

**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 2 JUNE 2021**

No	Item	Summary of Key Recommendations
1.	Apologies	Councillor McGurk
2.	Declarations of Interest	None
	'In Committee' Items 3 to 12 inclusive	
3.	Minutes of Previous Meeting held on 5 th May 2021	Confirmed
4.	Community Managed Community Centres Update	Recommend to proceed with Shared Management Agreement
5.	Portrush, Carrick Dhu, Shop Unit – Catering Agreement - Tender Acceptance and Heads of Terms	Recommend that Council approves the awarding of the Catering Agreement to the bidder subject to the terms outlined
6.	Ballycastle, Council Property at 25 Bayview Road, – Asset Realisation	Recommend that Council approves Option 2.7 and retains the Council property at 25 Bayview Road, Ballycastle for future use by Council and carry out the immediate essential repairs.
7.	Backburn Path, Limavady – Alexander Road Entrance – Registration of Land	Recommends that the land as indicated is registered as Council land to enable the improvement works

		identified under the Linkages Project to proceed.
8.	Requests for Use of Council Land	Recommendations as noted pages 11-15.
9.	Requests to Purchase/Dispose of Council Land/Property	
9.1	Request to Purchase Council Land Adjacent to 154 Causeway Street, Portrush	Recommend that site visit to be arranged.
10.	Leases/Licenses	
10.1	Lease Renewals Update	Noted
10.2	Former Coleraine Yacht Club Building – Grant of Easement for Gas Connection	Recommends that Council approves the Grant of Easement to Firmus Energy for a gas connection from the mains gas pipe to the former Coleraine Yacht Club building.
11.	Legal Issues	
11.1	Dungiven – Former Dungiven Sports Pavilion Site– Maintenance of Roadway	Recommend that Council grants authority to Council’s Land and Property Solicitor to revert to the Department of Education and WHSCT on the proposed agreement terms.

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE MEETING
HELD VIA VIDEO-CONFERENCE ON
WEDNESDAY 2 JUNE 2021 AT 7.00PM**

- Chair:** Councillor Knight-McQuillan (R)
- Present:** Alderman Baird (R), Fielding (R), Hillis (R)
Councillors Beattie (R), McLean (R) McShane C
- Officers Present:** M Quinn, Director of Corporate Services (R)
P Donaghy, Democratic & Central Services Manager
J Richardson, Head of Capital Projects, Energy &
Infrastructure (R)
S McMaw, Head of Performance
P Thompson, Head of Tourism and Recreation
J Elliott, Town and Village Manager
L Scullion, Community Development Manager
J Mills, Land and Property Solicitor (R)
D McLaughlin, Land and Property Officer (R)
- (J Keen, Corporate Support Assistant) (R)

Key(R) = Remote attendance

1. APOLOGIES

Councillor K McGurk.

2. DECLARATIONS OF INTEREST

None.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor Beattie
Seconded by Councillor McShane and

AGREED – that the Sub-Committee move *‘In Committee’*.

Parts of the information contained in the following items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

3. MINUTES OF LAND AND PROPERTY SUB COMMITTEE MEETING HELD ON 5 MAY 2021

Summary minute, previously circulated.

The minutes of the previous meeting held on 5th May 2021 were confirmed as an accurate record.

4. COMMUNITY MANAGED COMMUNITY CENTRES UPDATE

The Community Development Manger presented the report, previously circulated.

The purpose of the report is to present an updated Shared Management Agreement for Council owned Community Centres operated by community organisations and to seek Committee approval for use of this updated document.

Council's Leisure & Development Committee approved a draft Shared Management Agreement and Schedule of Maintenance Operations at its meeting on 19th November 2019 between Council and community organisations that operate Council Community Centres. This was ratified by full Council on 3rd December 2019.

In January 2020 a report was taken to the L&P SC requesting approval of five Shared Management Agreements for the Community Centres in Ballybogey, Stranocum, Magilligan, Greysteel and Rasharkin. The decision was ratified by Council at its February 2020 meeting.

