

**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 4 OCTOBER 2023**

No	Item	Summary of Key Recommendations
1.	Apologies	<i>Alderman Fielding and Councillor Nicholl</i>
2.	Declarations of Interest	<i>None</i>
3.	Minutes of Previous Meeting held on Wednesday 6 th September 2023	<i>Confirmed as a correct record</i>
	<i>'In Committee' (Items 4-8 inclusive)</i>	
4.	Requests for Use of Council Land	
4.1	Requests to Use Council Land	<i>To recommend that requests Ref No 85/23 and 84/23 are approved and the fees are waived in accordance with the Land & Property Policy;</i> <i>To recommend that the Retrospective Approvals are noted (reference Ref 83/23 Ref 86/23 Ref 89/23)</i>
4.2	Request to Use Council Land Approved under Delegated Authority Report – September 2023	<i>Noted</i>
5.	Requests to Purchase/Dispose of Council Land/Property	<i>To recommend to Council that an update report on requests to Council for Purchase/Dispose of Land/Property is tabled quarterly</i>
6.	Leases and Licenses	
6.1	Portballintrae – Bayhead Road and Seaport Avenue – Extension to Existing Leases (Ref 01/23/P and 02/23/P) Heads of Terms	<i>To recommend that Council agrees to the draft Heads of Terms for the extension of the existing lease by a further 999 years for land at Bay</i>

		Head Road, Portballintrae (Ref No 01/23/P).as detailed at para 3.2 of this report and also agrees the draft Heads of Terms for the extension of the existing lease by a further 999 years for land at Seaport Avenue Portballintrae (Ref No 02/23/P) as detailed at para 3.3 of this report
7.	Legal Issues	
7.1	Townhead Street Car Park onto Eastermeade Gardens, Ballymoney – Adoption of Access Pathway – Update of Legal Searches	To recommend that Council adopt ownership of this laneway by means of an application for a Vesting Order through Land and Property Services (LPS) with the caveat that capital cost of Vesting be considered before any final decision is taken
8.	Correspondence	None

**MINUTES OF THE MEETING OF THE LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM AND VIA VIDEO-CONFERENCE
ON WEDNESDAY 4 OCTOBER 2023 AT 7.00PM**

- Chair:** Alderman Knight-McQuillan
- Present:** Councillors C Archibald, D Huggins,
P McCully (R), C McShane
- Officers Present:** A McPeake, Director of Environmental Services
J Mills, Land and Property Solicitor
J Drillingcourt, Assistant Land and Property Officer
I Owens, Committee and Member Services Officer

Key:
(R) Remote attendance via MS Teams

The Director of Environmental Services undertook a roll call of sub-committee Members in attendance.

1. APOLOGIES

Apologies were recorded for Alderman Fielding and Councillor Nicholl.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING HELD ON 6TH SEPTEMBER 2023

Summary, previously circulated.

AGREED – to recommend that the Minutes of the Land and Property Sub Committee meeting held Wednesday 6 September 2023 were confirmed as a correct record.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor Archibald
Seconded by Councillor Huggins and

AGREED – to recommend that Land and Property 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.

4. REQUESTS FOR USE OF COUNCIL LAND

4.1 Requests to Use Council Land

Confidential report previously circulated presented by the Assistant Land and Property Officer.

There were 2 new requests for the Sub-Committee to consider. The requests are summarised in the table below with further detail provided at Appendix 1.

Issues for Consideration

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

- 2.1 Right of way issues
- 2.2 Setting a 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

Recommendation

It is recommended that the requests listed at Appendix 1, previously circulated, are considered and recommendation/decision made where applicable.

It is recommended that the requests in Appendix 2, previously circulated, are for information and notation only.

(i) Reference 85/23

Date – 25th October 2023

Location - Rugby Avenue Pitches, Coleraine

Detail – Athletics NI – Flahavan's Primary School Cross Country Event to use pitches/bookable grass areas at Rugby Avenue, Coleraine on 25th October 2023 from 9am to 12.30pm. This is an annual event hosted by Athletics NI to give primary school children between 8-11 the opportunity to take part in cross country running. Approximately 200 – 250 in attendance.

Officer Recommendation – For Decision

(ii) Reference – 84/23

Date – 15th October 2023

Location – Portrush Amphitheatre/Portstewart Bandstand TBC

Detail - A request from Belfast Ukulele Jam to use Portrush Amphitheatre on 15th October 2023 from 2pm – 3pm. This is a not for profit event playing music for the general public. Approximately 50 musicians in attendance.

Officer Recommendation – For Decision

Proposed by Councillor Huggins

Seconded by Councillor Archibald and

AGREED – to recommend that requests Ref No 85/23 and 84/23 are approved and the fees are waived in accordance with the Land & Property Policy.

(iii) Retrospective Approvals

The Sub-Committee was asked to note the following Retrospective Approvals and make a recommendation on the charging of a fee, where required.

