

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 6 JUNE 2018 AT 7:00 PM**

- Chair** : Councillor Knight-McQuillan (Chair)
- Present** : Alderman Hillis, Councillors Duddy, Baird,
McLaughlin and Quigley.
- Officers Present** : M Quinn, Director of Corporate Services
E Hudson, Senior Planning Officer
D Hunter, Council Solicitor
D McLaughlin, Land & Property Officer
- Non Sub-Committee
Members Present** Councillor McShane P

SUBSTITUTION

Councillor Duddy replaced Councillor Fielding for the transaction of business.

1. APOLOGIES

Apologies were recorded for Councillor McShane.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Quigley
Seconded by Councillor Baird and

AGREED - that Sub-Committee proceed to conduct the following business 'In Committee'.

3. REQUESTS FOR USE OF COUNCIL LAND

The Director of Corporate Services presented a confidential report previously circulated on requests for use of Council land.

The following factors were 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 Plans

There are 6 requests for the Sub-Committee to consider. The requests are summarised in the table below with further detail on each request provided at Appendix 1.

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

There are 5 repeat and 10 retrospective events for the Sub Committee to note. The reports are attached at Appendix 2 and 3 of the report.

It is recommended - that the requests listed at Appendix 1 are considered and recommendation made.

It is recommended - that the requests at Appendix 2 and 3 are noted.

It was pointed out that for application Ref 133/18 (Appendix 1) Installation of Visitor Counters at State Care Monuments - that approval was 'in principle only' pending confirmation of Council ownership of requested sites. If agreed Council would like access to the information gathered from the visitor counters.

Proposed by Councillor Duddy
Seconded by Councillor McLaughlin and

AGREED - to recommend that Council approve in principle the requests listed at Appendix 1 of the report

The requests set out in Appendix 2 and 3 of the report were **NOTED** with the exception of the following:

- Ref:112/18 – Request to use Council Land at East Strand for Car Parking during marathon event on 11 August 2018.

The following issues were raised during discussion:

- requirement to accommodate pipe band championship
- conditions attached to agreement regarding builders compound at recreation grounds
- carpark capacity and knock on effect

AGREED – to defer consideration of the request to the June 2018 Corporate Policy and Resources Committee.

- Ref:78/18 – Request to use Council Land for filming Disney Movie. This application was agreed by Council in April 2018. The Company has submitted request for 3 additional dates for filming and an appropriate fee has been agreed.

Proposed by Councillor Duddy
Seconded by Councillor Hillis and

AGREED – to recommend that Council approve the request for 3 additional dates for filming.

The Director of Corporate Services advised that on investigation, no application had been submitted with regard to an event being held in Portballintrae on 21 July 2018.

It was **AGREED** that on submission, the application would be subject to normal process and taken to the August 2018 Land & Property Sub-Committee meeting for retrospective approval.

4. LEASES/LICENCES

4.1 Shop Unit at South Pier, Portrush

The Sub-Committee received a report, previously circulated in relation to the shop unit at the South Pier, Portrush.

The tenant has requested Council consider a variation to the lease. The tenant approached Council requesting permission, 'in principle', to commence the application process to the courts to amend the lease to include the serving of alcohol along with food purchases.

The tenant has advised Council he will be applying for a Liquor Licence through the Petty Sessions Court and will be responsible for all associated legal costs.

The tenant has also requested that they develop and present reconfiguration proposals for the premises to allow better use of internal and external spaces. These proposals will be brought to the Land and Property Sub Committee at a later stage for consideration.

It is recommended - that the Council consider the request and permit the tenant, 'in principle', to commence the application process through the Petty Sessions Court to obtain a Liquor Licence.

In addition, it is recommended - that subject to the successful application for the Licence and all Council's legal costs being discharged by the tenant, authority is granted to vary the lease to permit the sale of alcohol, and the lease valuation is updated accordingly.

Proposed by Councillor Duddy
Seconded by Councillor Quigley

Amendment – to recommend to Council that the request be brought back to Land and Property Sub-Committee with additional information on reconfiguration proposals, internal/external seating capacity within the premises and 2 valuations.

Council Solicitor advised that 6 months' notice must be given to the tenant if a rent review was to be carried out.

