

**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 7 FEBRUARY 2024**

No	Item	Summary of Key Recommendations
1.	Apologies	<i>Alderman Fielding and Councillor McCully</i>
2.	Declarations of Interest	<i>None</i>
3.	Minutes of Previous Meeting held on 10 January 2024	<i>Confirmed as a correct record</i>
4.	Transformation Plan – Land & Property – Update	<i>to recommend that Corporate Policy and Resource Committee note the Action Plan Update; And - to recommend that, to fulfil the requirements of recommendations LP11, LP15 and LP20, that an interim Corporate Asset Officer post is established for an initial 12-month period to progress the work associated with the recommendations.</i>
5.	Leases and Licences	
5.1	Limavady, Green Lane Museum – Keyholder Agreement	<i>to recommend that Corporate Policy and Resources Committee agrees to the renewal of the Key Holder Agreement with Roe Valley Ancestral Researchers for the voluntary operation of Green Lane Museum for a term of one year, including the approval of the two minor</i>

		amendments as set out in the report
6.	Requests for Use of Council Land	
6.1	Report on Requests to Use Council land	
6.1 (i)	Reference: 122/23	to recommend that Corporate Policy and Resources Committee approve the request Reference 122/23 to use White Rocks Beach, for a small wedding ceremony
6.1 (ii)	Retrospective Approval - Reference 117/23	Note
7.	Requests to Purchase/Dispose of Council Land/Property	None
8.	Leases and Licences	
8.1	Portrush, Carrick Dhu Caravan Park, Chip Shop – Renewal of Commercial Lease	to recommend that Corporate Policy and Resource Committee agrees to the terms as detailed at 3.3 of this report, and grants approval to renew the lease with the tenant at Carrick Dhu Holiday and Leisure Complex, trading as “Jeno’s Chip Shop”, commencing on 1st April 2024 for a period of 10 years, at the yearly rent of [REDACTED] per annum with a rent review after Year 5.
8.2	Portrush, Carrick Dhu Caravan Park, Shop Unit - New Commercial Lease	to recommend to Corporate Policy and Resources Committee that the Heads of Terms as detailed at Appendix 3 are agreed and approval is granted to enter into a new commercial lease under Submission A for the Coffee Shop at Carrick Dhu Holiday Park, Portrush, commencing on 1st March 2024 (pending approval) for a period of 5 years, at the yearly rent of [REDACTED] per annum

<p>8.3</p>	<p>Ref 03/23/L – Coleraine, Anderson Park – Request for Access Over Council Land via Licence</p>	<p>to recommend that Corporate Policy and Resources Committee refuse the request to extend an existing pathway and grant of access via licence over Council land at Anderson Park, Coleraine (Ref No 03/23/L);</p> <p>- To recommend that Corporate Policy and Resources Committee recommend that Council does not consider any future requests for access over Council land at Anderson Park, Coleraine from this business for this purpose.</p>
<p>8.4</p>	<p>Portrush, Arcadia – Renewal of Commercial Lease</p>	<p>to recommend that Corporate Policy and Resources Committee approve the renewal of the commercial lease of the premises known as the Arcadia Building, Portrush for a further term of 6 years, commencing on [REDACTED] per annum;</p> <p>- To recommend that any minor amendments to the wording of the lease renewal document will be agreed between solicitors.</p>
<p>8.5</p>	<p>Rathlin Island – Grant of Permission to Covenant Under Existing Lease</p>	<p>to recommend that Corporate Policy and Resources Committee grant approval for officers to progress and complete an “amendment to lease” concerning the foreshore at Rathlin Island in respect of a temporary waiver of the covenant at paragraph 4 of the existing lease between the private</p>

		<p><i>landowner and Council at an annual cost of [REDACTED]</i></p> <p><i>Such agreement be in place until the Changing Places Pod is surplus to requirements or requires removal. The payment of [REDACTED] shall be made annually, separate to the rent until such times as the Pod is removed. The sum of [REDACTED] will not be subject to rent review.</i></p>
9.	Legal Issues	
9.1	Portballintrae, Seaport Avenue – Legal Proceedings – Claim of Right of Way	Note