The purpose of the Management Agreement and Schedule of Maintenance Operations was to formalise the legacy arrangements for the community centres owned by Council that were operated by community organisations on Council's behalf. A Management Agreement was deemed to be the best model to put in place in order to formalise the arrangements carried over from the legacy Councils and clearly lay out the responsibilities of Council and of the community organisations.

Of Council's stock of 17 community centres, legacy arrangements were carried over for the five centres mentioned above. Since then a further 2 community organisations, Ballykelly Residents Association and Articlave District Community Association, have taken on responsibility for portacabins owned by Council in these areas and these arrangements have been approved by Leisure & Development Committee.

Proposals

A recent review by Council's Legal Services identified some amendments that should be made to the Shared Management Agreement.

These are as follows:

- i. the addition of an indemnity clause
- ii. the addition of a defined term and starting date
- iii. the addition of a clause clarifying that this agreement is not to be considered as a lease and cannot be assigned (transferred) to a third party without permission

Approval is now sought from Council's Land and Property Sub-Committee to agree use of the updated document which was attached at Annex 1, previously circulated.

It is recommended that the Land and Property Sub Committee recommends to Council to proceed with the updated Shared Management Agreement for the seven community centres listed in this report.

Proposed by Alderman Baird
Seconded by Councillor Beattie and

AGREED - to recommend that Council proceeds with the updated Shared Management Agreement for the seven community centres listed in this report.

In response to a Member's query the Community Development Manager confirmed that the repairs carried out on the portacabin used by Greysteel Community Association would provide a lifespan of approximately 18 months only.

5. PORTRUSH, CARRICK DHU, SHOP UNIT – CATERING AGREEMENT - TENDER ACCEPTANCE AND HEADS OF TERMS

The Head of Tourism and Recreation presented the report, previously circulated.

This report aims to provide the information required to award a Catering Agreement to a private business for the operation of a commercial shop facility at Carrick Dhu Holiday Park.

Detail of the income expected to be generated, and the responsibilities for cost recovery resulting from the use of Council infrastructure, will be presented to facilitate an informed decision to be made.

The vacant shop (see Schedule 1) at Carrick Dhu Holiday Park, Portrush has been the subject of complaints from Park customers since the last long-term tenant went into liquidation in 2016. Despite repeated efforts, no responses were received to advertisements, and so three years ago an application for a Change of Use to a Cafe Outlet was submitted and approved under the Planning Act (Northern Ireland) 2011. A new tenant took a Catering Agreement to operate a Coffee Shop in 2019, but did not progress an option to extend the Agreement into 2020. The property was advertised again last year without any responses being received.

Council asked for offers from prospective tenants to gauge the market. The Occupiers' Association had repeatedly asked that Council utilise the unit for the benefit of their members and all other customers on the Park.

As a result of a Tender Process which concluded on 15th April 2021, a suitable tenant was identified who will benefit both the customers of the Holiday Park and people on the adjoining Causeway Coastal Route. The tenant proposes to sell speciality ice-cream, coffees, and holiday customer-orientated supplies.

Following advice, the proposal is for a Catering Agreement for a term of 9 months, at the end of which Council can reassess the situation and issue a new Agreement if required. This will compliment and not conflict with the offering at the "Jenos" hot food bar that already operates beside the shop and Carrick Dhu Holiday Park.

The bid submitted is detailed at section 3.2 of the report, previously circulated, for the 9 months of the Catering Agreement, with metered electricity, telephone/Internet, internal repairs and public liability insurance being the tenant's responsibility. Council will continue to be responsible for external repairs, heating, water, and rates. The bidder would wish to operate the business before the summer to benefit the customers on the Park as well as passing trade. An Agreement paper is available if required.

It is recommended that the Land and Property Sub Committee recommends to Council the awarding of the Catering Agreement to the bidder subject to the terms outlined in the report at section 3.2.

Proposed by Alderman Fielding
Seconded by Alderman Hillis and

AGREED - to recommend that Council approves the awarding of the Catering Agreement to the bidder subject to the terms outlined in the report at section 3.2.

6. **BALLYCASTLE, COUNCIL PROPERTY AT 25 BAYVIEW ROAD, – ASSET REALISATION**

The Head of Capital Projects, Energy and Infrastructure and the Head of Performance presented the report, previously circulated.

