



**LAND AND PROPERTY SUB-COMMITTEE MEETING  
WEDNESDAY 4 NOVEMBER 2020**

<b>No</b>	<b>Item</b>	<b>Summary of Key Recommendations</b>
1.	Apologies	<i>Councillor C McShane</i>
2.	Declarations of Interest	<i>None</i>
3.	Minutes of Previous Meeting held on 7 October 2020	<i>Confirmed</i>
4.	Portstewart, The Crescent Building - Request Permission to Seek Expressions of Interest	<i>Approve</i>
5.	Portstewart Town Hall	<i>Further information requested to inform consideration and bring back to Sub-Committee</i>
6.	Armoy, Lime Park Playing Fields	<i>Progress community consultation and asset realisation options and bring back to Sub-Committee</i>
7.	Requests for Use of Council Land	<i>Approved including additional and amended requests and charging</i>
8.	Legal Issues Rathlin Community Centre	<i>Council proceeds and enter into a Boundary Agreement with Apex Housing Association, at nil consideration to formalise title.</i>

<b>9.</b>	Schedule of Land and Property Sub-Committee Meetings 2020	<i>Approve</i>
<b>10.</b>	Land and Property Asset Management and Associated Resourcing	<i>Approve permanent establishment of Land and Property Solicitor and Business Support Assistant post</i>

**MINUTES OF THE MEETING OF THE  
LAND AND PROPERTY SUB-COMMITTEE MEETING  
HELD VIA VIDEO-CONFERENCE ON  
WEDNESDAY 4 NOVEMBER 2021**

- Chair** : Councillor Knight-McQuillan (R)
- Present** : Alderman Baird (R), Fielding (R), Hillis (R)  
Councillors Beattie (R), McGurk (R), McLean (R)
- Officers Present** : M Quinn, Director of Corporate Services (R)  
P Donaghy, Democratic Services Manager (R)  
J Mills, Land and Property Solicitor (R)  
E Hudson Senior Planning Officer (R)  
W McCullough, Head of Sport and Well-Being (R)  
J Richardson, Head of Capital Works (R)  
E Moffat, Land and Property Business Support  
Assistant (R)

**Key**

(R) = Remotely in attendance

**1. APOLOGIES**

Councillor C McShane.

**2. DECLARATIONS OF INTEREST**

None recorded.

**MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Alderman Baird  
Seconded by Councillor McGurk and

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

**AGREED** - to change the order of business to take Item 5 Land and Property Resourcing as the last item of business.

**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 PREVIOUS MEETING HELD ON 7 OCTOBER 2020**

The minutes of the previous meeting held on 7<sup>th</sup> October 2020 were confirmed as a correct record.

**4. PORTSTEWART, THE CRESCENT BUILDING – REQUEST PERMISSION TO SEEK EXPRESSIONS OF INTEREST**

The Head of Capital Works presented the confidential report, previously circulated.

As part of asset efficiency and realisation, the vacant Crescent building/cafe adjacent to Portstewart Prom has been identified for re-letting. The Infrastructure team has met with the Leisure and Development team and verified the availability of the asset to let, subject to providing a shelter for leisure staff who will manage the wider Crescent site (play areas, paddling pool and fountain area.

The toilets at the location shall remain available for general public use, (one cubical can be partitioned off to be integral with the café).

The lease will ensure that the flooding nature of the building is identified and that any fixtures and fittings will be at the risk of the future tenant.

**It is recommended** that Members grant approval to seek expressions of interest for this asset. Note the expression of interest conclusions shall be brought back to the Sub-Committee Members for consideration.

Following debate during which the Head of Service responded to Members' questions relating to the estimated rental income, further assurances on the flood risk and insurance liability, the condition of the building and confirmation that the toilets including the disabled toilet and baby changing facility would remain open for public use it was

Proposed by Alderman Hillis  
Seconded by Councillor Beattie and

**AGREED** to recommend that Members grant approval to seek expressions of interest for this asset and note the expression of interest conclusions shall be brought back to the Sub-Committee Members for consideration.

## 5. PORTSTEWART TOWN HALL

PART OF THE CONTENT IS RESTRICTED UNDER SCHEDULE 6 OF NI LOCAL GOVERNMENT ACT 2014 PART 2

The Democratic and Central Services Manager presented the confidential report, previously circulated. She advised Members that the purpose of the report was to present information in relation to Portstewart Town Hall (the Town Hall) so that the Sub-Committee may make recommendation on the future of Portstewart Town Hall.

The report circulated detailed the synopsis of events in relation to Portstewart Town Hall from 2012 to present. Members were reminded that the Town Hall remains closed due to the structural defects which are deemed to be a risk to public safety.

