



**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 6 OCTOBER 2021**

No	Item	Summary of Key Recommendations
1.	Apologies	None
2.	Declarations of Interest	Alderman Knight McQuillan
	'In Committee' Items 3 to 9 inclusive	
3.	Minutes of Previous Meeting held on 1 st September 2021	Confirmed
4.	Request to Use Council Land – Biblical Script, Seawall at the Crescent, Portstewart Ref 87/20. Equality advice will be available at the meeting.	Presentation received
5.	Strategic Overview and Update on the Delivery of Asset Realisation	Note
6.	Portrush, Metropole Park – Request to Lease Land	Refer to Leisure & Development Committee
7.	Requests for Use of Council Land	Appendix 1, approve Appendix 2, as noted,
8	Requests to Purchase/Dispose of Council Land/Property	
8.1	Disposal of Surplus Council Land/Property – Redundant Glenariff Forest Park Toilets	Approve disposal
9.	Leases and Licences	
9.1	Portstewart, Crescent Café – Lease Adjustment and Grant of Licence	Approve lease adjustment and grant of licence

9.2	McCamphill Park, Lease Agreement to Dunloy Football Club	<i>Note progress and approve Option 1</i>
10.	Legal Issues	<i>Defer to next meeting</i>

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE MEETING
HELD VIA VIDEO-CONFERENCE ON
WEDNESDAY 6 OCTOBER 2021 AT 7.00PM**

- Chair: Councillor McGurk (Vice Chair)
- Present: Alderman Baird (R), Fielding (R), Hillis (R) Alderman
Knight McQuillan (R)
Councillors Beattie (R), McLean (R) McGurk,
McShane C (R)
- 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)
W Hall, Asset Realisation Officer (R)
- J Keen, Committee and Member Services Officer (R)
- In attendance: Ms S Gilmartin, Gilmartin Consulting – Item 4
Councillor McLaughlin

Key(R) = Remote attendance

The Vice Chair, Councillor McGurk, assumed the Chair for the duration of the meeting at the request of the Chair, Alderman Knight McQuillan.

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST

Alderman Knight-McQuillan declared an interest in item ref no 78/21 on Appendix 2, Requests to Use Council Land and remained in the meeting.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor McLean
Seconded by Councillor McShane 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 1 SEPTEMBER 2021

Summary minute, previously circulated.

The minutes of the previous meeting held on 1st September 2021 were confirmed as an accurate record.

4. REQUEST TO USE COUNCIL LAND – BIBLICAL SCRIPT, SEAWALL AT THE CRESCENT, PORTSTEWART REF 87/20.

Stella Gilmartin attended the meeting and verbally presented a draft report on equality considerations, previously requested by the Sub-Committee. Members' views and queries were invited.

Ms Gilmartin responded to Members' questions on the screening process, public consultation, the Council's obligations as a public body in terms of equality considerations and the next steps for Council to take in its consideration of the request, including recommending instruction to conduct an equality screening and public consultation.

She confirmed, in response to a query from Councillor McLean that all correspondence already received, by Council, from members of the public in relation to the request to repaint the biblical script would be included in the public consultation.

In response to a query from Alderman Fielding Ms Gilmartin advised that the Planning consultation previously carried out, when the planning application to repaint the script was received, is not a consultation on equality matters.

The Democratic and Central Services Manager advised Members that the draft report would be presented to a future meeting of the Land and Property Sub-Committee to inform its further consideration and recommendation to Council.

The Chair thanked Ms Gilmartin for her attendance at the meeting. At this point Ms Gilmartin left the meeting.

5. STRATEGIC OVERVIEW AND UPDATE ON THE DELIVERY OF ASSET REALISATION

Report, previously circulated, was presented by the Assets Realisation Officer.

Purpose of Report

This report has been prepared and presented to Elected Members, to provide an update on the following core deliverables, under the remit of Asset Realisation:

- a. Resource for delivery of the service.
- b. Programme of key milestones moving forward, i.e., meeting the Terms of Reference (TOR) approved by Council and the proposals noted within the Estates Management Strategy.
- c. Key Stages of Asset identification and progression to capital receipt.

Elected Members approved and emphasised the requirement for this organisation to carry out a review and analysis of all assets in its position, with an aim to utilise assets more favourably in respect of potential revenue and disposal streams / capital receipts.

