

**LAND AND PROPERTY SUB-COMMITTEE MEETING  
WEDNESDAY 1 SEPTEMBER 2021**

<b>No</b>	<b>Item</b>	<b>Summary of Key Recommendations</b>
<b>1.</b>	Apologies	<b>Alderman Hillis Councillor C McShane</b>
<b>2.</b>	Declarations of Interest	<b>None</b>
	<b>'In Committee' Items 3 to 8 inclusive</b>	
<b>3.</b>	Minutes of Previous Meeting held on 4 <sup>th</sup> August 2021	<b>Confirmed</b>
<b>4.</b>	Coleraine Market Yard – Tender Return – Lease of Market Yard	<b>Accept Tender 1 submission and bring further report on Heads of Terms for the lease of Coleraine Market Yard to future meeting</b>
<b>5.</b>	Requests for Use of Council Land	<b>Approve with exception of Ref:86/20</b>
<b>6.</b>	Requests to Purchase/Dispose Council Land/Property	
<b>6.1</b>	Ref 03/19/P – Request to Purchase strip of land to rear of Hillcrest Gardens, Ballymoney	<b>Defer for site visit</b>
<b>7.</b>	Leases/Licenses	
<b>7.1</b>	Portstewart Football Club – Review of Rental Arrears FY 2020/2021 (report attached)	<b>Approve Option 1</b>
<b>7.2</b>	Ref 58/18 – Dungiven, Main Street Car Park, Ulster Bank Mobile Unit – Renewal of Licence Agreement	<b>Approve extension</b>

<b>7.3</b>	Leases and Licences – Renewal of Commercial Leases - Quarterly Update	<b>Note</b>
<b>8.</b>	Legal Issues	
<b>8.1</b>	Council Title and First Registration – Quarterly Update	<b>Note</b>

**MINUTES OF THE MEETING OF THE  
LAND AND PROPERTY SUB-COMMITTEE MEETING  
HELD VIA VIDEO-CONFERENCE ON  
WEDNESDAY 1 SEPTEMBER 2021 AT 7.00PM**

Chair: Alderman Knight-McQuillan (R)

Present: Alderman Baird (R), Fielding (R),  
Councillors Beattie (R), McLean (R) McGurk,

Officers Present: M Quinn, Director of Corporate Services (R)  
P Donaghy, Democratic & Central Services Manager  
(R)  
J Mills, Land and Property Solicitor (R)  
D McLaughlin, Land and Property Officer (R)  
W McCullough, Head of Sport and Wellbeing (R)  
J Richardson, Head of Capital Works and  
Infrastructure (R)

J Keen, Committee and Member Services Officer (R)

**Key** (R) = Remote attendance

**1. APOLOGIES**

Alderman Hillis, Councillor C McShane.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Councillor McGurk  
Seconded by Councillor McLean 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 4 AUGUST 2021**

Summary minute, previously circulated.

The minutes of the previous meeting held on 4<sup>th</sup> August 2021 were confirmed as a correct record.

### **4. COLERAINE MARKET YARD – TENDER RETURN – LEASE OF MARKET YARD**

Report, previously circulated, was presented by the Head of Capital Works, Energy and Infrastructure.

The purpose of this report was to bring back recent tender results to lease the Market Yard, Coleraine for Members consideration and decision as to how to proceed.

#### Background

In June 2021 Council ratified the decision to retender the leasing of the Market Yard, Coleraine. Public adverts were placed on the 27<sup>th</sup> of July 2021 in the Belfast Telegraph, Irish News and Coleraine Chronicle, which stipulated a tender return date & time of 12<sup>th</sup> August 2021 at 12:00 noon. The Market Yard lease area (0,9 acres) is shown below.

The tender pack was included for information (appendix 1) (circulated).  
Note: The lease is on a full insure and repair basis and inclusive of rates.



#### Tender Result

Two tenders were received, the result was summarised in the report previously circulated.

## Award Criteria

The tender documents stipulated that the award criteria would be based on the most favourable financial offer submitted and noted that Causeway Coast and Glens Borough Council is not obliged to accept the highest or any offer.

