

**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 5 JANUARY 2022**

No	Item	Summary of Key Recommendations
1.	Apologies	Alderman Fielding/Councillor McGurk
2.	Declarations of Interest	None
	'In Committee' Items 3 to 9 inclusive	
3.	Minutes of Previous Meeting held on 3 rd November 2021	Confirmed
4.	Requests for Use of Council Land	
4.1	117/21 Council Playing Field adjacent to Coleraine Enterprise Zone, Portstewart Road, Coleraine (District C Schools Athletics – Cross Country Race)	AGREED – to recommend that Council approve request from District C Schools Athletics (St Celilia's college) to use Council land (playing field) adjacent to Coleraine Enterprise zone for a cross country race
4.2	107/21 Area adjacent to Kerr Street beyond the junction to Eglinton Street/Mark Street, Portrush (RSPB – Membership Fundraise)	AGREED – to recommend that Council approve request from RSPB to use Council land at the area adjacent to Kerr Street beyond the junction to Eglinton St/Mark St, Portrush, for a membership fundraise
4.3	74/21 Portballintrae Village Hall Car Park (Portballintrae Community Development Group – discussion to install an art piece to reflect the 'Girona Gold Story' and the Spanish Armada of 1588 on a permanent basis)	AGREED – to recommend that decision be deferred to next meeting when the Coast and Countryside Officer will have met with the group.

4.4	47/21 A request from Causeway Coast Ford Fair to use Council land at West Bay, Portrush, grass area and car park for the 2022 annual static motor vehicle display on the 5th of June 2022.	<i>AGREED – to recommend that Council approve the request from Causeway Coast Ford Fair to use Council land at West Bay, Portrush, grass area and car park for the 2022 annual static vehicle display on the 5th June 2022 at no charge</i>
5.	Estate Agency Services Mini-Tender Framework Outcome	<i>AGREED - to recommend that Council approve the progression/implementation of the ‘Professional Estate Agency Services Mini-Tender Competition – 2021’ as detailed within this Report Item and appoint the relevant companies to which their placement within each of the ‘Service Areas’ applies.</i>
6.	Requests to Purchase/Dispose of Council Land/	<i>None</i>
7.	Leases and Licences	
7.1	Leases and Licences – Renewal of Commercial Leases - Quarterly Update	<i>Note</i>
8.	Legal Issues	
8.1	Council Title and First Registration – Quarterly Update	<i>Note</i>
9.	Correspondence	<i>None</i>

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD VIA VIDEO-CONFERENCE ON
WEDNESDAY 3 NOVEMBER 2021 AT 7.00PM**

Chair: Alderman Knight-McQuillan (R)

Present: Alderman Baird (R), Hillis (R)
Councillors Beattie (R), McLean (R) McShane C (R)

Officers Present: D McLaughlin, Land and Property Officer (R)
J Mills, Land and Property Solicitor (R)
J Richardson, Head of Capital Works Energy & Infrastructure (R)
W Hall, Asset Realisation Officer (R)
R Gillan, Coast and Countryside Manager (R)
I Owens, Committee & Member Services Officer (R)

Key (R) = Remote attendance

1. APOLOGIES

Apologies were recorded from Alderman Fielding and Councillor McGurk.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor C McShane
Seconded by Councillor Beattie and

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

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

**3. MINUTES OF LAND AND PROPERTY SUB COMMITTEE MEETING
HELD ON 3 NOVEMBER 2021**

Summary minute, previously circulated.

The minutes of the previous meeting held on 3rd November 2021 were confirmed as a correct record.

The Chair advised of a change in the order of business and that Agenda Item 5 would be considered next.

4. REQUESTS FOR USE OF COUNCIL LAND

Confidential report, previously circulated was presented by the Land and Property Officer.

Requests to Use Council Land

There were 3 new requests for the Sub-Committee to consider. The requests were summarised in the table below with further detail provided at Appendix 1 (previously circulated).

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

There was 1 repeat event for the Sub-Committee to consider. The report was attached at Appendix 2 (previously circulated).

There were 4 retrospective events for the Sub-Committee to note. The report was attached at Appendix 3 (previously circulated).

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

Recommendation

It is recommended that the requests listed at Appendices 1 and 2 (previously circulated) are considered and recommendation made.