An Assets Officer has now been appointed, as of 1st September 2021.

A revised draft Terms of Reference and flow diagram (appendix 1 & 2) to the report were previously circulated, for information.

Programme of activities moving forward

The following under-noted points are of those which will initiate the structured implementation of the Asset Estate Management Strategy:

- a. Establishment of a new multi-year publicly tendered Estate Agency Call-off Framework, (2021 to 2025), to assist in both Asset Realisation Valuations, Leases and Disposals.
- b. Creation of a 3-Stage Asset Realisation Register,
 - Stage 1: Identified Assets
 - Stage 2: Progression of the Asset being Realised
 - Stage 3: Conclusion / Post Evaluation on the output and benefits of Asset Realisation, i.e. Capital Receipt or Revenue generated.
- c. Programme of key dates to meet the recommendations of the adopted Estates Asset Management Strategy.

d. Hold, and continue to hold, an accountable 'Assets Working Group'

Stage 1 – Identified Assets for progressing and analysis

The report, previously circulated contained a table which identified assets which have been selected for review and analysis in the first instance, (to determine if same is feasible to progress to Stage 2).

Outline analysis to determine:

- a. If Council have full title deeds to the said land / property.
- b. Constraints, by way of legal covenants, (initial Legal Dept review).
- c. Planning Policy linkage.

Stage 2 – Progression of the Asset Being Realised

The report, previously circulated, contained a table which identified assets which have progressed from Stage 1 Criteria and are now subject to a process of gaining best capital receipt or revenue through a new lease arrangement.

Stage 3 – Conclusion / Post Asset Realisation Evaluation

The report, previously circulated, contained a table which identified assets which have progressed through Stage 1 & Stage 2, to a conclusion, with the said Assets now realising their potential.

Update

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

It is recommended that the Sub-Committee notes the Strategic Overview and Update on the Delivery of Asset Realisation presented.

AGREED – to recommend that the Sub-Committee notes the Strategic Overview and Update on the Delivery of Asset Realisation presented.

6. PORTRUSH, METROPOLE PARK – REQUEST TO LEASE LAND

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

*Alderman Knight-McQuillan joined the meeting at 8.00pm during discussion of the item.

The purpose of this report was to present to Members a request received by Causeway Urban Sports (CAUS) to lease lands at Metropole Park to develop an urban sports facility.

Background

In December 2013 CAUS presented to Coleraine Borough Council a proposal to develop a piece of land adjacent to the former Metropole Hotel in Portrush, for the purposes of creating an urban sports facility. Following the presentation, Coleraine Borough Council took the decision to:

“... support in principle, the proposition and land request, however, any decision must be taken in context with the current strategic review of the Dunluce / Metropole and Recreation grounds sites”.

In June 2014, following the presentation of the Recreation Grounds and Dunluce Centre V4 report, Council made the decision there was no perceived conflict between the future use of the Dunluce Centre and an urban plaza development on a section of the land, allowing officers to confirm the approval of the land offer and engage with the CAUS representatives with a view to securing a lease agreement.

This decision allowed CAUS to apply for project funding. The recommendation was supported, and Council approved the offer of land to CAUS for an urban plaza/skateboard park at the Metropole Park in Portrush and requested Officers to prepare a lease agreement. However members of CAUS have been involved in the consultation process for the development of the Recreation Grounds.

Recent Correspondence

At the June 2020 Leisure and Development Committee an item was raised under Any Other Relevant Business regarding a request to lease lands at Metropole Park.

‘Causeway Association of Urban Sports (CAUS) requests that Causeway Coast & Glens Borough Council consider the granting of a lease of ground at Metropole Park, Portrush, for the development of an urban sports facility’

This item was referred for discussion at the Land and Property Sub Committee.

Redevelopment of Portrush Recreation Grounds

As previously stated members of CAUS have been involved in the consultation process for the development of the Recreation Grounds. The initial concept design for a low level urban sports area on the site was advanced in partnership with CAUS with a number of dedicated engagements facilitated throughout 2020, latterly involving specialist urban sport design input from the Freestyle Collective to ensure a high quality design was achieved.