## Proposed Use of Site

Tender 1 included the below proposed use of the site within the submission (excerpt from Tender 1 submission below)

*“To restore the Market Yard as a traditional market for quality local produce, goods and services. The main purpose is to rejuvenate the local area and utilise the beautiful Market Yard façade to welcome both locals and tourists to a top-quality experience enhancing the immediate vicinity of Coleraine Town Centre and add to the reputation of Coleraine as the capital of the North Coast. Significant personal finance will be invested in this project (subject to the necessary consents) which will be welcomed by local traders, residents of Coleraine and those visiting the area”.*

**It is recommended** that Members assess the tender results provided within the report, (previously circulated) and instruct officers if they wish to accept Tender 1’s offer to lease Coleraine Market Yard for a term of 10 years to use the site as outlined in the “Proposed Use of Site” at section 3 of this report or advise otherwise.

**It is further recommended** that the proposed Heads of Terms for the lease of Coleraine Market Yard are brought back to the Land & Property Sub-Committee for consideration and approval.

Members spoke in support of the proposal and the Head of Capital Works, Energy and Infrastructure responded to queries in relation to the tender specification and submissions.

Proposed by Councillor McLean  
Seconded by Councillor McGurk and

**AGREED** - to recommend that Members instruct officers to accept Tender 1’s offer as detailed in the report (previously circulated) to lease Coleraine Market Yard for a term of 10 years to use the site as outlined in the “Proposed Use of Site” at section 3 of this report and;

Further recommended that the proposed Heads of Terms for the lease of Coleraine Market Yard are brought back to the Land & Property Sub-Committee for consideration and approval.

## 5. REQUESTS FOR USE OF COUNCIL LAND

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

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

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

The Land and Property Officer advised that application ref no 70/21 included at Appendix 3 should now be considered under Appendix 1. Since the issue of the report the applicant has advised that it has not yet taken place so it is not retrospective event and that the use of the Sandhill Motorhome Facility is withdrawn from the application.

There was 1 repeat event for the Sub-Committee to consider at Appendix 2 (circulated). The Land and Property Officer advised that this application (ref 47/21) has been withdrawn from the report at this stage and will be brought back to the Sub-Committee for consideration when further information on the site is available..

There were 7 retrospective events for the Sub-Committee to note. The report was attached at Appendix 3 (circulated).

### Issues for Consideration

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

1. Right of way issues
2. Setting precedent
3. Impact on Council's strategy
4. Valuation
5. Long term impact on Council's asset
6. Legal implications
7. Health and Safety, Insurance, Risk Assessments and Event Management Plans

**It is recommended** that the requests listed at Appendices 1 and 2 are considered and recommendation made.

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

## Approvals

Ref	Date	Location	Detail	Officer Recommendation	Committee Recommendation
77/21	11th of September 2021	Benone Strand	A request from Ballymoney Gospel Hall to use Council land at Benone Strand for an outdoor baptism service.	<b>For approval</b>	Proposed by Councillor McLean, seconded by Alderman Fielding and AGREED to recommend approval.
66/21	11 <sup>th</sup> of September 2021 9 am to 12.30pm / 200 in attendance	East Strand, Portrush	A request from Swim Ulster to use Council land at East Strand, Portrush, for an open water swim.	<b>For discussion</b>	Proposed by Councillor McLean, seconded by Alderman Fielding and AGREED to recommend approval.
86/20	Setup -13 <sup>th</sup> December 2021 Commences - 26 <sup>th</sup> December 2021 Ends - 3 <sup>rd</sup> January 2022 Leave site - 7th January 2022	Old Market Yard, Coleraine	A request from Mark Curry's Amusements to use Council land at the old Market Yard, Coleraine, for a Christmas amusements fair.	<b>For discussion</b>	Refuse. Please refer to recommendation at item 4.
70/21	16 <sup>th</sup> Sept 2021 – 11am to 12pm every Thursday –	Dundarave Car Park, Bushmills and Sandhill Drive Motorhome Facility, Portrush	A request from Vineyard Compassion Mobile Open Door project for their mobile open door 'Drop in' centre	<b>For discussion</b>	Proposed by Councillor McLean, seconded by Alderman Fielding and AGREED to recommend approval subject to any planning requirements