Approvals

Ref	Date	Location	Detail	Officer Recommendation	
117/21	26 th Jan 2022 From 11.30am to 3.30pm approx.	Council Playing Field adjacent to Coleraine Enterprise Zone, Portstewart Road, Coleraine.	A request from District C Schools Athletics (St Cecilia's College) to use Council land (playing field) adjacent to Coleraine Enterprise zone for a cross country race.	For approval	AGREED – to recommend that Council approve request from District C Schools Athletics (St Cecilia's college) to use Council land (playing field) adjacent to Coleraine Enterprise zone for a cross country race
107/21	12 th February 2022	Area adjacent to Kerr Street beyond the junction to Eglinton Street/Mark Street, Portrush	A request from RSPB to use Council land at the area adjacent to Kerr Street beyond the junction to Eglinton Street/Mark Street, Portrush, for a membership fundraise.	For approval	AGREED – to recommend that Council approve request from RSPB to use Council land at the area adjacent to Kerr Street beyond the junction to Eglinton St/Mark St, Portrush, for a membership fundraiser
74/21	Permanent Art Piece – Installation April/May 2022	Portballintrae Village Hall Car Park	A request from the Portballintrae Community Development Group to use Council land at Portballintrae Village Hall Car Park to install an art piece to reflect the "Girona Gold Story" and the Spanish Armada of 1588	For discussion CP&R 23.11 2021 - <i>"to recommend that Council defer decision regarding the installation of the memorial until such time a presentation</i>	AGREED – to recommend that decision be deferred to next meeting when the Coast and Countryside Officer will have met with the group.

			on a permanent basis. Permanent memorial to “La Girona” and those who lost their lives on Board.	<i>from the Coast and Countryside Officers is received regarding the Environmental Improvement Scheme and that Council approve the use of the land for the cultural event.”</i>	
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Ref 74/21 - Permanent Art Piece – Installation April/May 2022

The Land and Property Officer advised Elected Members that this matter had been deferred from the 24 November 2021 Corporate Policy and Resources Committee meeting pending a presentation from Coast and Countryside Officer to the Land and Property Sub-Committee. Members were advised that Council does not currently have a Memorials Policy in place. The group has applied for planning permission which is still under consideration and an opinion has not been formed by the Planning department at this stage. The planning consultation process will highlight if the local community would be supportive of this application. An application for funding has been made by the group, with the success of the funding bid determining the detail of the structure. Images of the proposed installation options and location site were shared with members.

The Coast and Countryside Officer provided Members with information and images of an Environmental Improvement Scheme commissioned by the former Coleraine Borough Council in 2013/2014 which included a proposed viewing deck at this location. This area sees high levels of visitors and the proposed art piece would be considered relevant and appropriate to the area. The Coast and Countryside Officer advised members that any licence provided for this installation should include permitted rights of Council to undertake enhanced works as required and temporary removal of the art piece to an alternative location if necessary. As the location of the proposed art piece is very close to an Area of Scientific Interest (ASSI), compliance issues may be highlighted as part of the planning application process. It is the Coast and Countryside Officer’s intention to meet with the group to discuss the issues raised.

In response to a query from an Elected Member the Land and Property Solicitor explained that Council had permitted development rights to erect certain installations on their own property without planning permission. This type of

installation may not necessarily fall under the definition of a memorial and therefore, Council's memorials policy (when ratified).

Elected members felt that the image needed to be more explicit or include an information board to inform those not familiar with the history of the area as well as ensuring the installation was futureproofed and design style more fitting. The Coast and Countryside Officer advised he would discuss this further with the group and said that it was his wish for this to be expediated for the group to meet their planned date.

Proposed by Councillor C McShane
Seconded by Alderman Hillis and

AGREED: to recommend to Council that decision for request Ref No 74/21 be deferred to next meeting when the Coast and Countryside Officer will have met with the group.