In response to concern expressed at backlog of lease renewals and rent reviews, the Director of Corporate Services advised that a report on resources for the Land and Property section would be presented to the Land and Property Sub-Committee in August 2018.

4.2 Ref 04/18P - Armoy Playing Fields, Lime Park, Ballymoney – Termination of Lease

Moyle District Council agreed a 25 year lease in 1999 to the Trustees of Armoy Rugby Club for the Armoy Playing Fields at a peppercorn rent. The lease is due to end in 2024.

Armoy Rugby Football Club (ARFC) wrote to Council on 22 March 2018 advising they wished to terminate the lease on 31 July 2018.

The lease contains provision at Clause 2.10 “To Yield Up”

“At the end or sooner determination of the said term hereby granted peaceably deliver up the said lands and all erections and buildings thereon to the Landlord.”

It is recommended - that Council note the request from Armoy Rugby Football Club to terminate the lease for the Armoy Playing Fields from 31 July 2018.

Proposed by Councillor Baird
Seconded by Councillor Duddy and

AGREED – to recommend that Council note the request from Armoy Rugby Football Club to terminated the lease the lease for the Armoy Playing Fields from 31 July 2018.

4.3 Ref 06/18P - Coleraine, Millburn Community Playgroup – Amendment to Lease – Use of Additional Area for Play Area

Coleraine Borough Council agreed a 22 year lease with Millburn Community Pre-School Playgroup Limited on 23 August 2011 for premises within Millburn Community Centre, Linden Avenue, Coleraine.

The lease permits the use of the premises for the purposes of a playgroup, early years and family support activities.

Millburn Community Playgroup has submitted a request to Council to amend the current lease to include an additional area measuring approximately 9.285m by 11.940m which they require for use as an outdoor play area comprising of a garden and outdoor learning space. The area will be self- contained and solely for the use of the playgroup who will be responsible for the insurance, all ongoing maintenance and future repairs of the play area and the equipment contained within that area.

Consultation has taken place with Council officers and no objections have been raised. The Estates team has assisted in drawing up the plans for the additional outdoor play area and Approval of Planning Permission was granted in August 2017.

Council is being asked to amend the lease to include the additional outdoor area required by the play group.

It is recommended - that approval is granted to amend the lease to include the additional area measuring approximately 9.285m by 11.940m required by Millburn Community Pre-school Playgroup Ltd for the proposed outdoor play area for the remaining term of the lease and that the playgroup who will be responsible for the insurance, all ongoing maintenance and future repairs of the play area and the equipment contained within that area.

Proposed by Councillor Duddy
Seconded by Councillor Quigley and

AGREED – to recommend to Council that approval is granted to amend the lease to include the additional area measuring approximately 9.285m by 11.940m required by Millburn Community Pre-school Playgroup Ltd for the proposed outdoor play area for the remaining term of the lease and that the playgroup who will be responsible for the insurance, all ongoing maintenance and future repairs of the play area and the equipment contained within that area.

4.4 Benone, Benone Bistro – Catering Agreement

Council entered into an Agreement for the provision of a catering operation at Benone Bistro, 53 Benone Avenue, Limavady on 1 July 2016 for a 3 year period. The Council was notified in February 2018 that the caterer intended to terminate the agreement effective from 26 May 2018 and a new caterer had accepted immediate occupation for fixed term of 9 months with an option to review.

It is recommended that Council grant approval of the Agreement for the provision of a catering operation at Benone Bistro, 53 Benone Avenue, Limavady for a fixed term of 9 months with an option to renew for a further 9 months commencing on 3 May 2018.

Proposed by Councillor Baird
Seconded by Councillor McLaughlin and

AGREED – to recommend that Council grant approval of the Agreement for the provision of a catering operation at Benone Bistro, 53 Benone Avenue, Limavady for a fixed term of 9 months with an option to renew for a further 9 months commencing on 3 May 2018.

Concerns were raised around retrospectively approving renewal of the lease without being presented to the Land and Property Sub-Committee in the first instance, along with concerns about the frequent turnover of tenants over the past number of years.

NOTED.

4.5 Ref 05/18P - Coleraine, Coleraine Leisure Centre, Railway Road – Northern Ireland Electricity (NIE) Networks - Replacement of NI Networks Substation Kiosk

The former Coleraine Borough Council granted the Electricity Board for Northern Ireland a 42 year lease on 7 December 1966 for an electricity substation on Council land off Railway Road at Coleraine Leisure Centre, Coleraine. The substation continues in use to the present day.

