edward Street Social Centre, Council should consider the following options in the immediate term, as contained within Annex G.**
 - a. Purchase the premises from the club or NI Council of Social Care and refurbish or demolish, finding suitable alternative accommodation for users.**
 - Or**
 - b. Give notice to the owners of the property and the users that Council will no longer be maintaining the property and warn the users against further use of the property until it is brought up to standard.**

- 2. Council approves, as per recommendations from 12th January report, to proceed in relation to the Music Centre in order to develop suitable proposals to the site for consideration in due course.**

Annex F: Audit of Need and Options Appraisal in relation to Community Facilities in Ballymoney Town - Options Considered

Options	What this means	Social Centre Edward St	Music Centre	Cost
A Maintain Status Quo (Implement decision of BBC)	The new Council stands by the decision of the previous Council to proceed with the refurbishment of the Social Centre and buys the lease for the Music Centre	Complete the development - £300k	Lease Only £70k	£400k (incl fees)
B Implement BBC decisions to full effect and invest in Music Centre	The new Council stands by the decision of the previous Council to proceed with the refurbishment of the Social Centre and buys the lease and fully develops the Music Centre	Complete the development - £300k	Complete capital build £1.2m	Circa £1.5m
C1 Social Centre development	The new Council stands by the decision of the previous Council to proceed with the refurbishment of the Social Centre only	Complete the development - £300k	-	£300k
C2 Increased capacity at Social Centre	As with the option above but using a larger footprint by expanding the site and using the Scout Hall site to do so	Expanded development - £400k	-	£400k
D Fully develop the Music Centre as a medium to long term aim	Put in place a plan to raise capital for the long term development of the Music Centre with a range of different organisations and accessing other funds and not doing anything with the Social Centre	Transfer existing Social Centre activity to existing facilities	Complete capital build £1.2m	Circa £1.2m
E Absorb all additional usage in current facilities	Accept that capital investment at this time is not in the interests of the council; do not proceed with the Social Centre or Music Centre and meet the needs of users by making better use of existing resources. This should encompass negotiating with “single use providers” to see if space such as church halls can be used more creatively.	Transfer existing Social Centre activity to existing facilities	-	-

Annex G

Legal Opinion re: 12 Edward Street, Ballymoney

In order to locate title deeds for the above mentioned property, officers consulted Mr David Hunter, who acts as the Solicitor for Council has provided the following report in relation to Edward Street

The Title deeds supplied to me show that the owners of the property at, Edward Street, Ballymoney, are The Northern Ireland Council of Social Service (Incorporated). They acquired the property in 1963 from Doreen Alice Burleigh Martin, by way of a conveyance. A trust deed was then enacted between the NI Council of Social Service and Ballymoney Evergreen Club, also in 1963, whereby the NI Council of Social Service set up a trust, holding the property for the purposes of assisting in the provision of facilities for recreation etc, for members of the club. Under the trust deed the club, with the consent of the NI Council of Social Service can sell the premises and invest the money in the provision of new premises.

I have conducted searches in the Registry of Deeds and the Land Registry to see if any deeds relating to ownership were registered after 1963 and there are none. This means that the owners of the property are the NI Council of Social Service, or their successors whatever body that now is.

I understand that there are currently a number of groups using the premises and who are paying a rent to Council. This rent should, technically, have been paid to the NI Council of Social Service.

I also understand that Council has been running and maintaining the property for possibly 30 or 40 years, raising a possible issue of whether Council had acquired a possessory title. In my view Council could not establish a possessory title because in order to do so one has to prove sole and exclusive possession and this could not be done by virtue of the fact that other groups, including the Evergreen club have been using the premises.

It seems that the premises are in a bad state of repair and this could pose a risk to Council facilitating the use of the premises.

In my view the owners of the property should be notified of the present condition in respect of the ownership of the premises and the state of them.

Options for Council could include the following.

1. Purchase the premises from the club or NI Council of Social Care and refurbish or demolish, finding suitable alternative accommodation for users.
2. Give notice to the owners of the property and the users that Council will no longer be maintaining the property and warn the users against further use of the property until it is brought up to standard.

Any argument about back rent could be countered by the fact that Council has expended funds maintaining the building and facilitating the clubs.

David Hunter