



Title of Report:	Ballykelly Community Portacabin Kings Lane Playing fields
Committee Report Submitted To:	Leisure and Development Committee
Date of Meeting:	18th August 2020
For Decision or For Information	For Information

Linkage to Council Strategy (2019-23)	
Strategic Theme	Resilient, Healthy & Engaged Communities
Outcome	Council will work to develop and promote stable and cohesive communities across the Borough
Lead Officer	Community & Culture Manager Community Facilities Development Officer

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

The purpose of this report is to provide Elected Members with information about a community portacabin located on Council owned land in Ballykelly.

2.0 Background

The portacabin is situated at 75 Tully Road, Ballykelly, BT49 9HW on Council owned land. Council is the freehold owner of the lands which form park of Kings Lane Playing fields. The portacabin was gifted by the Ministry of Defence for community benefit.

The land was leased to Ballykelly Youth and Community Association Limited for a period of 99 years on 15 November 2003. Once the portacabin was sited on Council land it essentially becomes part of that land as a 'fixture'.

In January 2017, having failed to return appropriate paperwork to Companies House the lessee became a dissolved Company and the remaining term of lease and leasehold interest reverted to Crown. The Ballykelly Youth and Community Association Limited continued to operate from the Cabin until late 2019, when all activities for community benefit ceased apart from youth activities which were operated by volunteer leaders who retained a key.

3.0 Current Situation

A new group, Ballykelly Residents Association formed with local residents and the local youth leaders in early 2020, and when they expressed an interest in taking the portacabin on, it transpired that the previous group had in fact dissolved and leasehold interest (land and cabin) had reverted to the Crown.

Advice was sought from Council's legal team in March 2020 on correct procedure to follow, and a letter was sent to the Crown to seek Crown disclaimer of the lease to allow the leasehold interest of land (including portacabin) to merge and be re-incorporated into Council's freehold folio and that the cabin be insured.

The merger of the leasehold folio is required to release Councils' freehold folio from the burden of the lease and to allow future use of the site through a new lease or Shared Management Agreement.

The Crown has disclaimed their interest in the lease, however paperwork has not yet been received to merge the leasehold folio into Council's freehold folio at the Land Registry.

The new group has retained the key and has building and contents insurance for the portacabin, however due to Covid-19, the portacabin has not been in use.

Council has included the portacabin in its insurance schedule. An initial Fire Risk Assessment has been carried out and there are remedial Category 'A' works that would need to be addressed prior to formally handing over to the residents group on a lease or Shared Management Agreement.

Since lockdown there has been a significant increase in the frequency and severity of anti-social behaviour in the area beside the portacabin, which has been reported to the PSNI and the PCSP.

4.0 Next Steps

In line with Councils procedures for assessing need for community facilities, the next step is to carry out a Strategic Outline Case to define the current position and to carry out an initial consideration of the options to allow Council to decide on how best to proceed.

The Strategic Outline Case will consider:

- The need within the area for a facility of this nature.

- A review of current provision, services, facilities, gaps and duplication.
- An exploration of key strategic issues.
- Options and recommendations for next steps.

At this initial stage the options that may be considered are:

- Completion of remedial fire and Legionella works and make good and offer the lease to the newly formed Ballykelly Residents Association;
- Completion of remedial fire and Legionella works and make good and enter into a Shared Management Agreement with the newly formed Ballykelly Residents Association;
- Removal of portacabin from site.

A further report will be provided to committee following the completion of the Strategic Outline case.