Council's Land and Property Solicitor provided Members with a summary of the legal matters in relation to the Town Hall which had commenced in early 2019. He advised Members of the decisions which would be required to be taken by Council.

**It is recommended** that Council considers the information presented and recommend a direction of travel in relation to Portstewart Town Hall.

During the ensuing lengthy debate Members raised a number of issues which were responded to by Council's Solicitor, the Planning Officer and the Head of Capital Works.

Following debate it was

Proposed by Councillor McGurk  
Seconded by Councillor McLean and

**AGREED** to recommend that [REDACTED]  
[REDACTED]  
[REDACTED] to inform Council's consideration of the decision required.

## 6. LIMEPARK PLAYING FIELDS, ARMOY

The Democratic and Central Services Manager presented the report, previously circulated, which provided the Sub-Committee with an update in relation to Council's land at Lime Park Playing Fields, Armoey.

She reminded Members that previously the Sub-Committee had considered a request from Armoey Community Association to lease land at Lime Park Playing Fields, Armoey (02/20/P). The Sub-Committee was also informed of an expression of interest to use the site from Causeway Giants' American Football Club and of an expression of interest to purchase the site in purchasing the site (03/20/P).

She further advised that since the Sub-Committee's last meeting the Council had declared the land surplus and has also agreed that the future use of the site should be referred to the Land and Property Sub-Committee, and that the Leisure and Development Directorate should carry out consultation with the local community and that Council's Asset Realisation Team should explore options for asset realisation for consideration.

It is recommended that the content of the report is noted.

During the debate that followed Members raised a number of issues relating to the current planning permission for the site which is due to expire in December 2020, the requests from community and sporting organisations to use the site and the request to purchase the site. Members agreed that it would not be feasible for Council to seek to extend or to make a material start to preserve the current planning permission on the site.

Following the debate it was

**AGREED** to recommend that the content of the report is noted and that community consultation and asset realisation options for consideration are progressed and a further report brought to the Land and Property Sub-Committee.

## 7. REQUESTS FOR USE OF COUNCIL LAND

### Requests to Use Council Land

The Democratic and Central Services presented the report, previously circulated.

She advised Members that since the report had been issued one additional request had been received from the Education Authority (Ref 65/20) which the Head of Sport and Well Being would provide information on later in the meeting and an amendment had been made to a retrospective request 60/20 which was now included with the new requests a total of 5 new requests to consider.

There are 2 rescheduled events for the Sub-Committee to consider. The report is attached at Appendix 4.

There are 3 retrospective events for the Sub-Committee to note. The report is attached at Appendix 3.

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

- Right of way issues
- Setting precedent
- Impact on Council's strategy
- Valuation
- Long term impact on Council's asset
- Legal implications
- Health and Safety, Insurance, Risk Assessments and Event Management Plan

It is recommended that the requests listed at Appendices 1 and 4 are considered and recommendation made.

It is recommended that the requests at Appendix 3 are noted.

The Head of Sport and Well Being presented information in relation to the new request added since the report had been issued.

She advised Members that a request had been received from the Education Authority to use Council land for temporary parking at Castle Street Carpark, Ballycastle, during the construction programme for the Shared Campus project from September 2021 to June 2024.

Members sought reassurance that the proposed use of Council's car park during the period would not adversely impact members of the public using

the car park to visit shops and businesses in the vicinity. The Head of Sport and Well Being advised that consultation would be carried out with the local Chamber of Commerce to ensure that the car park remained available for the public.

Proposed by Councillor McLean  
Seconded by Alderman Hillis and

**AGREED** to recommend that the requests at Appendix 1 including the additional requests 65/20 and 60/20 are approved.  
Further recommended that in relation to 65/20 a condition of approval is satisfactory consultation with the Chamber of Commerce and other users if required to ensure no impact on members of the public using the car park to access local businesses.  
Further recommended that the appropriate charges are made in relation to 60/20 and 63/20.

## 8. RATHLIN ISLAND COMMUNITY CENTRE

The Land and Property Solicitor presented a legal report, previously circulated, to inform members of boundary issues at Rathlin Island Community Centre, Rathlin Island, County Antrim.

Referring to the content of the report and the images provided he explained the issues and the proposed action to formalise the boundaries. It is proposed that council enter into a boundary agreement with Apex Housing Association to map the area shaded yellow on the map presented into Apex Title, in exchange for the area shaded on the map presented into Council's title. This boundary agreement would be for nil consideration.

**It is recommended** that the Land and Property Sub Committee recommends to Council to proceed and enter into a Boundary Agreement with Apex Housing Association, at nil consideration to formalise title.

Proposed by Alderman Baird  
Seconded by Councillor Beattie and

**AGREED** to recommend that Council proceeds and enter into a Boundary Agreement with Apex Housing Association, at nil consideration to formalise title.



