



**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 2 FEBRUARY 2022**

No	Item	Summary of Key Recommendations
1.	Apologies	Alderman Baird
2.	Declarations of Interest	Nil
	'In Committee' Items 3 to 9 inclusive	
3.	Minutes of Previous Meeting held on 5 January 2022	Confirmed
4.	Magilligan Community Association – Shared Management Agreement - Amendment to Agreement Term	to recommend that Council reduce the term of the Shared Management Agreement for Magilligan Community Centre between Council and Magilligan Community Association from ten years to five years
5.	Requests for Use of Council Land	
5.1	Report on Requests to Use Council Land	
	Ref 124/21 Babcock International Group (access road to complete works for Translink (NI Railways))	to recommend that Council refuse request from a contractor to use Council land at the access road to Coleraine Leisure Centre and along the carpark to access their works compound to enable works to be carried out for track renewal for Translink (NI Railways)
	Ref 110/21 Faith Mission (Christian Bookshop/Outreach)	to recommend that Council Officers offer Faith Mission Castlecroft in the first instance and Castle Street Car Park if Castlecroft is not acceptable and can be accommodated by Car Parks Officer; to seek Charity

		Number from Faith Mission to allow fees to be waived
	Ref 122/21 The Irish Society Primary (5K Colour Run)	to recommend that Council approve request from The Irish Society Primary School to use Council land at the Christie Park, Coleraine, for 'Paul's Run' a 5k 'Colour Run' in memory of Paul Murray and in aid of the 'Paul's Legacy' charity.
5.2	Ref 44/21 – Coleraine, Land at Adjacent to Coleraine Tennis Courts- Request to extend existing Council pathway	to recommend that Council approve Option 1, refuse the request
5.3	Ref 74/21 _ Portballintrae – Installation of Permanent Art Piece – Portballintrae Community Development Group	to recommend that Council approve (Ref 74/21 _ Portballintrae) – installation of permanent art piece by Portballintrae Community Development Group the installation of the art piece, subject to stated conditions
6.	Requests to Purchase/Dispose of Council Land/Property	Nil
7.	Leases and Licences	
7.1	Armoy, Limepark Playing Fields – Extension to Licence Agreements - Armoy Community Association and Causeway Giant's American Football Club	to recommend that Council approve Option 2, grant approval to the requests from Armoy Community Association and the Causeway Giants American Football Club to extend the existing Licence Agreements for a further 6 months under the existing terms and conditions from 1st April 2022 to 30th September 2022.
7.2	Coleraine Leisure Centre Café – Request to Terminate Café Licence	to recommend to Council that the Catering Franchise Licence Agreement in Coleraine Leisure Centre is formally terminated.
8.	Legal Issues	to recommend that Council approve that the Land and Property Solicitor progress

		<i>to surrender the lease held by The Bay Café.</i>
9.	Correspondence	None

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD VIA VIDEO-CONFERENCE ON
WEDNESDAY 2 FEBRUARY 2022 AT 7.00PM**

- Chair: Alderman Knight-McQuillan (R)
- Present: Alderman Fielding (R), Hillis (R)
Councillors Beattie (R), Holmes (R), McGurk (R),
McLean (R), C McShane (R)
- Officers Present: M Quinn, Director of Corporate Services (R)
P Donaghy, Democratic and Central Services Manager (R)
D McLaughlin, Land and Property Officer (R)
J Mills, Land and Property Solicitor (R)
W McCullough, Head of Sport and Wellbeing (R)
L Scullion, Community Development Manager (R)
A McCloskey, Community Development Facilities Officer (R)
R Gillen, Coast and Countryside Manager (R)
J Keen, Committee & Member Services Officer (R)

Key (R) = Remote attendance

SUBSTITUTIONS

Councillor Holmes substituted for Alderman Baird.

1. APOLOGIES

Apologies were received for Alderman Baird.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Alderman Hillis
Seconded by Councillor McGurk and

AGREED – that the Sub-Committee move ‘*In Committee*’.

The information contained in the following item is restricted in accordance with Parts 1, 2 and 3 of Schedule 6 of the Local Government Act (Northern Ireland) 2014

**3. MINUTES OF LAND AND PROPERTY SUB COMMITTEE MEETING
HELD ON 5 JANUARY 2021**

Summary minute, previously circulated.