Repeat Approvals

Reference	Detail of Request	
47/21	A request from Causeway Coast Ford Fair to use Council land at West Bay, Portrush, grass area and car park for the 2022 annual static motor vehicle display on the 5th of June 2022.	AGREED – to recommend that Council approve the request from Causeway Coast Ford Fair to use Council land at West Bay, Portrush, grass area and car park for the 2022 annual static vehicle display on the 5th June 202s at no charge

Ref 47/21 - A request from Causeway Coast Ford Fair to use Council land at West Bay, Portrush, grass area and car park for the 2022 annual static motor vehicle display on the 5th of June 2022.

The Land and Property Officer advised that this was the 15th year of the planned event and historically Council had not levied a charge. The Officer further advised that the organisers had confirmed that this was a 'not for profit' event and any monies received were re-invested into the event organisation.

In terms of officer consultation, the Car Parks Manager had advised that the car park was free and one of high occupancy and stipulated that weights be provided for trading stalls with no holes made on surface of car park.

This event is supported by Council's Events team by organising the food trading pitches and the revenue generated would be invested back into the event for Estates and Operations manpower and equipment in post event clean-up.

The Coast and Countryside Officer advised that this was a popular event and had no issues of concern but confirmed that access for RNLI and emergency services and the protection of grassed areas was essential.

Elected members welcomed the application and agreed that this was a popular free event which brought large crowds to the area and with no cost to the ratepayer.

It is recommended that Council approve request Ref No 47/21 from Causeway Coast Ford Fair to use Council land at the car park and adjacent grassed area at West Bay, Portrush for the 2022 annual static motor vehicle display on 5th June 2022 at no charge.

Proposed by Alderman Hillis
 Seconded by Alderman Baird and

AGREED – to recommend that Council approve request Ref No 47/21 from Causeway Coast Ford Fair to use Council land at the car park and adjacent grassed area at West Bay, Portrush for the 2022 annual static motor vehicle display on 5th June 2022 at no charge

* **The Coast and Countryside Officer left the meeting at 7.48 pm**

The Land Property Officer referred Elected Members to the retrospective applications which she advised were for noting.

It is recommended that the requests at Appendix 3 (previously circulated) are noted.

Retrospective Approvals

Reference	Detail of Request		
115/21	A request from the Wave Project to use Council land at East Strand Beach, Portrush, for the 2021 Charity Fundraiser Santa Surf on the 11th of December 2021.	Retrospective - For Noting	AGREED – to recommend that Council note the request.
113/21	A request from Santa Splash 2021 to use Council land at East Strand, Portrush, for the 2021 Charity swim/dip on the 19th of December 2021.	Retrospective - For Noting	AGREED – to recommend that Council note the request.
114/21	A request from Portstewart Community Association to use Council land at the Atlantic Circle and the Crescent, Portstewart, for the Festival of Light Lantern	Retrospective - For Noting	AGREED – to recommend that Council note the request.

	Walk and Christmas Carols on the 22nd of December 2021.		
116/21	A request from Frank Films to use Council land at Ballycastle Harbour to film as part of their series "All at Sea" on the 16th and 20th of December 2021.	Retrospective - For Noting	AGREED – to recommend that Council note the request.

5. ESTATE AGENCY SERVICES MINI-TENDER FRAMEWORK OUTCOME

Confidential report, previously circulated was presented by the Assets Realisation Officer.

Purpose of Report

The purpose of this Report Item was for Members to review, consider and approve the assembly and progression of the '*Estate Agency Services Mini-Tender competition – 2021*', in accordance with the details provided therein.

Background

The requirement for an external professional estate agency service framework call off to assist Council in the delivery of a continued quality professional service to our customers, is an essential business and audit necessity.

Professional delivery of the below key aspects is included within the framework -

- Rent Review & Lease Renewals
- Land & Property Valuations
- Disposal / Sales
- Expert Witness
- Tendered Lease opportunities
- General Estate Agency advice service, (ad hoc)

Asset Realisation produced competitive tender documents, with same subsequently procured in accordance with Councils Procurement Guidelines, (threshold; - £10,001.00 to £30,000.00).

The Framework as produced by the Infrastructure Department, will:

- Provide Value for Money, (VFM).
- Provide a timely service provision to high standards of quality and audit scrutiny.
- Covers all areas of the Borough.
- A defined and structured '*Scope of Service*' has been provided for each Professional Service 'LOT', with Key Performance Indicators (KPIs).