Council's property at 25 Bayview Road, Ballycastle, (known as the Arcadia building), is situated within a very economic vibrant sea front area of Ballycastle, (the drawing below shows the location of the property). The property has frontage onto Bayview Road, with rear facing seaward views of the marina and Fair Head making this a desirable property. The asset has received little or no maintenance over the years and requires significant repairs its flat roof, requiring immediate essential repairs (estimated at £52,000.00 excl. vat). These works will also ensure the integrity of the building and adjoining café are not compromised structurally. The building cannot be occupied until such repairs are completed.



Many options were investigated and assessed as below

- 2.1 Dispose of the asset via the legislative D1 disposal process in its current condition.
- 2.2 Lease the building in current condition, (commercial unit only).
- 2.3 Lease the building with a 'change of use', condition, i.e. lease as a Café/Licensed Restaurant.

- 2.4 Dispose of the asset via the legislative D1 disposal process, but with added value, i.e. outline planning permission for 4no. Residential units, (apartments).
- 2.5 Carryout conversion works to facilitate Ballycastle Council Office for based staff – thereby facilitating the phased decommission of Sheskburn House.
- 2.6 Water sports centre, (relative to Option 2.2 costs).
- 2.7 Retain the building for future use by Council and carry out the immediate essential repairs (estimated at £52,000 excl. vat) to the roof to ensure the integrity of the building and adjoining café are not compromised structurally.

Members were provided with a summary of values/costs for options 2.1 to 2.7 above.

Option 2.5

Given the assessment of the options above it has become apparent that Council may need to retain this asset to facilitate a phased closure of Sheskburn House. The potential phased closure of Sheskburn House will be evaluated as part of a Civic Accommodation Strategy planned for August 2021. The following points below are for essential consideration.

- The Head of Performance outlined the current configuration of Sheskburn House and detailed the accommodation currently occupied by Council staff, the leisure facilities and the community facility provided.
- Members were provided with details of a valuation for the site and the annual running costs for the building, along with the estimated refurbishment costs for relocation to an alternative site within Ballycastle should that option be explored.

It is recommended that Elected Members approve Option 2.7 and retain the Council property at 25 Bayview Road, Ballycastle for future use by Council and carry out the immediate essential repairs (estimated at £52,000 excl. vat) to the roof to ensure the integrity of the building and adjoining café are not compromised structurally.

It is further recommended that the building cannot be occupied until such repairs are completed and full consideration of the building is given at the Civic Accommodation Strategy workshop scheduled for August 2021. Following that workshop, a further report will be presented to Council regarding strategy proposals for decision.

During lengthy debate during which the Land and Property Solicitor, Head of Capital Works, Energy and Infrastructure and the Head of Performance responded to Members' queries the following issues were raised:

- Costs of a short term temporary repair to ‘wind and weather proof’ the building as a further option and in addition to the estimate provided at Option 2.7 of £52,000 excl. VAT.
- The existing tenancy agreement for the adjoining premises.
- The context of Council’s strategic plans and/or projects for the Ballycastle area and their impact on Council’s Estates Strategy.
- Legal implications of options provided.

Proposed by Councillor C McShane
 Seconded by Councillor Beattie

To recommend that Council approves Option 2.7 and retains the Council property at 25 Bayview Road, Ballycastle for future use by Council and carry out the immediate essential repairs (estimated at £52,000 excl. vat) to the roof to ensure the integrity of the building and adjoining café are not compromised structurally and;
 Further recommended that the building cannot be occupied until such repairs are completed and full consideration of the building is given at the Civic Accommodation Strategy workshop scheduled for August 2021. Following that workshop, a further report will be presented to Council regarding strategy proposals for decision.

Amendment

Proposed by Alderman Baird
 Seconded by Alderman Hillis

To recommend that Council explores the costs of a temporary short term repair to wind and weather proof the building until Council has given full consideration to the Civic Accommodation Strategy and had held a workshop in August 2021 and received the report with strategy proposals; and
 present the figures to allow for comparison with the figure provided at Option 2.7 at Corporate Policy and Resources Committee meeting on 22nd June 2021; and
 that the existing tenancy agreement for the adjoining building remains as is until the next review date.