The minutes of the previous meeting held on 5 January 2022 were confirmed as a correct record.

4. MAGILLIGAN COMMUNITY ASSOCIATION – SHARED MANAGEMENT AGREEMENT - AMENDMENT TO AGREEMENT TERM

Confidential report, previously circulated was presented by the Community Development Manager.

Purpose of Report

The purpose of the report was to present an amendment to the Shared Management Agreement for Magilligan Community Centre between Council and Magilligan Community Association for approval.

Background

Council's Leisure & Development Committee approved a draft Shared Management Agreement and Schedule of Maintenance Operations at its meeting on 19th November 2019 between Council and community organisations that operate Council Community Centres. This was ratified by full Council on 3rd December 2019.

In January 2020 a report was taken to the L&P SC requesting approval of five Shared Management Agreements for the Community Centres in Ballybogey, Stranocum, Magilligan, Greysteel and Rasharkin. The decision was ratified by Council at its February 2020 meeting.

The purpose of the Management Agreement and Schedule of Maintenance Operations was to formalise the legacy arrangements for the community centres owned by Council that were operated by community organisations on Council's behalf. A Management Agreement was deemed to be the best model to put in place in order to formalise the arrangements carried over from the legacy Councils and clearly lay out the responsibilities of Council and of the community organisations.

Proposals

A request has been received by one of the Community Centres that they would prefer the term of the Shared Management Agreement to be 5 years as opposed to the original 10 years. Advice was taken from Council Legal Service who advised that this request could be considered provided all other organisations that hold a Shared Management Agreement for operation of a Council Community Centre were also offered this amendment. The other organisations that hold Shared Management Agreements were contacted and offered the option to reduce the term of the Agreement, but all were content to remain with the original timescale.

Approval is now sought from Council's Land and Property Sub-Committee to reduce the term of the Shared Management Agreement for Magilligan Community Centre from ten years to five years as outlined in the updated document which was attached at Annex A (previously circulated).

It is recommended that the Land and Property Sub Committee recommends to Council to reduce the term of the Shared Management Agreement for Magilligan Community Centre between Council and Magilligan Community Association from ten years to five years.

In response to questions the Community Development Officer advised Committee of the reasons the Community Association wished to reduce the term of the Shared Management Agreement.

The Land and Property Solicitor provided legal opinion regarding changing terms of the Shared Management Agreement.

Proposed by Councillor McLean
Seconded by Councillor McGurk and

AGREED – to recommend that Council reduce the term of the Shared Management Agreement for Magilligan Community Centre between Council and Magilligan Community Association from ten years to five years

- * **The Community Development Manager left the meeting at 7.10pm**
- * **The Community Development Facilities Officer left the meeting at 7.10pm**

5. REQUESTS FOR USE OF COUNCIL LAND

5.1 REPORT ON REQUESTS TO USE COUNCIL

Confidential report, previously circulated, 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.

There were 0 repeat events for the Sub-Committee to consider.

There were 0 retrospective events for the Sub-Committee to note.

Issues for Consideration

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

- 2.1 Right of way issues
- 2.2 Setting 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

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

Ref	Date	Location	Detail	Officer Recommendation	
124/21	From February to 31 st July 2022 (tbc) Access required 24/7 throughout the requested period.	The access road to the side of Coleraine Leisure Centre and along the carpark	A request from a contractor to use Council land at the access road to Coleraine Leisure Centre and along the carpark to access their works compound to enable works to be carried out for track renewal for Translink (NI Railways)	For discussion	Proposed by Councillor McLean, Seconded by Councillor McGurk and AGREED – to recommend that Council refuse request from a contractor to use Council land at the access road to Coleraine Leisure Centre and along the carpark to access their works compound to enable works to be carried out for track renewal for Translink (NI Railways)
Maps were presented to show proposed route by a contractor through Council owned land and an alternative route via Translink Car Park					
110/21	2nd, 9th, 16th, 23rd & 30th of March 2022 8am to 3.30pm	Castle Street Car Park, Ballymoney	A request from Faith Mission to use Council land at Castle Street Car Park, Ballymoney, for a weekly Christian book shop /street outreach.	For discussion	Proposed by Councillor McLean, Seconded by Alderman Fielding and AGREED – to recommend that Council Officers offer Faith Mission Castlecroft in the first instance and Castle Street Car Park if Castlecroft is not acceptable and can be accommodated by the Car Parks officer; to seek Charity Number from Faith Mission to allow fees to be waived
122/21	2 nd of April 2022	Christie Park, Coleraine	A request from The Irish Society Primary School to use	For discussion	Proposed by Alderman Hillis, Seconded by Councillor McGurk