In carrying out the tender competition, 40+ companies were e-mailed the tender documents relating to this competition on October 19th, 2021, with a return date and time of November 5th, 2021 12 noon being implemented.

The e-mail listing of the companies invited to participate was contained at Appendix B of the report (previously circulated)

Details of the 4 companies who returned tender submissions were provided to the Sub- Committee.

Following an initial general review of tender submissions in respect of compliance, 2 of the companies submitted the incorrect Stage 2, (commercial submission document), and therefore, their tender submissions as a whole were rejected for consideration due to non-compliance and a comparable assessment could not take place.

The remaining 2 companies proceeded to have their tender submissions considered and analysed. The output of the tender analysis is as contained within Appendix A (previously circulated) of the report, which includes the various 'Service Areas' and the most economical, advantageous tender for same.

Please note, this tender competition was based upon 100% Commercial submission, (Stage 2), with the Stage 1, (pre-qualification), based upon Pass/Fail.

The framework call-off is based upon the most economically advantageous tender applicable to each value scale, and where applicable, the cheapest under a lump sum price submission, which gives Council control to achieve value for money, a key aspect of the new framework is time sheet submissions for comparison and VFM cross referencing.

It is important that the framework is controlled by a single designated department, so logging of appointments and expenditure can be tracked for audit purposes. As such, it has been agreed that the Asset Realisation division of the Department for Capital Works, Energy & Infrastructure is the designated controller.

A budget/expenditure threshold of £30,000 (excl. VAT) will apply to this call-off framework.

The Assets Realisation Officer advised Elected Members that this was a critical external service required to deliver on core services for Council and summarised the key elements of the service provision and the procurement process followed. The Assets Realisation Officer advised that this service would prove to be value for money and stand up to audit scrutiny and would cover all areas of Causeway Coast and Glens Borough Council.

At the request of Elected Members, the Assets Realisation Officer explained the percentage thresholds in terms of allocation to winning tenders and confirmed that management of this contract would be under his scrutiny.

Alderman Baird asked for clarity on mechanisms in place to ensure a satisfactory service and sanctions which could be put in place should this not be the case. The Assets Realisation Officer advised that there was an option to terminate without notice and that Key Performance Indicator's (KPIs) would capture deliverability issues and address service improvements if required.

Recommendation

It is recommended that Members approve the progression/implementation of the '*Professional Estate Agency Services Mini-Tender Competition – 2021*' as detailed within this Report Item and appoint the relevant companies to which their placement within each of the '*Service Areas*' applies.

Proposed by Alderman Baird
Seconded by Councillor McLean and

AGREED – to recommend that Council approve the progression/implementation of the '*Professional Estate Agency Services Mini-Tender Competition – 2021*' as detailed within this Report Item and appoint the relevant companies to which their placement within each of the '*Service Areas*' applies.

6. REQUESTS TO PURCHASE/DISPOSE OF COUNCIL LAND/PROPERTY

There were no requests to Purchase/Dispose of Council Land/Property.

7. LEASES/LICENCES

7.1 LEASES AND LICENCES – RENEWAL OF COMMERCIAL LEASES – QUARTERLY UPDATE

Confidential report, previously circulated, was presented by the Land and Property Officer.

Purpose of Report

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

Background

In June 2021 the Sub-Committee was advised that the Land and Property section had commenced a review of all outstanding leases renewals and

rent reviews.

An update was brought to the Land & Property Sub-Committee in September 2021 and it was agreed that a further quarterly update would be brought back to the Sub Committee in January 2022.

Proposals

As previously advised, Land and Property records show that Council has 57 commercial leases, 40 of which have been prioritised under the first tranche of reviews/renewals. These leases have been prioritised based on the rental values.

Council has 17 other commercial leases which have a nominal or a peppercorn rent and these will be dealt with in the second tranche of reviews/renewals

Work is progressing to review the 40 commercial leases due or overdue for renewal and in accordance with the Land & Property Policy, Council has/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 which has recently been retendered and managed by the Asset Realisation Team.