Consequently, the approved plans now include a low-level ‘Urban Plaza’ with a 600m² footprint as illustrated in the site plan below. The centre feature is large enough to act as both an active and passive area, opening this park up as social component of Ramore Head. The design details

include seating areas using skateable granite low level walls; stairs to connect to main path network; long, multi-hit lines are the objective of this any good plaza, recreating the experience found in the public realm and a centre feature as an aesthetic focal point, skate and ride essential and social gathering area maximising value in the space available.

The low-level 'Urban Plaza' design is intended to be suitable for a wide range of urban activities and abilities including: BMXing, Skateboarding, Scooters, Roller blading, Street Dance and Parkour. The design integrates well with the public realm scheme and the open and inclusive nature of the wider development.

The report, previously circulated, also provided legal opinion and Council's Land and Property Solicitor attended the meeting to respond to Members' queries in relation to the legal advice presented in the report.

It is recommended that Members do not agree to granting of a lease to Causeway Urban Sports (CAUS) for grounds at Metropole Park, Portrush, for the development of an urban sports facility.

During discussion on the matter, the Head of Sport and Wellbeing and the Council's Land and Property Solicitor responded to queries from Members in relation to the Council's engagement with CAUS and other community organisations particularly in relation to the plans for the redevelopment of the Recreation Grounds in Portrush and the legal advice provided to Members on the request from CAUS.

Following the discussion, Members expressed the view that more information was required for the Sub-Committee to consider the matter. It was:

Proposed by Alderman Knight-McQuillan
Seconded by Alderman Hillis and

AGREED – to recommend that the matter is referred to the Leisure and Development Committee.

7. REQUESTS FOR USE OF COUNCIL LAND

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 provided at Appendix 1

(circulated). Further information including maps and photographs will be made available at the meeting. There were 9 retrospective events for the Sub-Committee to note. The report was attached at Appendix 2 (previously circulated).

Issues for Consideration

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 Plans

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

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

Proposed by Alderman Hillis

Seconded by Councillor C McShane and

AGREED – to recommend that the requests to use Council land detailed in Appendix 1, previously circulated, are approved and further recommended that the retrospective requests detailed at Appendix 2 are noted.

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

8.1 DISPOSAL OF SURPLUS COUNCIL LAND/PROPERTY – REDUNDANT GLENARIFF FOREST PARK TOILETS

Report, previously circulated, was presented by the Asset Realisation Officer.

The purpose of this report is to inform the Land & Property Sub-Committee and thereafter, Corporate Policy and Resources Committee & Full Council on the strategic option site analysis carried out by the Asset Realisation Department.

Background

In March 2021 Council agreed 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.

Environmental Services Department declared the asset surplus to requirements in March 2021.

Proposal & Analysis

Asset Realisation Dept. have carried out a strategic analysis of the subject site and associated dis-used building, with the following criteria output: -

Location and Context: -

The site is located adjacent to Laragh Lodge Restaurant off the Glen Road, Glenariff within the Antrim Coast and Glens Area of Outstanding Natural Beauty. The building is single storey and of traditional construction, with a footprint of circa 6.5m x 4m- 26sqm. The building is of very poor condition. The site's planning status is 'rural'.

The Asset Realisation Officer provided the Sub-Committee with detailed information on the proposal and analysis section of the report (previously circulated) – para 3.3 to 3.5 refers.

The Asset Realisation Dept. has sought external professional and qualified Estate Agency advice, which has valued the asset.

Usage of the D1 Disposal was considered in the strategic analysis of this site. Given the restrictive development space, rural location, land locking of private ownership and non-Civil Service or Local Government Organisational abutting lands, the process of implementing the D1 disposal process would be of no public benefit, nor dis-advantage. Streamlining the disposal process to the 'world at large' private market place, will be of both programme benefit reference gaining a capital receipt, and encapsulate a greater catchment of potential bidders, being the local community and wider spectrum.

Recommendation

Following the strategic analysis by the Asset Realisation Department it is recommended that Council approves the disposal of the said asset via the private competitive estate agency marketplace in order to gain best capital receipt for Council.

It is further recommended that Council grants Officers the authority to sell the asset for market value or greater.

The disposal process will be implemented and managed by Councils Asset Realisation Department, with a Post Asset Realisation Report

brought back to the Land and Property Sub-Committee for recommendation and approval prior to entering legal conveyancing procedures.

During debate officers confirmed that they had been informed that toilet provision could be accessed at the location at Laragh Lodge.