NIE Networks propose to replace the existing brick built substation with a new kiosk sub-station area of approximately 4.5m x 4.5m.

A potential location has been identified to the front of the existing brick building.

A draft lease for a period of 999 years at a yearly peppercorn rent (if demanded) has been submitted by NIE Networks to Council for consideration. NIE Networks will be obtaining a valuation for this lease.

NIE Networks propose to demolish the existing brick built building following the erection of the proposed kiosk substation on Council land at the rear of Coleraine Leisure Centre, Coleraine.

Members were advised of consultation comments regarding 'lift and shift' clause to allow flexibility for future Leisure Service requirements, the contamination risk assessment and planning issues.

It is recommended - that approval is granted for a 999 year lease for the proposed kiosk substation site that covers an area of approximately 4.5m x 4.5m on Council land at the Coleraine

Leisure Centre site, Coleraine, “in principle” subject to the concerns above being addressed.

The Senior Planning Officer advised that the proposed site was in an area of archaeological interest and NIE may not have permitted development rights. NIE would need to check this with Historic Environment Division.

Proposed by Councillor Quigley
Seconded by Councillor Duddy and

AGREED – to recommend to Council that approval is granted for a 999 year lease for the proposed kiosk substation site that covers an area of approximately 4.5m x 4.5m on Council land at the Coleraine Leisure Centre site, Coleraine, “in principle” subject to the comments above being addressed.

4.6. Ref 01/18 NIE - Ballycastle, Quay Road – Northern Ireland Electricity (NIE) Wayleave Agreement No 695840

NIE Networks have submitted Wayleave Agreement No 695840 for a proposed underground cable on Council land at Quay Road, Ballycastle for approval.

NIE Networks propose to lay a new section of low voltage underground cable as part of substation replacement works which will enhance the surrounding electricity network in Ballycastle.

Consultation with Council officers has taken place and no issues were raised.

It is recommended - that Council approve Northern Ireland Electricity (NIE) Networks Wayleave Agreement No 695840 for a proposed underground cable on Council land at Quay Road, Ballycastle.

The Senior Planning Officer advised that the proposed site was in an area of archaeological interest and NIE may not have permitted development rights. NIE would need to check this with Historic Environment Division.

It was agreed that NIE would be asked to consider a ‘Lift and Shift’ clause in the event of any future development of the site by Council.

Proposed by Councillor Duddy
Seconded by Councillor McLaughlin and

AGREED – to recommend that Council approve Northern Ireland Electricity (NIE) Networks Wayleave Agreement No 695840 for a proposed underground cable on Council land at Quay Road, Ballycastle and to include consideration of lift and shift clause.

4.7 Loughguile, Corkey Reservoir Road – Grant of Easement/Right of Way – Northern Ireland Housing Executive (NIHE) to Causeway Coast and Glens Borough Council - For information only

Council own and maintain a playpark at Reservoir Road, Corkey, Loughguile. Map details Council's ownership of the playpark and surrounding land.

Council require access across a Northern Ireland Housing Executive (NIHE) footpath at the end of the cul-de-sac at Reservoir Road, Corkey, Loughguile to carry out grass cutting and maintenance of the play area. Council and users of the playpark have enjoyed access to this area since 2006.

NIHE have instructed their solicitor to commence proceedings with Council to formalise the access agreement in the form of an easement/right of way across their land at Reservoir Road, Corkey, Loughguile.

NIHE are in the process of preparing the necessary deed to grant the easement/right of way which will be brought to a later to a meeting of Council to be signed and sealed.

The item for information was **NOTED**.

5. CORRESPONDENCE

Internal correspondence has been received in relation to lands to the North East of Avonbrook Gardens, North of Knockbraken Drive and South of Newbridge Road (incorporating 15 Newbridge Road), Wattstown, Coleraine BT52 1TP in relation to construction of a housing development.

It was pointed out that Council boundaries needed to be marked and inspected prior to and during any development.

It is recommended that Council note the correspondence and the information contained within.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Duddy
Seconded by Councillor Quigley and

AGREED - that Sub-Committee proceed to conduct the following business 'In Public'.

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 8:00 pm.