

**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 3 MARCH 2021**

No	Item	Summary of Key Recommendations
1.	Apologies	<i>None</i>
2.	Declarations of Interest	<i>Alderman Baird Item 7.1</i>
	'In Committee' Items 3 to 9 inclusive	
3.	Minutes of Previous Meeting held on 3 rd February 2021	<i>Confirmed</i>
4.	Council Scheme of Delegation – Land and Property Matters	<i>Noted</i>
5.	Requests for Use of Council Land	
	92/20 Ballycastle Foodbank Banner	<i>Do not grant approval</i>
	95/20 UTV News Report Filming	<i>Grant approval with no charge; and No charge applied to any future requests for filming of news report by news organisations</i>
6.	Requests to Purchase/Dispose of Council Land/Property	
6.1	Glenariff Forest Toilet Block – Disposal/Lease of Building	<i>Refer to Asset Realisation Team</i>
7.	Leases/Licenses	
7.1	Ref 85/20 – Rathlin Island, Foreshore – Rural Housing Association – easement/wayleave over foreshore	<i>Grant consent</i>

7.2	Ref 74/20 – Causeway Giants' American Football Club – Permission to Erect a Banner at Site	<i>Grant consent</i>
8.	Legal Issues	<i>None to report</i>
9.	Correspondence	
	9.1 Dungiven Regeneration Company – Transfer of Land Request	<i>Noted</i>

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

Chair: Councillor Knight-McQuillan (R)

Present: Alderman Baird (R), Fielding (R), Hillis (R)
Councillors Beattie (R), McGurk (R), McLean (R),
C Mc Shane (R)

**Non Committee
Members**

In attendance:

Officers Present: M Quinn, Director of Corporate Services (R)
P Donaghy, Democratic and Central Services Manager (R)
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

There were no apologies.

2. DECLARATIONS OF INTEREST

Alderman Baird in Item 7.1 Rathlin Island Foreshore. Alderman Baird remained in the meeting and did not take part in the debate.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor McGurk
Seconded by Councillor McLean and

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

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 3 FEBRUARY 2021

Summary minute, previously circulated.

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

4. COUNCIL SCHEME OF DELEGATION – LAND AND PROPERTY MATTERS

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

Purpose of Report

To inform the Sub-Committee of the delegated authority within Council's Scheme of Delegation in relation to Land and Property Matters.

Background

Council adopted its Land and Property Policy in February 2020. In accordance with the Land and Property Policy 'senior officers have delegated authority for the approval of routine, repeat uncontentious requests, which have been granted approval in previous years.'

In December 2020 Council adopted its Scheme of Delegation. Sections 4.6 to 4.10 deal with delegated authority in relation to Land and Property matters.

Scheme of Delegation – Land and Property

The section in the Scheme which specifically deals with delegated authority in respect of Land and Property matters is as follows:

In accordance with the relevant Council policies regarding Land and Property and Asset Management

*Consent to lessees' requests for assignments, sub-lettings, permission to mortgage or charge, changes of use, new buildings, alternations, signage and other matters requiring the Council's consent under the terms of **existing leases and amendments of covenant affecting premises and the granting of utility wayleaves and short term licences/temporary easements (in the event that a licence or easement of more than six months duration is***

sought, same will require to be brought to the Land and Property Sub Committee for approval) in respect of all Council sites and properties.

Approve adjusted rents in respect of leases at Council sites or properties, following the completion of the rent review process in accordance with the provisions of the leases.

Appoint arbitrators/independent experts as appropriate in the case of disputes arising in regard to rent reviews and other property matters.

Permitting the use of such assets by Council Departments and services.

Approval of repeat requests for the use of Council land where the approval has previously been granted by Council.

The Scheme of Delegation, as it relates to Land and Property Matters, aligns with the provisions of the Land and Property Policy. Authority for the approval of disposals, acquisitions, new leases, major commercial and new events and requests by lessors for non-routine, significant amendments to leases will remain with the Land and Property Sub-Committee for recommendation to Council.

It is recommended that the report relating to the Scheme of Delegation Land and Property matters sections 4.6-4.10 is noted.

Proposed by Alderman Fielding
Seconded by Alderman Baird and

AGREED: To recommend that the report relating to the Scheme of Delegation Land and Property matters sections 4.6-4.10 is noted.

5. REQUESTS FOR USE OF COUNCIL LAND

* **Councillor C McShane and Beattie joined the meeting at 7.10pm.**

The Land and Property Officer presented the requests to use Council land report, previously circulated. Further information including maps and photographs were made available at the meeting.


The requests are summarised in the table below with further details provided at Appendix 1, previously circulated. The Land and Property Officer advised of an additional request to be presented Ref 95/20 from UTV for filming a news report.

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 request listed at Appendix 1 and as set out below, previously circulated, and the addendum 95/20 are considered and recommendation made.