			Council land at the Christie Park, Coleraine, for 'Paul's Run' a 5k 'Colour Run' in memory of Paul Murray and in aid of the 'Paul's Legacy' charity.		and Alderman Fielding AGREED – to recommend that Council approve request from The Irish Society Primary School to use Council land at the Christie Park, Coleraine, for 'Paul's Run' a 5k 'Colour Run' in memory of Paul Murray and in aid of the 'Paul's Legacy' charity. Charity Number to be provided to allow fee to be waived.
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5.2 REF 44/21 – COLERAINE, LAND AT ADJACENT TO COLERAINE TENNIS COURTS- REQUEST TO EXTEND EXISTING COUNCIL PATHWAY

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

Purpose of Report

The purpose of this report was to seek a recommendation from the Sub-Committee on Request to Use Council Land Ref No 44/21 – To extend an existing Council pathway for the exclusive use by a local business and its employees.

Background

The Land and Property section has received a request from a local business based on the Millburn Road, Coleraine requesting permission to extend an existing pathway adjacent to the tennis courts at Riversdale Road, Coleraine.

The business owner has asked that they be given permission to extend the existing Council pathway which runs alongside the tennis courts to facilitate easy access for their employees to move between their showroom on the Millburn Road and their new workshop at the harbour units.

It would be their intention to construct the extension to the pathway and erect a gate at the end of the extended pathway with access being controlled by them during the hours of business. The gates would be closed outside working hours. The pathway would for exclusive use by their employees and not be able to be used by members of the public.

Annex A (circulated) to this report contains the following maps

- Map 1 – Proposed Extension to Existing Council Footpath (submitted by applicant)
- Map 2 – Aerial view of the site
- Map 3 – Council ownership
- Map 4 – Detail of extended footpath overlaid on Council's ownership
- Map 5 – Measurement of proposed path – approximately 43.3m in length
- Map 6 – Measurement of land which will be affected by the request and could restrict Council's ability to use the land in future and may affect its value – approximately 0.59 acres

Proposals

The applicant has confirmed that work will be carried out at the applicant's expense and completed by a competent builder. A risk assessment has been provided by the builder detailing the sequence of work.

Confirmation that they would be responsible for the maintenance and insurance of the pathway extension during the works and after completion of the works has been received

The applicant has stated that they do not wish to purchase any part of the land but would like Council to consider granting either a lease/licence or a right of way (Grant of Easement).

Access to the route will be cut through the fencing as seen in the images (circulated) provided by applicant.

Officer consultation has taken place and the comments are summarised below:

- This location has become a hotspot for anti-social behaviour
- Agreement to this proposal could compromise the security of the site
- May increase the number of unwanted visitors
- Concerns over how work access would be achieved and how current users of the site would be affected
- Issues over satisfactory reinstatement of grounds
- Issue of lighting – is it required?
- Granting access would undermine future development opportunity of the site as a whole
- Asset Realisation currently carrying out an active review of Council facilities and granting this request would limit future proposals
- Request does not appear to be essential and is purely to reduce walking time for the business' employees
- This would create an easement over Council land which is not essential to the business.
- If granted, it will restrict Council's ability to use the land in future and may affect its value
- If granted, the path will not be for the benefit of the public at large but purely for the benefit of a commercial business.

Options

4.1 Refuse the request

4.2 Grant an easement subject to the following conditions:

- An independent valuation to be sought and paid for by the applicant
- Payment of the fee determined by the independent valuation
- Payment of a bond to be held until the completion of the works. Amount of bond to be agreed with Estates department and asset owner
- Planning permission if required
- Submission of an updated site-specific risk assessment to include the current use of the site and its current users
- Programme of work to be agreed by Estates/asset owner prior to commencement of work
- Inspection of site by Estates/asset owner pre and post work
- Applicant responsible for ongoing maintenance and insurance of the proposed pathway during construction and completion of the works.

It is recommended that the Sub Committee considers the report, and the options presented at 4.1 and 4.2 of the report and makes a recommendation to Council

Committee Members expressed concern regarding issues which may arise if permission were granted.