**MINUTES OF THE MEETING OF THE LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE COUNCIL CHAMBER AND VIA VIDEO-CONFERENCE ON
WEDNESDAY 7 FEBRUARY 2024 AT 7.00PM**

- Chair:** Alderman Knight-McQuillan
- Present:** Councillors C Archibald, Councillors Huggins, A Mairs, C McShane (R), D Nicholl (R), D Wilson (R)
- Officers Present:** M Quinn, Director of Corporate Services
P Donaghy, Democratic and Central Services Manager
D McLaughlin, Land and Property Officer
J Mills, Council Solicitor, Land and Property
J Drillingcourt, Assistant Land and Property Officer
S Calvin, Museum Services Manager
S McCartney, Holiday and Leisure Parks General Manager (R)
S Duggan, Civic Support and Committee & Member Services Officer
- C Thompson, ICT Operations Officer

Key:
(R) Remote attendance via MS Teams

The Director of Corporate Services undertook a roll call.

The Chair invited Elected Members to use the MS Teams 'hands up' function in the event the MS Teams 'chat' function did not work.

SUBSTITUTION

The Chair advised Councillor Mairs was substituting for Councillor McCully.

1. APOLOGIES

Apologies were recorded for Alderman Fielding and Councillor McCully.

2. DECLARATIONS OF INTEREST

There were no declarations of interest recorded.

3. MINUTES OF PREVIOUS MEETING HELD ON 10 JANUARY 2024

Redacted summary minute, previously circulated.

AGREED – the Minutes of the Land and Property Sub Committee meeting held 10 January 2024 were confirmed as a correct record.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Mairs
Seconded by Councillor Archibald and

AGREED – to recommend that Corporate Policy and Resources Committee move ‘*In Public*’.

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.

* **Councillor Nicholl joined the meeting at 7.05pm.**

4. TRANSFORMATION PLAN – LAND & PROPERTY – UPDATE

Confidential report by virtue of paragraph(s) 3 and 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 was previously circulated and presented by the Director of Corporate Services.

Purpose of report

The purpose of the report is to present an update on the Transformation Action Plan and to seek approval to appoint a Corporate Asset Officer on an interim basis to implement the requirements of the recommendations contained in the Transformation Programme for Land and Property LP11, LP15 and LP20.

Background

At its meeting in January 2024 the Land and Property Sub-Committee (L&P SC) recommended approval of the Transformation Programme (TP) Land and Property Action Plan which was endorsed by the Corporate Policy and Resources Committee at its meeting on 30th January and was presented for ratification to full Council on Tuesday 6th February.

Members were informed that monthly updates would be provided on progress to ensure the Sub-Committee can oversee and monitor the progress of the work to complete the recommendations for which it is responsible.

The Director of Corporate Services presented the following paragraphs within the confidential report:

- Action Plan Progress
- Recommendation LP11
- Recommendation LP15
- Recommendation LP20
- Update on Recommendations 11, 15 and 20
- Financial Implications

It is recommended that the Action Plan Update is noted.

And

It is further recommended that, to fulfil the requirements of recommendations LP11, LP15 and LP20, that an interim Corporate Asset Officer post is

established for an initial 12-month period to progress the work associated with the recommendations.

Councillor McShane sought clarification of the role and whether it related to assets which were not progressing to sale, for example, Bayview Café and the former amusements arcade, Ballycastle.

The Director of Corporate Services clarified the primary focus was an interim, temporary post, specifically in relation to recommendations of the Transformation Programme and arising out of the Extraordinary Audit. The Asset Realisation post was currently vacant.

Proposed by Councillor McShane
Seconded by Councillor Huggins and

AGREED – to recommend that Corporate Policy and Resource Committee note the Action Plan Update;

And

- To recommend that, to fulfil the requirements of recommendations LP11, LP15 and LP20, that an interim Corporate Asset Officer post is established for an initial 12-month period to progress the work associated with the recommendations.