Ref	Date	Location	Detail	Recommendation
92/20	For as long as Council will permit	Ballycastle Seafront	<p>A request from Ballycastle Foodbank to use Council land along Ballycastle Seafront, to erect a banner to advertise as soon as possible. Copy of proposed banner – 8 by 2 feet:</p> 	<p>When the report was issued the recommendation was: Approval subject to planning permission and equality screening if required. However, further information was received from the Coast and Countryside Team for Members to consider <i>“Regardless of the worthiness of the cause and message that is</i></p>

Ref	Date	Location	Detail	Recommendation
				<i>being promoted, Council could well receive further requests which will inundate parts of the public realm.”</i>
95/20 Addendum	Saturday 6 th March 10.30am – 1.30pm	Marina Car Park Cloonavin Coleraine	Filming a news report with Native Seafood including interview with owners, external gvs and drone shots of area	Approve and confirm charging for filming of news reports.

92/20 Ballycastle Foodbank

Alderman Baird spoke in support of the request and proposed that it be approved for a 3 month period, approval being granted due to the specific consequences of the COVID19 pandemic and in order to provide the help needed to those affected. After the 3 month period the banner to be removed.

The proposal was not seconded.

Members of the Sub-Committee agreed that while the Foodbank was an extremely worthy cause granting approval for the request would potentially set a precedent and result in an increase in requests to erect banners or banners being erected without Council's permission across the public realm.

Proposed by Councillor McLean
Seconded by Councillor McGurk and

AGREED: to recommend that approval is not granted to the request from Ballycastle Foodbank to erect a banner at the seafront in Ballycastle.

Council would try to assist the group with advertising the Foodbank through the Citizens' Newsletter and the PR department.

Alderman Baird voiced her disappointment with the decision and the lack of flexibility on the matter.

95/20 UTV Filming of News Report

The Land and Property Officer provided Members with further information on a request from UTV for the filming of a news report with Native Seafood at the Marina Car Park, Coleraine, including interview with owners, external gvs and drone shots of area. UTV had indicated that they are not normally charged by local councils for the filming of news reports. The Land and Property Officer asked Members to consider the matter of a charge.

Members noted that the Land and Property Policy provided for charging for filming but considered that filming of news reports should not be subject to the charge.

Proposed by Councillor McLean
Seconded by Alderman Baird and

AGREED: To recommend that the request from UTV to film a news report at the Marina Car Park, Coleraine on 6th March 2021 be approved and;
further recommended that no charge is applied to requests for filming for the purposes of news reports for any similar future requests from news organisations.

The retrospective requests report was previously circulated Appendix 2 and presented by the Land and Property Officer.

It is recommended that the requests at Appendix 2, previously circulated are noted.

AGREED: To recommend that the requests listed at Appendix 2 previously circulated and presented are granted retrospective approval.

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

6.1 Glenariff Forest Toilet Block – Disposal/Lease of Building

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

The purpose of this report is to inform the Sub-Committee of the Council decision regarding the redundant Glenariff Forest Park Toilet Block and agree the process for the disposal of the surplus asset.

Background

In January 2021 a report was taken by the Head of Operations to the Environmental Services Committee to inform Members of the current status of the disused toilet block adjacent to Laragh Lodge, near Glenariff Forest Park and to request its disposal.

The report recommended that the Environmental Services Committee approve that the 'asset' is surplus to requirements and pass to the Land & Property Sub-Committee to complete the disposal process.

Council ratified the following decision at its meeting of full Council on 2nd February 2021: **AGREED** – *that Council approve that the 'asset' is surplus to requirements and pass the matter to the Land and Property Sub Committee to follow through with the decision Moyle District Council took in 2014.*

Options

- Progress the former Moyle District Council decision from April 2014.

- Refer the disposal of the redundant Glenariff Forest Park Toilet block to Council's Asset Management Team to consider the options available to Council and bring a report back to the Land & Property Sub-Committee for consideration.

In considering the options available to Council, Members are reminded of the following guidance documents:

- a) Local Government Circular 21/2020, Guidance to Councils – Disposal of Land at Less than Best Price

- b) Central Advisory Unit – Disposal of Surplus Property in Northern Ireland – March 2013

It is recommended that the Sub-Committee consider the options presented:

- Progress the former Moyle District Council decision from April 2014;
- Refer the disposal of the redundant Glenariff Forest Park Toilet block to Council's Asset Management Team to consider the options available to Council and bring a report back to the Land & Property Sub-Committee for consideration;

and makes a recommendation to Council.

Proposed by Alderman Baird
 Seconded by Councillor McGurk and

AGREED: To recommend that the disposal of the redundant Glenariff Forest Park Toilet block is referred to Council's Asset Management Team to consider the options available to Council and bring a report back to the Land & Property Sub-Committee for consideration

7. LEASES/LICENCES

7.1 Ref 85/20 – Rathlin Island, Foreshore – Rural Housing Association easement/wayleave over foreshore

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

The purpose of this report is seek approval from Council to consent to request from the Rural Housing Association to grant a wayleave/ easement over the foreshore at Church Bay, Rathlin Island.

Background

The Land and Property section has received a request from the Rural Housing Association (RHA) advising that they have engaged with the owners of the foreshore area Church Bay on Rathlin Island to grant a wayleave/easement through and under their ground to facilitate a storm drain, later to be adopted by NI Water. RHA have advised the installation of the storm drain will not interfere with the use of the foreshore area as a greenspace/recreation area. NI Water location map of proposed storm drain attached at Appendix A for reference.