Proposed by Alderman Knight McQuillan
Seconded by Councillor McShane and

AGREED – to recommend that Council approves the disposal of the said asset via the private competitive estate agency marketplace in order to gain best capital receipt for Council.

It is further recommended:
that Council grants Officers the authority to sell the asset for market value or greater.

The disposal process will be implemented and managed by Councils Asset Realisation Department, with a Post Asset Realisation Report brought back to the Land and Property Sub-Committee for recommendation and approval prior to entering legal conveyancing procedures.

9. LEASES AND LICENCES

9.1 PORTSTEWART, CRESCENT CAFÉ – LEASE ADJUSTMENT AND GRANT OF LICENCE

Report, previously circulated, was presented by the Asset Realisation Officer.

Background

Following a report detailing the results of a public expressions of interest to lease the Portstewart Crescent building, Members accepted the highest bid from Native Sea Food Ltd and a lease was granted from 8th June 2021 to run for a period of 5 years. Members also agreed to reconfigure the internal of the building to allow for a requirement to provide a dedicated staff toilet facility at a cost of £11,600.00. The lease was for the vacant part of the building.

Reduced Tenant Space

It subsequently came to light that the loss of the two female toilets would leave the capacity of female public toilets below a tolerable level. In addition, the permanent loss of the Portstewart Town Hall facility would also require the need for the two female toilets to remain (and not be re-configured for dedicated tenant staff use). It therefore became important to

keep the public female toilet facility at its current level to ensure capacity is maintained. This also removed the risk of needing the Town Hall to provide public toilets. This however has reduced the space for the tenant and significantly reduced the tenant convenience. Environmental health agreed that the existing disabled toilet could be shared with the tenant and thus removed the need for the dedicated toilet within the tenant area. This has reduced the tenant facility area and is a loss of what was originally tendered and to be enjoyed by the tenant.

Note this has saved Council £11,600 in carrying out these alterations.

An amendment is required to the original lease to clarify the current floor plan excluding the 2 toilets referred to in section 2.

The amended floor plan was shown in the report, previously circulated.

The tenant has requested additional space for storage within the old boat house, which is adjacent to the crescent building, including additional paving area to front to facilitate seating.

Most of the boat house building is utilised by operations staff to deliver cleansing within Portstewart Prom area and has some limited use with Council's leisure department.

Officers from operations, leisure and infrastructure have met to assess the boat house and it has been agreed space is available. It was agreed that the tenant could have access to the agreed area within the boat house with immediate effect, however this would require retrospective permission from Members.

The tenant has accepted the loss of the toilet facility post tender and the convenience of a dedicated toilet facility with no reduction in annual rent (as per tendered value) and subsequently asked for additional storage space some time later– which was shown in appendix A (circulated) (area within the boat house).

The tenant also requested additional paving area to front of building, (as per photograph in report, previously circulated), which would bring vibrancy to the location.

The tenant has accepted the loss of a dedicated toilet facility as per the original tender with no decrease in the rental amount and a saving to Council of £11,600 as no works had to be carried out by Council for toilet alterations.

Councillor McLaughlin joined the meeting at 21:14hrs.

It is recommended that Council authorise the additional storage area within the old boat store and paved area to front of the said premises under a

License Agreement at the value noted in the report, previously circulated, to Native Seafood Limited.

It is also recommended that Council approve the minor amendment to the original floor plan in the lease to exclude the two toilets as shown at section 2.

Proposed by Alderman Knight McQuillan
Seconded by Councillor McLean and

AGREED - that Council authorise the additional storage area within the old boat store and paved area to front of the said premises under a License Agreement at the value noted in the report, previously circulated, to Native Seafood Limited.

It is also recommended that Council approve the minor amendment to the original floor plan in the lease to exclude the two toilets as shown at section 2.

9.2 MCCAMPHILL PARK, LEASE AGREEMENT TO DUNLOY FOOTBALL CLUB

Report, previously circulated, was presented by

The purpose of this report is to update Members on the new lease of McCamphill Park to Dunloy Football Club ('the Club'); and to request approval for a new long term lease under the proposed Heads of Terms and agree the preferred annual rental value.