The Chair put the amended motion to the vote.

2 Members voted for, 5 Members voted against.

The Chair declared the amendment lost.

The Chair put the original motion to the meeting.

AGREED - To recommend that Council approves Option 2.7 and retains the Council property at 25 Bayview Road, Ballycastle for future use by Council and carry out the immediate essential repairs (estimated at

£52,000 excl. vat) to the roof to ensure the integrity of the building and adjoining café are not compromised structurally and;

Further recommended that the building cannot be occupied until such repairs are completed and full consideration of the building is given at the Civic Accommodation Strategy workshop scheduled for August 2021. Following that workshop, a further report will be presented to Council regarding strategy proposals for decision.

7. BACKBURN PATH, LIMAVADY – ALEXANDER ROAD ENTRANCE – REGISTRATION OF LAND

The Town and Village Manager presented the report, previously circulated.

Background

In July 2020 Council was awarded £894k in funding from the Department for Communities, The Department for Infrastructure (DfI) and the Department for Agriculture, Environment and Rural Affairs (DAERA) to support town centre and rural business recovery through medium to longer term recovery/actions, with the following criteria being applied by the Government Departments:

- Project spend must be capital.
- Funding aimed at helping town centre recovery

The linkages project under the Covid Recovery Revitalise Programme [CRRP] will transform the entrance to Blackburn Park at the Alexander Road entrance.

Town Management is working with the capital works team, planning department and Estates team to bring this project to completion with an estimated construction cost of £45K covered by the CRRP programme.

Legal Services has advised that council holds unregistered title to most of the Blackburn Park at Alexander Road Limavady, with the exception of the areas which are registered to DFI (formerly DRD) and NIHE.

In order to progress with the Linkage project under the Covid Recovery Revitalise Programme, Town & Village Management are now seeking agreement from Land & Property Sub Committee to recommend to Council that it agrees to:

- take ownership of and maintain those parts of the Blackburn Path Entrance, approximate areas to be transferred are shown on the maps attached at Appendix A of the report, previously circulated, currently held under folio 19514 by DFI and folio 22707 held by

the Northern Ireland Housing Executive, by means of a transfer of part of each folio. Final areas will be confirmed by Legal Services prior to transfer.

- Council registers the transfers of part from DFI and NIHE in the Land Registry and pay associated costs, in the region of £188.00

In response to a Member's query the Town and Village Manager confirmed that the project and associated costs were fully externally funded.

It is recommended that the Land & Property Sub Committee recommends to Council that the land as indicated is registered as Council land to enable the improvement works identified under the Linkages Project to proceed and agrees to pay the associated costs, in the region of £188.00.

Proposed by Councillor Beattie
Seconded by Councillor McLean and

AGREED - to recommend to Council that the land as indicated is registered as Council land to enable the improvement works identified under the Linkages Project to proceed and agrees to pay the associated costs, in the region of £188.00.

8. REQUESTS FOR USE OF COUNCIL LAND

The Land and Property Officer presented the report, previously circulated.

There are 6 new requests for the Sub-Committee to consider. The requests are summarised in the table below with further detail provided at Appendix 1 of the report, previously circulated.

Further information including maps and photographs will be made available at the meeting.

There are 3 repeat events for the Sub-Committee to consider detailed at Appendix 2 of the report, previously circulated.

There are 5 retrospective events for the Sub-Committee to note detailed at Appendix 3 of the report previously

Issues for Consideration

The following factors should be taken into account when considering each request:-

- 2.1 Right of way issues
- 2.2 Setting precedent
- 2.3 Impact on Council's strategy
- 2.4 Valuation
- 2.5 Long term impact on Council's asset
- 2.6 Legal implications
- 2.7 Health and Safety, Insurance, Risk Assessments and Event Management Plans

It is recommended that the requests listed at Appendices 1 and 2 as previously circulated and detailed below are considered and recommendation made.

It is recommended that the requests at Appendix 3 are noted or recommendation made as required.