A table detailing the 40 commercial leases currently under review was attached to the report at Appendix A (previously circulated) for reference and is summarised below:

- 4 leases renewed/reviewed late 2020
- 5 leases renewed 2021
- 16 leases have been given to a valuer to carry out a valuation and commence the renewal negotiations
- 6 leases awaiting an instruction to the valuer to commence negotiations
- 3 leases - rent reviews not yet due
- 2 leases yet to be reviewed
- 2 new leases agreed for previous vacant properties
- 1 vacant property being used by Council
- 1 vacant property – Report to be brought to Council in Feb 2022 regarding future use

A further quarterly update will be brought to the Land & Property Sub-Committee in March 2022.

Members referred to the timescales involved in reviewing rent increases and differing costs of rent for tenants across Causeway Coast and Glens Borough Council. The Land and Property Officer explained that all lease renewals were carried out by an independent professional valuer and must be renewed at market value. Depending on the location within the borough the cost of rent could differ, however tenants have the option to negotiate the lease renewal themselves or appoint an agent to negotiate

on their behalf. The Land and Property Solicitor advised of tenancy rights and the legislative position which had to be considered when agreeing tenancies.

The Assets Realisation Officer advised that in conjunction with the Head of Performance a report would be brought to a future meeting of the Land and Property Sub-Committee in relation to the vacant property at Bayview Road, Ballycastle. He advised that a further workshop with elected members may be required to further discuss options around the Estates Strategy and the asset realisation and any proposed leases/licences for this building.

Alderman Baird suggested that consideration be given to quality of provision demonstrated by leasees when considering tenancies and that goodwill should be fostered as a priority.

Recommendation

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

8. LEGAL ISSUES

8.1 COUNCIL TITLE AND FIRST REGISTRATION – QUARTERLY UPDATE

Confidential report, previously circulated, was presented by the Land and Property Solicitor.

Purpose of Report

To provide Sub-Committee with Council Title and First Registration update following the initial report presented to Committee on 5th May 2021, quarterly update on 1st September (Appendix 2), and the up-to-date position as of December 2021 (Appendix 3).

Background – Title and First Registration

Members were informed at the May 2021 meeting of correspondence received from the Northern Ireland Audit Office (NIAO), regarding the inclusion of assets where title was not proven.

An internal review of title and registration was carried out, using the Fixed Asset schedule as stated within the report as of 31st March 2020).

Members were provided with the Title and Registration position as of 8th April 2021 (Appendix 1) (previously circulated)

In terms of *title*, 89.83% of title was confirmed, with 10.17% unconfirmed of the unconfirmed title, this includes - Transfer of Car Parks from DFI accounts for 5.53%, with Council Land/Buildings 2.93% Partial Title 1.69%

with 0.02% "Other". Financial information provided with in the report (previously circulated).

In terms of *Registration*, 52.75% of Land is registered, with 47.25% unregistered. This is split 90% Council Land and 10% Transfer of DFI Car Parks.

A draft plan was prepared in terms of Registration, prioritising highest value land first, and progressing on a Phased basis.

The second quarterly update was provided to Members in September 2021 (Appendix 2) (previously circulated)

Quarterly Progress Report as of December 2021

The Quarterly Progress Report as of December 2021, is attached in Appendix 2, previously circulated. Significant progress has been made in terms of both title and registration.

In terms of *Title*, 92.32% of title was confirmed, with 7.68% unconfirmed. Of the unconfirmed title, this includes: - Transfer of Car Parks from DFI accounts for 4.17%, with Council Land/Buildings 1.82% and Partial Title. Financial information provided with in the report (previously circulated).

In terms of *Registration*, 69.41% of Land is registered, with 30.59% unregistered. This is split 86% Council Land and 14% Transfer of DFI Car Parks. This figure represents significant progress in first registration with over £33 million being registered since April 2021, representing 38% of the list in the plan of priorities, and covering 31 assets in total.

The Land and Property Solicitor summarised some of the issues faced when determining title of buildings/property including matters ongoing since before the inception of Causeway Coast and Glens Borough Council.

He continued by explaining the statistics provided on the progression of Council Title and First Registration and gave elected members an insight into the process, a summary of which will be provided to elected members following the meeting.

Recommendation

It is recommended that Council note the Quarterly Progress Report as at December 2021 and associated Appendices.

9. CORRESPONDENCE

There were no items of correspondence.

MOTION TO PROCEED 'IN PUBLIC'

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

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 9.10pm.

Chair