CHANGE ORDER OF BUSINESS

AGREED – that the Order of Business is changed to receive Item 7.6 - Limavady, Green Lane Museum – Keyholder Agreement, next on the Agenda of business for the evening.

5. LEASES AND LICENCES

5.1 Limavady, Green Lane Museum – Keyholder Agreement

Confidential report, by virtue of paragraph(s) 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 was previously circulated and presented by the Museum Services Manager.

Purpose of Report

The purpose of this report is to request that Council agree to renew the Key Holder Agreement with Roe Valley Ancestral Researchers for Green Lane Museum for one year with the suggested minor changes.

Proposal was circulated within the confidential report.

Recommendation

It is recommended that Council agrees to the renewal of the Key Holder Agreement with Roe Valley Ancestral Researchers for the voluntary operation of Green Lane Museum for a term of one year, including the approval of the two minor amendments being:

- 1) Amend Para 3.3.3 of the new renewal Keyholder Agreement to “*ensure the Premises are open to the public during the period of Easter to September in each year of the Term on at least two days each week and by appointment.*”
- 2) Amend Para 3.6 – Entry by Licensor of the new renewal Keyholder Agreement to “*To allow the Grantor and all persons authorised by the Grantor to enter the Lands at any time for the purpose of ascertaining whether the terms of the Agreement have been complied with and to make regular checks on the collections as per the Grantor’s Collections Care and Conservation Policy.*”

Proposed by Councillor Huggins
Seconded by Councillor C Archibald and

AGREED – to recommend that Corporate Policy and Resources Committee agrees to the renewal of the Key Holder Agreement with Roe Valley Ancestral Researchers for the voluntary operation of Green Lane Museum for a term of one year, including the approval of the two minor amendments being:

- 1) Amend Para 3.3.3 of the new renewal Keyholder Agreement to “*ensure the Premises are open to the public during the period of Easter to September in each year of the Term on at least two days each week and by appointment.*”
- 2) Amend Para 3.6 – Entry by Licensor of the new renewal Keyholder Agreement to “*To allow the Grantor and all persons authorised by the Grantor to enter the Lands at any time for the purpose of ascertaining whether the terms of the Agreement have been complied with and to make regular checks on the collections as per the Grantor’s Collections Care and Conservation Policy.*”

* **Museum Services Manager left the meeting at 7.14pm.**

6. REQUESTS FOR USE OF COUNCIL LAND

6.1 Report on Requests to Use Council Land

Confidential report, by virtue of paragraph(s) 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 was previously circulated and presented by the Land and Property Officer.

Requests to Use Council Land

There is 1 new request for the Sub-Committee to consider and make a recommendation. The request is summarised in the table at Appendix 1 (circulated).

There is 1 retrospective request summarised at Appendix 2 for information only (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

Recommendation

It is recommended that the request listed at Appendix 1 is considered and recommendation made.

The request at Appendix 2 is for information only and should be noted.

6.1 (i) Reference: 122/23

Date: 4 May 2024

Location: White Rocks Beach, Portrush

Detail: Applicant wishes to use White Rocks Beach, for a small wedding ceremony. The time and numbers were circulated within the report.

Officer recommendation For Decision

In response to Councillor Huggins, the Land and Property Officer clarified it would be drawn to the attention of the applicant that the date would coincide with a bank holiday and the beach busy, the Coast and Countryside Manager would liaise accordingly.

Proposed by Councillor C Archibald

Seconded by Councillor Mairs and

AGREED – to recommend that Corporate Policy and Resources approve the request Reference 122/23 to use White Rocks Beach, for a small wedding ceremony.

Retrospective Approval (Appendix 2)

6.1 (ii) Reference 117/23

Reference: 117/23

Detail: A request from a freelance broadcaster (name supplied) to use Dungiven Bowling Club to record a small news piece for BBC on 'Your Place or Mine'. The date and time filming took place was detailed within the report.