Ref	Date	Location	Detail	Officer recommendation	Sub-Committee Recommendation
109/20	April to July 2021. Car park site from January to March 2021.	Grassed area directly in front of Coleraine Yacht Club and alongside the roadway leading to the yacht club and Car park site.	A request from "Native Seafood and Scran" to use Council land approx. 8m x 3m grassed area directly in front of Coleraine Yacht Club and alongside the roadway leading to the yacht club to facilitate the renovations to the existing building site from April to July 2021. Please note that temporary pod was in the car park site from January to March 2021.	For Decision	Proposed by Alderman Hillis, seconded by Alderman Baird and AGREED: to recommend that permission is granted for siting of the pod on Council land approx. 8mx3m grassed areas directly in front of Coleraine Yacht Club and alongside the roadway leading to the yacht club to facilitate renovations to the existing premises at a concessionary charge of £1500 January to July 2021 (based on legal advice related to existing tenancy arrangements) and on the condition that the pod is removed from Council land once works are completed.

Ref	Date	Location	Detail	Officer recommendation	Sub-Committee Recommendation
28/21	2nd and 4th of June 2021	Ballintoy Harbour	A request from Waddell Media to use Council land at Ballintoy Harbour to film for a travel series on behalf of More 4 on the 2nd and 4th of June 2021.	For Approval	Proposed by Councillor McLean, seconded by Alderman Fielding and AGREED: to grant approval to the request for the use of Council land at Ballintoy Harbour to film for a travel series on behalf of More 4 on 2 nd and 4 th June 2021 and to waive fee on the basis that filming is being carried out for Tourism Ireland and NI Tourist Board to showcase the borough to a UK wide audience.
29/21	28th of June to the 20th of August 2021 Daily from 6am to 4.30pm	Waterside Car Park, Coleraine	A request from GRAHAM to use Council land at the Waterside Car Park Coleraine to carry out works to upgrade the wastewater Pumping Station on behalf of Northern Ireland Water from the 28th of June to the 20th of August 2021.	For Approval	Proposed by Councillor McLean, seconded by Alderman Hillis and AGREED: to recommend that approval is granted and the fee waived on the basis that the works are essential and being carried out on behalf of Northern Ireland Water.
21/21	July to September 2021	Waterfoot, Portrush, , Benone and Downhill	A request from Space Yoga to use Council land at Waterfoot, Portrush, Benone and Downhill for pop up yoga classes on Sundays from July to September 2021.	For Approval	Proposed by Councillor C McShane, seconded by Councillor Beattie and AGREED: to recommend approval for Space Yoga to use Council land at Waterfoot, Portrush, Benone and Downhill for pop up yoga classes on Sundays from July to September 2021.
115/20	22nd of August 2021	Warren, Football Pitch, Portstewart	A request from Portstewart Baptist Church to use Council land at the Warren Football Pitch, Portstewart,	For Decision	Proposed by Councillor McLean, seconded by Councillor Beattie and AGREED: to recommend

Ref	Date	Location	Detail	Officer recommendation	Sub-Committee Recommendation
			for a fun day on the 22nd of August 2021.		approval for the use of Council land by Portstewart Baptist Church at the Warren Football Pitch, Portstewart for a fund day on 22nd August 2021.
116/20	24th of August 2021	Downhill Beach	A request from Humanists UK to use Council land at Downhill Beach for a Humanist ceremony on the 24th of August 2021.	For Approval	Proposed by Councillor Beattie, seconded by Alderman Hillis and AGREED: to recommend approval for Humanists UK to use Council land at Downhill Beach for a Humanist ceremony on 24 th August 2021.