## Retrospective Approvals.

Reference	Detail of Request
67/21	A request from the Macosquin Village Community Association to use Council land at Ramsey Park, Macosquin Coleraine for a basic entertainment day on the 10th of July 2021
64/21	<p>A request from IWC Media to use Council land at Benone Beach on the 11th of August 2021 and at Ballintoy Harbour and Downhill Beach on the 12th of August 2021 to film for Channel 5's 'Susan Calman's Grand Day Out' .</p> <p>Proposed by Alderman Baird, seconded by Councillor McGurk and AGREED: that a charge of £150 be applied which takes into account the benefit to the Borough of being included in the programme and the public exposure of the areas in a positive way.</p>
63/21	<p>A request from Causeway Coast and Glens Heritage Trust to use Council land at the Moors of Castlerock for filming for the Binevenagh Landscape Partnership project video on the 17th of August 2021.</p> <p>Proposed by Councillor McGurk and Alderman Fielding and AGREED that there would be no charge for this application as it is in partnership with, and part funded by Council.</p>
72/21	A request from BBC Northern Ireland to use Council land at Downhill Beach to film for BBC One NI for series 'Barra's Wild Days Out' on the 17th of August 2021.
76/21	A request from BBC Blue Peter to use Council land at East Strand Beach, Portrush for filming purposes on the 24th of August 2021.
75/21	A request from Liquid Agency Limited to use Council land at Whiterocks Beach for the Tessuti seasonal campaign on the 26th of August 2021.
71/21	A request from the PSNI to use Council land at Lansdowne Recreation Grounds, Portrush, for DVA testing and targeting unsafe vehicles to conduct checks 28th, 29th and 30th of August 2021.

It was **AGREED** - to recommend that the retrospective approvals are noted and to apply a charge of £150 in relation to Request reference 64/21 no charge is applied in relation to Request reference 63/21.



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

### 6.1 REF 03/19/P – REQUEST TO PURCHASE STRIP OF LAND TO REAR OF HILLCREST GARDENS, BALLYMONEY

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

The purpose of this report was to seek a decision from the Sub-Committee on the request to purchase a strip of council land to the rear of 11 Hillcrest Gardens, Ballymoney.

The report to the March 2020 Land & Property Sub-Committee is attached at Appendix 1 for ease of reference.

Council “**AGREED** - *to recommend to defer consideration and advise applicants to seek advice regarding the Planning issues*”.

At the March 2020 Land & Property Sub-Committee meeting the Planning Officer advised that “*to change recreational land to domestic would require an extension of curtilage/change of use application to take the land within a domestic holding. Planning also advised the Council that caution should be exercised in disposing of land which is designated open space even in small portions as it may be contrary to policy*”.

The applicant’s agent was advised of Council’s decision and the Planning advice as detailed at paragraph 2.4 above.

The Land and Property referred Members to the proposals contained within the report, previously circulated.

Should the Land & Property Sub-Committee agree to progress this request it will be subject to the applicants being responsible for the cost of the valuation, market value of the land and any Council’s legal search fees or any other costs associated with the sale.

Requests to Purchase Council Land will be dealt with in accordance with Section B, clause 2.1.2 of the Land and Property Policy – Requests received from third parties to purchase Council land or property.

#### Options

Refuse the request.

Sell the land via the D1 Disposal Process.

Sell the land on the open market.

Agree to the sale of a strip of Council land to the rear of the property at 11 Hillcrest Gardens, Ballymoney to the applicant subject to the following:

- An independent valuation is obtained for the parcel of land identified
- Applicant will be responsible for the cost of the valuation, market value of the land, Council's legal search fees and any other costs associated with the sale.

Note – In accordance with the Land and Property Policy, Council shall keep a written record of its reasoning for engagement or non-engagement of the D1 process.

**It is recommended** that the Sub-Committee is asked to consider the options as detailed at 4.1 to 4.4 of this report and makes a recommendation to Council.