Ref 83/23	A request from BBC Radio 3 to use various lands at Magilligan, namely dunes and ferry terminal to broadcast their breakfast show on 21 st and 22 nd September 2023 from 5am – 11am. On 21 st they will attend the area for a short period of time and set up for the next day. 14 approximately in attendance.
Ref 86/23	A request from In Heat Film Ltd to film on Whiterocks Beach, East Strand Beach and to use East Strand Car Park for parking vehicles from 23 rd September – 25 th September 2023 from approximately 10hours over the 3 days. 26 In attendance.
Ref 89/23	A request from St John's Parish Church, Coleraine to use car park area at Somerset Forest for a Prayer Service to celebrate God's Creation. Taking place on 4 th October 2023 from 7pm – 7.30pm. Approximately 40 in attendance.

Proposed by Councillor McShane
Seconded by Councillor Huggins and

AGREED - to recommend that the Retrospective Approvals are noted (reference Ref 83/23 Ref 86/23 Ref 89/23).

4.2 Retrospective Approvals under 4.6 – Scheme of Delegation

New Requests Approved Under the Scheme of Delegation

The following requests have all been previously approved under Council's Scheme of Delegation and are for noting by the Sub-Committee.

There are 3 repeat requests and 1 Wayleave for the Sub-Committee to note. These requests have been approved under The Scheme of Delegation at Section 4.6 and Section 4.10, by the Director of Environmental Services. The requests are summarised in the table below.

Recommendation

It is recommended that the requests approved via the Scheme of Delegation to Senior Officers, are noted by the Sub-Committee.

Requests Approved under the Scheme of Delegation to Senior Officers. Section 4.10 refers – Approval of repeat requests for the use of Council land where the approval has previously been granted by Council.

Reference	Detail of Request
Ref 57/23 Previous ref 73/22	A request from Portballintrae Resident Association to use Portballintrae Village Hall, Car Park and Portballintrae Beach/Bay and Portballintrae Harbour on

	27 th & 28 th October 2023 for their annual Halloween Festival. Public toilets, fireworks, live music/pa and gas will be in use.
Ref 87/23 Previous ref 24/23	A request from Ally Jennett from Lockdown Ensemble to use Portstewart Bandstand on 21st July 2024 for their annual music event in aid of Kidney Care UK. Event will take place from 11am – 4.30pm.
Ref 88/23 Previous ref 90/22	A request from Portstewart Community Association to use the Crescent/Atlantic Circle, Portstewart on 7 th December 2023, weather permitting for their annual Community Christmas Lantern Walk from 6pm until 8pm.

Requests Approved under the Scheme of Delegation to Senior Officers.
Section 4.6 refers - 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.

Detail of Request
A request from NIE for a Wayleave at Quarry Hill, Portstewart to carry out works to a pole. Replacing a single pole with a double and erecting a transformer.

The Sub Committee were in agreement to recommend to note the requests approved under Council's Scheme of Delegation.

Sub Committee NOTED the report.

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

Councillor McShane raised that she was aware of requests to purchase/dispose of Land/Property and queried why no report had been tabled.

The Director of Environmental Services advised that an update had been provided at the June Land and Property Sub Committee meeting which had summarised current requests. He advised this was a significant piece of work, which included determining ownership and whether the asset was surplus to requirements, by the relevant Directorate.

The Director of Environmental Services clarified a key priority was Leases and Licences which had been highlighted by the Auditor and was considered as a priority at this time.

Following a request from Councillor McShane, the Chair confirmed that quarterly reporting on requests to Council for Purchase/Dispose of Land/Property would be tabled by the Officers, in line with other quarterly reports. All Members were in agreement.

AGREED – to recommend to Council that an update report on requests to Council for the Purchase/Dispose of Land/Property is tabled quarterly.

6. LEASES AND LICENCES

6.1 Portballintrae – Bayhead Road and Seaport Avenue – Extension to Existing Leases (Ref 01/23/P and 02/23/P) Heads of Terms

Confidential report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report is to update the Sub-Committee regarding the request to extend the term of existing leases for land at Bay Head Road (Ref No 01/23/P) and Seaport Avenue (Ref No 02/23/P), Portballintrae.

Background

In June 2023 a report was brought to the Land & Property Sub-Committee (L&P SC) seeking approval for a request to the extend the term of 2 existing leases by a further 999 years.

A copy of the June L&P SC report is attached at appendix A, previously circulated, for reference.

Council ratified the recommendation and

AGREED – that the request to extend the term of the existing lease by a further 999 years for land at Bayhead Road, Portballintrae subject to an independent valuation being carried out is approved. The final Heads of Terms will be brought back to the Land & Property Sub-Committee at a future date and;

That Council agree to the request to extend the term of the existing lease by a further 999 years for land at Seaport Avenue, Portballintrae subject to an independent valuation being carried out. The final Heads of Terms will be brought back to the Land & Property Sub-Committee at a future date.

Following ratification of Council's decision, an external valuer was appointed to carry out an independent valuation of the extension of the term for both leases and negotiate the draft Heads of Terms with the tenant's agent.