Repeat Requests

Reference	Detail of Request	Sub Committee Recommendation
18/21	A request from the Community Rescue Service to use Council land at Ramore Head, Portrush, for a charity abseil on the 20th of June 2021.	Proposed by Councillor C McShane, seconded by Alderman Hillis and AGREED: to recommend that fee is waived on the basis that the event is being organised by a charity for charitable purposes.
27/21	A request from 26 Extreme to use Council land at the Village hall car park at Portballintrae and the Causeway Coastal way walking trail for the annual Causeway Coast Marathon running event on the 24 th and 25 th of September 2021. Decision on a fee required.	Proposed by Councillor C McShane, seconded by Alderman Hillis and AGREED: to recommend approval of the request from 26 Extreme to use Council land at the Village Hall Car Park and the Causeway Coastal way walking trail for the annual Causeway Coast Marathon running event on the 24 th and 25 September 2021 and that a fee is charged, to be confirmed when a scale of charges is agreed by Council.
14/21	A request from 26 Extreme to use Council land at Benone caravan site, leisure complex	Proposed by Councillor C McShane, seconded by Alderman Hillis and AGREED:

Reference	Detail of Request	Sub Committee Recommendation
	and Benone strand for the 'Benone de sables' Annual Marathon 2021 on the 15 th and 16 th of October 2021. Decision on a fee required.	to recommend approval of the request from 26 Extreme to use Council land at Benone caravan site, leisure complex and Benone strand for the 'Benone de sables' Annual Marathon on the 15 th and 16 th of October 2021 and that a fee is charged, to be confirmed when a scale of charges is agreed by Council.

Retrospective Approvals

Reference	Detail of Request	Sub Committee Recommendation
113/20	A request from We Run Wild Ni Ltd to use Council land at the Waterfoot carpark and Quay Road carpark as start and finish points to aid the Ultra Running Event on the 22nd of May 2021. Decision on fee required.	Proposed by Alderman Baird, seconded by Councillor McLean and AGREED: to recommend that approval is retrospectively granted and that a concessionary fee of £50 is charged on the basis of numbers attending, percentage of total event income, as it is a non-paying car park there is no loss of income to Council for use of car park and the duration of use of the car park is only to facilitate start and finish points.
17/21	A request from UTV to use Council land at Downhill Beach to film for a news report for UTV Live at Six on the 6th May 2021.	Proposed by Alderman Baird, seconded by Councillor McLean and AGREED: to recommend that approval is retrospectively granted and that the charge is waived on the basis of the Council's decision not to charge for the filming of news reports by media organisations.

07/21	A request from Capitol Records to use Council property the Waterworld building at Harbour Road, Portrush, for 'The Academic' music video shoot on the 9th of May 2021.	Proposed by Alderman Baird, seconded by Councillor McLean and AGREED: to recommend that approval is retrospectively granted.
09/21	A request to use Council land for a wedding ceremony at Downhill Strand on the 21 st of May 2021.	Proposed by Alderman Baird, seconded by Councillor McLean and AGREED: to recommend that approval is retrospectively granted
10/21	A request to use Council land for a wedding ceremony at Downhill Beach on the 22nd of May 2021.	Proposed by Alderman Baird, seconded by Councillor McLean and AGREED: to recommend that approval is retrospectively granted

9. Requests to Purchase/Dispose of Council Land/Property

9.1 Request to Purchase Council Land Adjacent to 154 Causeway Street, Portrush

The Land and Property Officer presented the report, previously circulated.

The purpose of this report is to seek a decision from the Sub-Committee on the request to purchase a strip of council land adjacent to the property at 154 Causeway Street, Portrush.

Council holds title to the land adjacent to 154 Causeway Street, Portrush under a 1955 vesting order.

The Council land adjacent to 154 Causeway Street, Portrush is currently an open green space.

A request has been received which expressed an interest in acquiring a strip of council land adjacent to a property at 154 Causeway Street, Portrush. A copy of the correspondence (previously circulated) was attached for reference at Appendix B and a copy of the map submitted by them was attached as Map 2 at Appendix C of the report previously circulated. The strip of land required is approximately 4 meters wide.

A map detailing Council's ownership with the area requested by the applicant to purchase was attached as Map 3 at Appendix D.

Council's ownership is shown hatched red and the strip of land the applicants wish to purchase is outlined in blue.

If Council agrees to the sale of the strip of land, the applicant will be responsible for the following costs:

- An independent valuation of the strip of land to be purchased
- Payment of market value for the strip of land (determined by the independent valuation).
- Payment of any legal fees or costs in relation to the conveyance/sale of the land.