Sub Committee NOTED Retrospective Approval Reference 117/23 (Appendix 2).

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

The Chair advised there was no report.

8. LEASES AND LICENCES (continued)

8.1 Portrush, Carrick Dhu Caravan Park, Chip Shop – Renewal of Commercial Lease

Confidential report, by virtue of paragraph(s) 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 was previously circulated and presented by the Holiday and Leisure Parks General Manager.

Purpose of Report

The purpose of this report is to seek agreement to the Heads of Terms, for the renewal of the existing lease at the hot food bar, Carrick Dhu Holiday and Leisure Complex, Portrush, trading as “Jeno’s Chip Shop”.

The following paragraphs were circulated within the confidential report.

- Background
- Proposals
- Tenant Obligations
- Landlord Obligations

Recommendation

It is recommended that Council agrees to the terms as detailed at 3.3 of this report, and grants approval to renew the lease with the tenant at Carrick Dhu Holiday and Leisure Complex, trading as “Jeno’s Chip Shop”, commencing on 1st April 2024 for a period of 10 years, at the yearly rent of [REDACTED] per annum with a rent review after Year 5.

Proposed by Councillor C Archibald
Seconded by Councillor Huggins and

AGREED – to recommend that Corporate Policy and Resource Committee agrees to the terms as detailed at 3.3 of this report, and grants approval to renew the lease with the tenant at Carrick Dhu Holiday and Leisure Complex, trading as “Jeno’s Chip Shop”, commencing on 1st April 2024 for a period of 10 years, at the yearly rent of [REDACTED] per annum with a rent review after Year 5.

8.2 Portrush, Carrick Dhu Caravan Park, Shop Unit - New Commercial lease

Confidential report, by virtue of paragraph(s) 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 was previously circulated and presented by the Holiday and Leisure Parks General Manager.

Purpose of Report

The purpose of this report is to seek approval for Council to enter into a new commercial lease and associated Heads of Terms presented in this report for the premises at Portrush, Carrick Dhu Holiday Park, Coffee Shop.

The following paragraphs were circulated within the confidential report.

- Background
- Proposals
- Tenant's Obligations
- Landlord Obligations

Recommendation

It is recommended that the Heads of Terms as detailed at Appendix 3 are agreed and approval is granted to enter into a new commercial lease under Submission A for the Coffee Shop at Carrick Dhu Holiday Park, Portrush, commencing on 1st March 2024 (pending approval) for a period of 5 years, at the yearly rent of [REDACTED] per annum.

Councillor Huggins sought clarification of the tender process.

The Holiday and Leisure Parks General Manager advised the process was undertaken via Councils Agent.

Proposed by Councillor Archibald
Seconded by Councillor Mairs and

AGREED – to recommend to that the Heads of Terms as detailed at Appendix 3 are agreed and approval is granted to enter into a new commercial lease under Submission A for the Coffee Shop at Carrick Dhu Holiday Park, Portrush, commencing on 1st March 2024 (pending approval) for a period of 5 years, at the yearly rent of [REDACTED] per annum.

* **Holiday and Leisure Parks General Manager left the meeting at 7.24pm.**

8.3 Ref 03/23/L – Coleraine, Anderson Park – Request for Access over Council Land via Licence

Confidential report, by virtue of paragraph(s) 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 was previously circulated and presented by the Land and Property Officer. Maps and photographs were illustrated via powerpoint presentation.

Purpose of Report

The purpose of this report is for Council to consider a request from a local business seeking permission to extend an existing pathway and grant of access via licence over Council land at Anderson Park, Coleraine (Ref No 03/23/L).

The request will facilitate staff from the local business gaining access from the Harbour Estate to the rear of Andersons Park to the business on the Millburn Road.

If approval is granted the access will be for exclusive use for the staff only and not for use by the general public.

The following paragraphs were circulated within the confidential report.