The owners of the land granted a 99 year lease from 1st May 1993 to Council for the land adjoining the foreshore at Church Bay, Rathlin Island. Map of land leased to Council attached at Appendix B,

Proposal

As Council holds the leasehold title to this land, RHA is asking for Council's consent to the wayleave/easement to facilitate a storm drain, later to be adopted by NI Water.

The current landlord holds freehold title to the land and RHA have engaged with the owner of the land to grant approval to the wayleave/easement.

It is recommended that the Sub-Committee gives consent as the lessee to the Rural Housing Association to progress the request for a wayleave/ easement over land leased to Council on the foreshore at Church Bay, Rathlin Island to facilitate a storm drain, later to be adopted by NI Water.

Proposed by Councillor C McShane
Seconded by Alderman Hillis and

AGREED: To recommend that Council gives consent as the lessee to the Rural Housing Association to progress the request for a wayleave/ easement over land leased to Council on the foreshore at Church Bay, Rathlin Island to facilitate a storm drain, later to be adopted by NI Water.

7.2 Ref 74/20 – Causeway Giants’ American Football Club – Permission to Erect a Banner at Site

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

The purpose of this report is seek approval from Council to consent to request from the Causeway Giant’s Football Club to erect a banner at the entrance to the Lime Park Playing Fields, Armoy.

Background

In December 2020 Council agreed - *that Armoy Giants’ American Football Club and other community groups who had expressed an interest be permitted to use the Playing Fields at Lime Park,*

Armoy until a decision is reached regarding the future of this asset.

In January a report was brought to the Land & Property Sub-Committee to consider the request submitted by the Causeway Giants American Football Club to use the playing fields at Lime Park, Armoy for a period up to 31st August 2021.

The recommendation of the Sub Committee was ratified by Council at its meeting on 2nd February 2021 and agreed *“that the requests 74/20 from Causeway Giants’ American Football Club and 73/20 Armoy Community Association for the use of Limepark Playing Fields are approved and that both groups have the same period of use up to 31st August 2021 under licence for a fee of one peppercorn and that the content of the Feedback and Assessment Report is noted.”*

A Licence Agreement permitting the use of the land by the Causeway Giants American Football Club up to 31st March 2021 has been drawn up and is listed for signing and sealing at the Council meeting on 2nd March 2021.

Proposal

Causeway Giant’s American Football club has requested that Council give their consent to the erection of a banner on both sides of the entrance to the Lime Park Playing Fields, Armoy in accordance with section 4.5.3 of the Licence Agreement:

4.5.3 Not to erect or display any signs or notices on the Lands without the Licensor’s written prior consent (not to be unreasonably withheld or delayed).

A photograph of the entrance to the playing fields at Limepark, Armoy was attached at Appendix A to show the proposed siting of the banners.

A copy of the artwork for the banner to be erected was attached at Appendix B for reference.

The request has been included in the weekly Officer Consultation issued on 26th February 2021. Approval of this request will be subject to planning permission and equality screening if required.

It is recommended that the Sub-Committee gives consent to the request from the Causeway Giant's American Football Club to erect a banner on both sides of the entrance fence at the Lime Park Playing Fields, Armoy in accordance with section 4.5.3 of the Licence Agreement and subject to planning permission and equality screening if required.

Proposed: Alderman Hillis
Seconded: Alderman Baird and

AGREED: To recommend that Council gives consent to the request from the Causeway Giant's American Football Club to erect a banner on both sides of the entrance fence at the Lime Park Playing Fields, Armoy in accordance with section 4.5.3 of the Licence Agreement and subject to planning permission and equality screening if required.

Alderman Baird expressed her gratitude for the work of Council's Estates Team at Lime Park noting that the site had been cleared and tidied. She paid tribute to the staff involved.

Members also noted that the Giants' Football Club should let the Community Association know of their request to erect the banner at the entrance to the site.

8. LEGAL ISSUES

No legal issues to update the Sub-Committee on.

9. CORRESPONDENCE

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

The purpose of this report is to inform the Sub-Committee of correspondence received in relation to Land and Property matters.

Dungiven Regeneration Company – Lands Adjacent to the Former Dungiven Sports Pavilion

Correspondence has been received from the Dungiven Regeneration Company enquiring about a small parcel of land

within the former Dungiven Sports Pavilion site for use by the group to develop allotments for the community.

A response was subsequently sent to the applicant and the Elected Member who was included in the correspondence, advising that the lease has now been surrendered back to Council and the area of land referred to is part of the land which has now been placed into the D1 Disposal process for the former Dungiven Sports Pavilion site.

The group was also advised of the decision ratified by full Council at its meeting on Tuesday 2nd February 2021. Dungiven Regeneration Company were informed that their correspondence would be brought to the Land & Property Sub-Committee for noting.

It is recommended that the Sub-Committee notes the correspondence from Dungiven Regeneration Company.

AGREED: To recommend that the correspondence from Dungiven Regeneration Company is noted.

Proposed by Alderman Baird
Seconded by Councillor C McShane 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 20:06pm.

Chair