Written confirmation has been received from the applicant agreeing to the payments of the costs detailed at 3.4 above if the sale is agreed by Council.

The request to purchase this strip of land was included in the weekly Officer Consultation exercise issued on 26th February 2021. No objections were raised regarding the sale of the strip of land and the only comment received was that Council ownership be confirmed which it subsequently was.

Options

- 4.1 Refuse the request.
- 4.2 Sell the land via the D1 Disposal Process.
- 4.3 Sell the land on the open market
- 4.4 Agree to the sale of a strip of Council land adjacent to 154 Causeway Street, Portrush to the owners of 154 Causeway Street, Portrush subject to the following:
 - An independent valuation is obtained for the parcel of land identified
 - Payment of market value for the strip of land (determined by the independent valuation) by the applicant.
 - Applicant will be responsible for the cost of the independent valuation and payment of any legal fees or costs in relation to the conveyance/sale of the land.

The Sub-Committee is asked to consider the options presented within the report at 4.1 to 4.4 and make a recommendation to the Corporate Policy and Resources Committee

Proposed by Alderman Fielding
Seconded by Councillor McLean

To recommend that Council agrees to the sale of a strip of Council land adjacent to 154 Causeway Street, Portrush subject to the following:

- An independent valuation is obtained for the parcel of land identified
- Payment of market value for the strip of land (determined by the independent valuation) by the applicant.
- Applicant will be responsible for the cost of the independent valuation and payment of any legal fees or costs in relation to the conveyance/sale of the land.
And further that:
- the applicant is also responsible for the costs associated with mapping of the strip of land.

Amendment

Proposed by Alderman Baird
Seconded by Alderman Hillis

To recommend that Members undertake a site visit to the location.

The Chair put the amendment to the vote.

4 Members voted for, 1 Member voted against and there was 1 abstention.

The Chair declared the amendment carried.

The Land and Property Officer advised that the date for the site visit would be confirmed and Members agreed that a time of 5.30pm would be preferable.

10. LEASES/LICENSES

10.1 LEASE RENEWALS UPDATE

The Land and Property presented the report, previously circulated.

The purpose of this report is to provide a quarterly update to the Sub-Committee regarding the progress of the renewal of Council's commercial leases.

The Land and Property section has commenced a review of all outstanding leases renewals and rent reviews. Work is continuing to clear the backlog of legacy lease renewals and reviews and more recent renewals delayed by the current pandemic and lockdown measures.

Priority will be given to the renewal of commercial leases in order to fix rents for the next 3-5 years dependent on the lease.

Land and Property records show that Council has 57 commercial leases, 40 of which will be prioritised under this first tranche of reviews/renewals. These leases have been prioritised based on the rental values. Council has 17 other commercial leases which have nominal or peppercorn rents and these will be dealt with in the second tranche of reviews/renewals

Work has commenced to review the 40 commercial leases due or overdue for renewal and in accordance with the Land & Property Policy, Council will be appointing an external agent to carry out the renewal negotiations on Council's behalf with the tenant/tenant's agent. The agent will be appointed from the Professional Estate Agency Services Framework currently utilised by Council departments.

A table detailing the 40 commercial leases to be reviewed was attached to the report at Appendix A, previously circulated, for reference and is summarised below:

- 4 vacant properties
- 1 possible surrender of a lease
- 4 leases renewed/reviewed late 2020
- 2 leases renewed 2021
- 13 leases have been given to a valuer to commence the renewal negotiations
- 10 leases awaiting an instruction to the valuer to commence negotiations
- 6 leases yet to be reviewed

A further quarterly update will be brought to the Land & Property Sub-Committee in September 2021.

It is recommended that the Sub-Committee note the quarterly update presented on the renewal/review of commercial leases.

Members noted their satisfaction with the contents of the report and the progress documented on the renewal of outstanding commercial leases.

AGREED – To recommend that the report is noted.

10.2 FORMER COLERAINE YACHT CLUB BUILDING – GRANT OF EASEMENT FOR GAS CONNECTION

The Land and Property Officer presented the report, previously circulated.

The purpose of this report is to seek approval for a Grant of Easement to Firmus Energy for a gas connection from the mains gas pipe to the former Coleraine Yacht Club Building.