- Background
- Proposals
- Legal Advice
- Options

Recommendation

It is recommended that Council refuses the request to extend an existing pathway and grant of access via licence over Council land at Anderson Park, Coleraine (Ref No 03/23/L).

It is further recommended that Council does not consider any future requests for access over Council land at Anderson Park, Coleraine from this business for this purpose.

Proposed by Councillor Huggins
Seconded by Councillor Mairs and

AGREED – to recommend that Corporate Policy and Resources Committee refuse the request to extend an existing pathway and grant of access via licence over Council land at Anderson Park, Coleraine (Ref No 03/23/L);
- To recommend that Corporate Policy and Resources Committee recommend that Council does not consider any future requests for access over Council land at Anderson Park, Coleraine from this business for this purpose.

ORDER OF BUSINESS

AGREED – That the Order of Business is changed to receive Portrush, Arcadia – Renewal of Commercial Lease next on the Item of business on the Agenda.

8.4 Portrush, Arcadia – Renewal of Commercial Lease

Confidential report, by virtue of paragraph(s) 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 was previously circulated and presented by the Land and Property Officer.

Purpose of Report

The purpose of this report is to seek Council's approval to renew the commercial lease of the premises known as the Arcadia Building, Portrush for a further term of 6 years.

The following paragraphs were circulated within the confidential report.

- Background
- Options

Recommendation

It is recommended that the renewal of the commercial lease of the premises known as the Arcadia Building, Portrush for a further term of 6 years, commencing on [REDACTED] per annum is approved.

It is further recommended that any minor amendments to the wording of the lease renewal document will be agreed between solicitors.

Proposed by Councillor Huggins
Seconded by Councillor C Archibald and

AGREED – to recommend that Corporate Policy and Resources Committee approve the renewal of the commercial lease of the premises known as the Arcadia Building, Portrush for a further term of 6 years, commencing [REDACTED] per annum;

To recommend that any minor amendments to the wording of the lease renewal document will be agreed between solicitors.

8.5 Rathlin Island – Grant of Permission to Covenant under Existing Lease

Confidential report by virtue of paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 was previously circulated and presented by the Council Solicitor, Land and Property.

Purpose of Report

To seek approval in respect of putting in place an “amendment to lease”, and annual evaluated costs to Council in respect of required lands at Rathlin Island to facilitate an essential funded specialist changing places POD to service the local community and visitors.

Recommendation

It is recommended that Members grant approval for officers to progress and complete an “amendment to lease” concerning the foreshore at Rathlin Island in respect of a temporary waiver of the covenant at paragraph 4 of the existing lease between the private landowner and Council at an annual cost of [REDACTED]. Such agreement be in place until the Changing Places Pod is surplus to requirements or requires removal. The payment of [REDACTED] shall be made annually, separate to the rent until such times as the Pod is removed. The sum of [REDACTED] will not be subject to rent review.

Proposed by Councillor McShane
Seconded by Councillor C Archibald

AGREED – to recommend that Corporate Policy and Resources Committee grant approval for officers to progress and complete an “amendment to lease” concerning the foreshore at Rathlin Island in respect of a temporary waiver of the covenant at paragraph 4 of the existing lease between the private landowner and Council at an annual cost of [REDACTED]. Such agreement be in place until the Changing Places Pod is surplus to requirements or requires removal. The payment of [REDACTED] shall be made annually, separate to the rent until such times as the Pod is removed. The sum of [REDACTED] will not be subject to rent review.

Councillor McShane stated it was good to see this progress.

9. LEGAL ISSUES

Confidential item by virtue of paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

9.1 Portballintrae, Seaport Avenue – Legal Proceedings – Claim of Right of Way

Council Solicitor, Land and Property provided background and a verbal update, Junior Counsel has advised that Council now engage a King’s Counsel (KC) in resolution of this matter. He advised a report would be circulated after the meeting.

Sub-Committee NOTED the update.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Huggins
Seconded by Councillor Mairs and

AGREED – to recommend that Corporate Policy and Resources Committee move ‘*In Public*’.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 8.04pm.

Chair