Proposed by Alderman Baird  
Seconded by Alderman Fielding and

**AGREED** – to recommend that the matter is deferred to the next meeting and that a site visit is arranged prior to the date of the next meeting.

## **7. LEASES/LICENCES**

### **7.1 PORTSTEWART FOOTBALL CLUB – REVIEW OF RENTAL ARREARS FY 2020/2021**

Report, previously circulated, was presented by the Head of Sport and Wellbeing.

The purpose of this report was to ask Members to approve a recommendation following a review of rental arrears due in 2020/21 on the existing lease with Portstewart Football and Community Club Ltd ('Portstewart FC') on Mullaghacall Park.

#### Background

At the Council meeting on 4<sup>th</sup> May 2021, the following recommendation was adopted in relation to a request from Portstewart FC: *“Members to approve a review for the waiver of rental payments due in 2020/21 from Portstewart FC on the existing lease of Mullaghacall Park for approval by the Land & Property Committee in due course; and to note the potential for future ground improvement works and future request for a renewed lease and security of tenure”.*

The Head of Sport and Wellbeing referred Members to the background on the matter contained within the report, previously circulated.

### Progress Update

Since this 'approval in principle' was communicated to Portstewart FC, further information was requested from the club to ascertain the impact of the Covid 19 pandemic on the financial position of the club. A legal view from Council's Land & Property Solicitor was also sought in relation to the legal precedent and potential impact upon other leases with community and voluntary organisations. Both reviews were summarised in the report, previously circulated.

The Head of Sport and Wellbeing and Council's Land and Property Solicitor presented the advice relating to the financial situation and legal position.

Officers will continue to liaise with Council's Land & Property Solicitor to discuss the club's proposals.

Members will also note that the club has developed and submitted to Council a proposed 'Masterplan' drawing for the redevelopment of a new 3G pitch, floodlighting and associated supporting infrastructure at the existing grounds.

In light of the update above, Members are asked to consider and approve one of the following options:

- Option 1 – Pursue rental arrears for 2020/21 as detailed in the report (previously circulated) from the leaseholder, Portstewart FC in accordance with normal debt recovery procedures OR
- Option 2 – Waive rental arrears for 2020/21, as detailed in the report, (previously circulated) from the leaseholder, Portstewart FC and accept the legal precedent and potential financial consequences of this decision.

Proposed by Councillor McLean  
Seconded by Councillor McGurk and

**AGREED** – to recommend that Option 1 - pursue rental arrears for 2020/21 as detailed in the report, (previously circulated), from the leaseholder, Portstewart FC in accordance with normal debt recovery procedures is approved.

## **7.2 REF 58/18 – DUNGIVEN, MAIN STREET CAR PARK, ULSTER BANK MOBILE UNIT – RENEWAL OF LICENCE AGREEMENT**

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

The purpose of this report was to seek Council's agreement to the extension of the existing Licence Agreement to Ulster Bank Limited to use a car park space in the car park at 104-106 Main Street, Dungiven to park a mobile bank unit.

### Background

Council granted a Licence Agreement to Ulster Bank Ltd in July 2019 to use a car park space in the car park at 104-106 Main Street, Dungiven to park a mobile bank unit. The Licence Agreement permitted Ulster Bank Ltd to use the space every second Wednesday for a block period of 45 minutes between 10.00 am and 12.00 pm for a one year period to park its mobile banking unit which provides banking facilities to customers.

The Licence Agreement was subsequently renewed in July 2019 for a further 2-year period from 24<sup>th</sup> July 2019 under the same terms and conditions.

The rent continued at the same amount and the Licence Agreement permitted the mobile banking unit to be on site every second Wednesday for a maximum of 26 occasions in any one calendar year. Planning permission for the mobile banking unit was therefore not required.

### Proposals

Ulster Bank Ltd. have requested the renewal of the Licence Agreement for a further period of 2 years under the same terms and conditions from 24<sup>th</sup> July 2021.

Ulster Bank Ltd. has proposed that the rent continues at the same rate.

The renewed Licence Agreement would permit the mobile banking unit to be on site every second Wednesday for a maximum of 26 occasions in any one calendar year. Planning permission for the mobile banking unit will therefore not be required.