## 9. SCHEDULE OF LAND AND PROPERTY SUB-COMMITTEE MEETINGS 2020

The Chair advised Members that the purpose of the report is to present the Schedule of Land and Property Sub-Committee Meetings, January 2021 -December 2021 for Council decision.

The day and frequency of the Land and Property Sub-Committee meetings each month previously agreed, is presented as follows:

- 1<sup>st</sup> Wednesday of the month at 7pm.

Following the adoption of the Timetable of Council and Committee Meetings January 2021 – December 2021 at its Council meeting held 6 October 2020, the proposed Timetable of Land and Property Sub-Committee Meetings 2021 has been presented taking into account a July recess and key public holiday periods.

Rescheduled meeting dates have been presented for Council decision, where appropriate.

- Wednesday 6<sup>th</sup> January 2021 at 7pm
- Wednesday 3<sup>rd</sup> February 2021 at 7pm
- Wednesday 3<sup>rd</sup> March 2021 at 7pm
- Wednesday 14<sup>th</sup> April 2021 at 7pm *a week later*
- Wednesday 5<sup>th</sup> May 2021 at 7pm
- Wednesday 2<sup>nd</sup> June 2021 at 7pm
- July 2021 – No meeting *Recess*
- Wednesday 4<sup>th</sup> August 2021 at 7pm
- Wednesday 1<sup>st</sup> September 2021 at 7pm
- Wednesday 6<sup>th</sup> October 2021 at 7pm
- Wednesday 3<sup>rd</sup> November 2021 at 7pm
- December 2021 – No meeting (*no scheduled Corporate Policy & Resources Committee*)

**It is recommended** that Council approve the Land and Property Sub-Committee meeting dates January 2021 to December 2021 inclusive.

Proposed by Alderman Fielding  
Seconded by Councillor McLean and

**AGREED** to recommend that Council approve the Land and Property Sub-Committee meeting dates January 2021 to December 2021 inclusive.

\*The Land and Property Solicitor, Land and Property Business Support Assistant, Planning Officer, Head of Sport and Well Being and Head of Capital Works left the meeting.

## **10. LAND AND PROPERTY ASSET MANAGEMENT AND ASSOCIATED RESOURCING**

The Director of Corporate Services presented the report, previously circulated. She advised Members that the purpose of this report is to review the resourcing arrangements for Council's Land and Property section which were previously agreed by Council in November 2018 on a two year fixed term basis. She advised that as preparation of estimates for 2021/22 had commenced and in light of the fixed term period coming to an end in early 2021 the matter was coming before the Sub-Committee for consideration.

Responsibility for the governance arrangements regarding Council's Land and Property function sits within Democratic and Central Services. Council established the Land and Property Sub-Committee in February 2017.

In November 2018 Council approved the recruitment of a Land and Property Solicitor to deal with Compulsory 1<sup>st</sup> Registration as a matter of priority, for an initial period of 2 years, to be reviewed. The Land and Property Solicitor also deals with Asset Management issues such as Encroachment cases, ownership disputes, Drafting and renewing of Leases/Licenses/Wayleaves and other Land and Property agreements (new and renewals), and Acquisitions and Disposals.

Council also approved the recruitment of a Land and Property Business Support Assistant for an initial period of 2 years, to be reviewed to provide administration support for the Land and Property function.

Both posts remain essential for the provision of the Council's Land and Property function. The posts have enabled Council to proceed with a programme of 1<sup>st</sup> Registration of land, commence the review of Council's commercial leases, proceed with disposals and deal with a number of longstanding land and property matters. Additionally, requests to use Council land have been streamlined and governance arrangements put in place to deal with these requests.

The Land and Property section will continue to deal with a wide range of land and property matters and the resources currently in place are at the minimum level to deal with the workload. At present there are at least 80

land and property legal files open and a number of other matters ongoing including the completion of the transfer of car parks from the Department of Infrastructure to Council. Council continues to receive requests each month to use its land and a number of queries in relation to Council's large portfolio of land. The Land and Property Sub-Committee meets monthly and there will be an ongoing requirement to provide the secretariat to this committee. The total staffing cost to Council per annum to establish the two posts is £74,397.84 (inclusive of employer's costs).

It is recommended that Council approves the permanent establishment of the posts of Land and Property Solicitor and Land and Property Business Support Assistant.

Members of the Sub-Committee were unanimous in their praise for the Land and Property Team and recognised the ongoing requirement for the posts.

Proposed by Councillor McGurk  
Seconded by Alderman Hillis and

**AGREED** to recommend that Council approves the permanent establishment of the posts of Land and Property Solicitor and Land and Property Business Support Assistant.

Proposed by Councillor McGurk  
Seconded by Alderman Hillis and

**AGREED** to move out of committee.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 10.03pm.

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Chair