Proposals

Negotiations between Council's agent and the tenant's agent have concluded and the draft Heads of Terms for both leases have been prepared for consideration and approval by the L&P SC.

The draft Heads of Terms for land at Bay Head Road, Portballintrae (Ref No 01/23/P) are detailed below:

- Variation to Lease: lease dated 10th October 1994 (as varied) to be extended by 999 years from the expiry date.
- Consideration: Cost as determined by valuation
- Costs: Tenant to pay cost of valuation and Landlords legal costs (if demanded)

The draft Heads of Terms for land Seaport Avenue Portballintrae (Ref No 02/23/P) are detailed below:

- Variation to lease: lease dated 1st December 2010 varied by an extension of 999 years from expiry date.
- Consideration: Cost as determined by valuation
- Tenant to pay cost of valuation and Landlords legal costs (if demanded)

Recommendation

It is recommended that Council agrees to the draft Heads of Terms for the extension of the existing lease by a further 999 years for land at Bay Head Road, Portballintrae (Ref No 01/23/P).as detailed at para 3.2 of this report and also agrees the draft Heads of Terms for the extension of the existing lease by a further 999 years for land at Seaport Avenue Portballintrae (Ref No 02/23/P) as detailed at para 3.3 of this report.

At the request of Councillor McCully the Land and Property Solicitor advised that a valid Planning Permission had been factored into the valuation which had taken place on Bayhead Road.

Proposed by Councillor Archibald
Seconded by Councillor Huggins and

AGREED - to recommend that Council agrees to the draft Heads of Terms for the extension of the existing lease by a further 999 years for land at Bay Head Road, Portballintrae (Ref No 01/23/P).as detailed at para 3.2 of this report and also agrees the draft Heads of Terms for the extension of the existing lease by a further 999 years for land at Seaport Avenue Portballintrae (Ref No 02/23/P) as detailed at para 3.3 of this report.

7. LEGAL ISSUES

7.1 Townhead Street Car Park onto Eastermeade Gardens, Ballymoney – Adoption of Access Pathway – Update of Legal Searches

Confidential report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

The purpose of this report is to update the members of the Land and Property Sub-Committee (LPSC) with the outcome of Registry of Deeds Search regarding the laneway at Townhead Street, Car Park onto Eastermeade Gardens, Ballymoney.

Background

At the Council Meeting held on 1st November 2022 a Notice of Motion was referred to Land and Property Sub-Committee:

Notice of Motion Proposed by Councillor Storey, Seconded by Alderman McLean referred from Council Meeting 1st November 2023 – That Causeway Coast and Glens Borough Council adopts the access from Townhead Street car park onto Eastermeade Gardens.

The Notice of Motion was heard at the Land and Property Sub-Committee

meeting held 1st February 2023 where it was AGREED – that Council refer the Notice of Motion to Corporate Policy and Resources Committee for further discussion.

The Notice of Motion was heard at the Corporate Policy and Resources Committee meeting held 28th February 2023 where it was AGREED –that Council refer the matter to the Land and Property Sub- Committee for further investigative work. Decision was ratified at the Council meeting on 7th March 2023.

At the Land and Property Sub-Committee Meeting held 20th March 2023 a report was presented (please see Appendix A) where it was AGREED - Council defer a decision until further investigation regarding the ownership of the laneway is carried out and the results of the further investigation are brought back to the Land and Property Sub-Committee.

Legal

Legal and Insurance advice was provided within the report

Options

Adopt ownership of this laneway by means of an application for a Vesting Order through Land and Property Services (LPS).

Do not proceed with a Vesting Order or agree to any maintenance or repair of the laneway.

Recommendation

It is recommended that the Sub-Committee consider the options are 5.1 and 5.2 and make a recommendation on the course of action to Council.

At the request of the Director of Environmental Services the Land and Property Solicitor updated the Sub Committee of the findings of the legal searches and advised that the timeline for potential claims had lapsed as they were 'statute barred'.

Councillor McShane said she was minded to propose that Council do not proceed and referred to other areas in the borough with similar circumstances and raised concern about setting a precedent.

The Chair reminded the Sub Committee that this pathway leads to a carpark which was owned and operated by Causeway Coast and Glens Borough Council.

The Director of Environmental Services said that every request should be considered on its own merit and set of circumstances.

Discussion ensued regarding the market value of the laneway, given that it served as a means of access to the car park.

Proposed by Councillor Huggins
Seconded by Alderman Knight-McQuillan and

AGREED - to recommend that Council adopt ownership of this laneway by means of an application for a Vesting Order through Land and Property Services (LPS) with the caveat that the capital cost of Vesting be considered before any final decision is taken.

8. **CORRESPONDENCE**

There were no items of correspondence.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor McShane
Seconded by Councillor Huggins and

AGREED – to recommend that the Land & Property Sub-Committee move '*In Public*'.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 7.50 pm.

Chair