**It is recommended** that Council grant approval to renew the Licence Agreement between Causeway Coast and Glens Borough Council and Ulster Bank Ltd. to permit the use of the car park space at 104-106 Main Street, Dungiven for the purpose of parking its mobile bank unit for a period of 2 years from 24<sup>th</sup> July 2021 at the same rent as previously set. The approval is subject to the mobile banking unit not being on site for more than 26 occasions in any one calendar year.

Proposed by Alderman Baird  
Seconded by Councillor McGurk and

**AGREED** – to recommend that Council grant approval to renew the Licence Agreement between Causeway Coast and Glens Borough Council and Ulster Bank Ltd. to permit the use of the car park space at 104-106 Main Street, Dungiven for the purpose of parking its mobile bank unit for a period of 2 years from 24<sup>th</sup> July 2021 at the same rent as previously set. The approval is subject to the mobile banking unit not being on site for more than 26 occasions in any one calendar year.

### **7.3 LEASES AND LICENCES – RENEWAL OF COMMERCIAL LEASES - QUARTERLY UPDATE**

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

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.

It was agreed that a quarterly update would be brought back to the Land & Property Sub-Committee in September 2021.

#### Proposals

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

As previously advised work has commenced 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 currently utilised by Council departments.

A table detailing the 40 commercial leases currently under review is attached at Appendix A for reference and is summarised below:

- 1 vacant property
- 2 new leases agreed for previous vacant properties

- 1 vacant property being used by Council
- 4 leases renewed/reviewed late 2020
- 3 leases renewed 2021
- 16 leases have been given to a valuer to carry out a valuation and commence the renewal negotiations
- 8 leases awaiting an instruction to the valuer to commence negotiations
- 5 leases yet to be reviewed

Lease renewals have been hampered since March 2020 due to Covid-19, tenants not operating or self-isolating and maps/floor plans needing to be updated.

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

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

It was **AGREED** - to recommend that the quarterly update presented on the renewal/review of commercial leases is noted.

## 8. LEGAL ISSUES

### 8.1 COUNCIL TITLE AND FIRST REGISTRATION – QUARTERLY UPDATE

Report, previously circulated, was presented by the Director of Corporate Services.

#### Purpose of Report

To provide Sub-Committee with Council Title and First Registration update following the initial report presented to Committee on 5<sup>th</sup> May 2021.

#### Background – Title and First Registration

Members were informed at that meeting of correspondence received from 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 (NBV of £201 million as at 31st March 2020).

Members were provided with the Title and Registration position as at 8<sup>th</sup> April 2021 (Appendix 1)(circulated).

In terms of title, 89.83% of title was confirmed (£181 million), with 10.17% unconfirmed (£20 million). Of the unconfirmed title, this includes the

following:- Transfer of Car Parks from DFI accounts for 5.53%, with Council Land/Buildings 2.93% Partial Title 1.69% with 0.02% “Other”

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.

#### Quarterly Progress Report as at August 2021

The Quarterly Progress Report as at 26<sup>th</sup> August 2021, is attached in Appendix 2. Significant progress has been made in terms of both title and registration.

In terms of Title, 91.39% of title was confirmed (£184 million), with 8.61% unconfirmed (£17 million). Coleraine Town Hall is now confirmed in terms of title. Of the unconfirmed title, this includes the following:- Transfer of Car Parks from DFI accounts for 5.53%, with Council Land/Buildings 1.37% Partial Title 1.69% with 0.02% “Other”

In terms of Registration, 62.94% of Land is registered, with 37.06% unregistered. This is split 88% Council Land and 12% Transfer of DFI Car Parks. This represents an increase of just over 10%, with 21 assets being subject to first registration, with a total value of £20.5mn.

**It is recommended** that Council note the Quarterly Progress Report and associated Appendices.

It was **AGREED** – to recommend that the Quarterly Progress Report and associated appendices on Council Title and First Registration are noted.  
**MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Alderman Fielding

Seconded by Councillor McGurk 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 8.41pm.

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Chair