Background

At the Council meeting on 29th June 2021, the following recommendation was adopted from the Corporate Policy & Resources Committee in relation to the proposed new lease: *"Members approve a Community Asset Transfer of McCamphill Park, Dunloy to Dunloy Football Club under the proposed Heads of Terms for a new long-term lease, subject to the due legal process being completed"*.

Progress Update

As timeframes did not previously allow for Land & Property Committee consideration of this matter as originally planned, a legal opinion was sought from Council's Land & Property Solicitor (Legal Opinion) (previously circulated).

Officers were broadly content with the draft Heads of Terms proposed by the Club and these were shared with Council's Land & Property Solicitor for general review with specific advice provided on two key issues:

- Confirmation of land boundaries and any legal issues to resolve - A detailed map/plan will need to be prepared showing the demised area in

red and any rights of way granted in favour of the club in yellow (map provided in Section 4.0 of the report, previously circulated).

- Rental valuation for the long-term lease of recreational facilities - The Club has proposed a nominal rent for the lease. Legal cannot comment on the potential market or rental value of a commercial lease this is a matter for a commercial agent under the Land and Property Policy. Any proposal to lease the land at nominal or less than market value will be subject to mandatory DfC Ministerial Approval (refer to Section 5.0 of the report, previously circulated).

The legal opinion also highlights other issues to resolve including legal arrangements with the Club (and its legal status) and possible consequences of an exclusive lease arrangement. It also concludes that proposed works are acceptable subject to Council approval, Planning and Building Control approvals.

Draft Heads of Terms

Council currently owns, manages and operates McCamphill Park, Dunloy with Dunloy FC being the primary user of the facilities with regular bookings for matches during the season. A review of the management accounts for 'Dunloy Playing Fields' in 2018/19 (pre-Covid) provided details on the annual net cost to Council after income from bookings was taken into account.

This cost does however include significant staff costs for a caretaker on the site. This cost can therefore be considered as the indicative annual saving if the proposed Heads of Terms transfer full responsibility for maintenance, utilities and insurance to the Club.

The proposed Heads of Terms from Dunloy FC as detailed in the report, previously circulated, have been reviewed by Leisure & Development and are now deemed to be an acceptable basis for developing a new lease:

To progress matters the proposed demised area under a lease has also now been agreed by Leisure & Development. A detailed map has been prepared by GIS Mapping and referenced in the report (previously circulated) showing the demised area in red and any rights of way granted to the Club in yellow:

Rental Valuation

In line with Land & Property Policy and in accordance with Council's Professional Estate Agency Framework, an independent RICS registered valuer was commissioned to carry out an open market valuation for the proposed new lease of the demised area above.

The valuation report has been prepared in accordance with 'RICS Valuation – Global Standards 2020' (see Appendix II – Valuation Report) (previously circulated).

If Members agree to enter into a new lease agreement with Dunloy FC, three rental value options may now be considered:

- Option 1: Agree a market rental of £2,250 per year as per the independent Valuation Report;
- Option 2: Agree a nominal or peppercorn rent as per the rationale proposed by the Club;
- Option 3: Agree a rental value somewhere in between Options 1 and 2 above to take account of the indicative annual saving to Council and potential community benefit.

Any proposal to lease the land at nominal or less than market value (Options 2 and 3 above) will be subject to mandatory DfC Ministerial Approval in line with DfC Local Government Disposal of land at less than best price and Section 96 of the Local Government Act (Northern Ireland) 1972.

Members are asked to note progress made to date on the new lease of McCamphill Park to Dunloy Football Club and:

- Approve a new long term lease under the proposed Heads of Terms; and
- Agree the preferred rental value from Options 1, 2 or 3 presented above.

Following discussion Councillor McShane proposed Option 3 but failed to find a seconder.

It was then Proposed by Councillor McLean
Seconded by Alderman Knight McQuillan and

to recommend that Council notes the progress made to date on the new lease of McCamphill Park to Dunloy Football Club and:

- Approve a new long-term lease under the proposed Heads of Terms; and
- Agree Option 1 for the preferred rental value, that is, Agree a market rental of £2,250 per year as per the independent Valuation Report;

At this point Councillor McShane's proposal was seconded.

Proposed by Councillor McShane
Seconded by Councillor McGurk

to recommend that Council notes the progress made to date on the new lease of McCamphill Park to Dunloy Football Club and:

- Approve a new long-term lease under the proposed Heads of Terms; and

Chair