Council previously granted permission to the Trustees of Coleraine Yacht to sub-let the premises to Castleroe Holdings Ltd and Mr S McCarry for the purposes of a seafood restaurant now trading as "Native Seafood".

Firmus Energy has approached Council with a view to formalising a gas connection to the above mentioned premises by means of a grant of Easement for the sum of one peppercorn.

Firmus have agreed to take on the repair and maintenance of the gas connection, to insure same and indemnify Council accordingly.

The route of the gas connection to the main gas pipe was shown on the Plan at Appendix A on the report previously circulated. For clarity the main gas pipe runs down the roadway between the Cloonavin building and the former Coleraine Yacht Club building.

The site will be inspected prior to any works and will be required to be fully reinstated to a satisfactory standard.

Recommendation(s)

It is recommended that the Sub-Committee recommends approval of the Grant of Easement to Firmus Energy for a gas connection from the mains gas pipe to the former Coleraine Yacht Club Building.

Proposed by Alderman Fielding
Seconded by Councillor McLean and

AGREED –

11. LEGAL ISSUES

11.1 Dungiven – Former Dungiven Sports Pavilion Site– Maintenance of Roadway

The Land and Property Solicitor presented the report, previously circulated.

The purpose of this report is to update members regarding the D1 sale of the former Dungiven Sports Pavilion to the Department of Education and Western Heath and Social Care Trust and their requirement for council to maintain part of the roadway within the site servicing Council's amenity site.

The Former Dungiven Sports Pavilion was placed into the D1 process on 2nd September 2020. The area to be sold is shown outlined in red in the map contained within the report, previously circulated, with a reserved right of way in favour of council coloured yellow.

A proposal was received from the Department of Education and Western Health and Social Care Trust to purchase the entirety of the site between them.

The Land and Property Sub Committee made the following recommendation to council on 6th January 2021, ratified by full council on 2nd February 2021 and passing call in on 9th February 2021:
Following consideration and discussion it was

*Proposed by Councillor McGurk
Seconded by Alderman Hillis and*

AGREED – *to recommend that the site is sold in its entirety via a single sale to one party or to joint parties acting together and not via multiple sales. Officers are authorised to accept offers no less than £230,000.*

The Department of Education and Western Health and Social Care Trust have agreed to purchase the site jointly via a single sale in the sum of £230,000. The parties will then sub divide the site as appropriate, after purchase from council.

Members were presented with a report attached at the Schedule to the report, previously circulated, regarding the maintenance of part of the roadway hatched purple, at the Land and Property Sub Committee meeting of 5th May 2021. Members recommended that:

*Proposed by Councillor McLean
Seconded by Councillor McGurk and*

AGREED – *to recommend that the site is sold in its entirety including the full road way and Council agrees to maintain that part of the road way which services the Council amenity site. The exact area and terms to be agreed by Council officers as part of the conveyancing process.*

The Department/ WHSCT has now confirmed that they wish council to contribute to maintain that part of the roadway shown yellow in the report, on a joint basis with the two purchasing parties, a suggested contribution being 33.3%, as this area is also used by Council and the public to access the Council amenity site.

Officers are in agreement Council should contribute to maintenance of this area, however exact terms are yet to be agreed, including a

possible amendment to councils' maintenance obligations over the area hatched purple.

The proposed agreement would be that Council would:

1. Maintain and insure the area hatched purple on a 100% basis
2. Agree to contribute to maintenance of the area shaded yellow on an equal basis with the Department and WHSCT (33.3%) the Department and WHSCT to deal with insurance.

It was AGREED – to recommend that Council grants authority to Council's Land and Property Solicitor to revert to the Department of Education and WHSCT on the proposed agreement terms:
Council maintain and insure the area hatched purple on the map shown on a 100% basis and;
Council agrees to contribute to maintenance of the area shaded yellow on an equal basis with the Department and WHSCT (33.3%) the Department and WHSCT to deal with insurance.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Beattie
Seconded by Alderman Hillis and

AGREED – that Sub-Committee move *'In Public'*.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 22:33.

Chair