In response to questions the Land and Property Officer clarified detail of the request.

The Land and Property Solicitor provided legal opinion on the proposal presented.

The Head of Sport and Wellbeing provided background information, she advised historic requests had also been received from a local sporting club regarding increasing the provision of tennis courts at the site.

Proposed by Councillor McLean
Seconded by Councillor McGurk and

AGREED – to recommend that Council approve Option 1, refuse the request

5.3 REF 74/21 _ PORTBALLINTRAE – INSTALLATION OF PERMANENT ART PIECE – PORTBALLINTRAE COMMUNITY DEVELOPMENT GROUP

A verbal update was provided by the Coast and Countryside Manager.

The Coast and Countryside Manager confirmed that he had met with Portballintrae Community Development Group to discuss the installation of the art piece and clarified ongoing liaison with the group would be required regarding any proposed siting of the art piece. He advised that

the group understood Council's position that any future work to be carried out by Council would have precedence. Planning permission will be required as part of any approval given – a planning application has already been submitted by the group.

In response to questions the Land and Property Solicitor confirmed that a licence would be required subject to the group obtaining planning permission. The group would be responsible for maintaining and insuring the art piece during and after installation and further advised of the process for Department for Communities approval for such community led initiatives.

The Land and Property Officer confirmed that a request to use Council land (Ref 85/21) for an event to unveil the art piece has been approved by Council. The event will take place if permission to install the art piece is granted.

Alderman Hillis expressed support of the project in principle, subject to all stated conditions discussed.

Proposed by Alderman Hillis

Seconded by Alderman Fielding and Councillor Holmes and

AGREED – to recommend that Council approve (Ref 74/21), Portballintrae – installation of permanent art piece by Portballintrae Community Development Group, subject to a Licence Agreement incorporating the stated conditions including Planning permission, retention of ownership and responsibility for insurance and maintenance of the art piece during and after installation by the group. The Licence Agreement will permit Council to move the art piece to an alternative site if required.

* **The Coast and Countryside Manager left the meeting at 7.48pm**

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

There were no requests to Purchase/Dispose of Council Land/Property.

7. LEASES/LICENCES

7.1 ARMOY, LIMEPARK PLAYING FIELDS – EXTENSION TO LICENCE AGREEMENTS - ARMOY COMMUNITY ASSOCIATION AND CAUSEWAY GIANT'S AMERICAN FOOTBALL CLUB

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

Purpose of Report

The purpose of this report was to seek Members' approval to the extension of the Licence Agreements previously granted by Council to Armoy Community Association (ref 73/20) and Causeway Giant's American Football Club (ref 74/20) for the use of the playing fields at Limepark, Armoy.

Background

In December 2020 Council *“agreed that Armoy Giants American Football Club and other community groups who had expressed an interest be permitted to use the Playing Fields at Lime Park, Armoy in until a decision is reached regarding the future of this asset”*.

In February 2021 Council ratified the Land & Property Sub- Committee's (L&P SC) recommendation and *“agreed that the requests 74/20 from Causeway Giants American Football Club and 73/20 Armoy Community Association for the use of Limepark Playing Fields are approved and that both groups have the same period of use up to 31st August 2021 under licence for a fee of one peppercorn and that the content of the Feedback and Assessment Report is noted”*.

Council subsequently granted Licence Agreements to both Armoy Community Association and Causeway Giants American Football Club for a period of 6 months commencing on 1st March 2021.

The Licence Agreements terminated on 31st August 2021 but were renewed for a further term of 7 months until 31st March 2022 following a Council decision in August 2021.

Proposals

The Community Development section of the Leisure and Development Directorate had resources available to secure the services of an external organisation, Community Places, to carry out the community consultation exercise on the future use of the site.

The Head of Capital Projects, Energy & Infrastructure will be progressing the potential asset realisation of the site.

A further report will be brought to the Land & Property Sub-Committee outlining the future proposals for the use of the site. In the interim, Officers have indicated that the site can be made available to both groups for a further 6 months.

Armoy Community Association and the Causeway Giants American Football Club have both requested a further 6-month extension to the current Licence Agreement to run from 1st April 2022 30th September 2022.

If agreed, the Licence Agreements will be extended for a further 6 months under the same terms and conditions.

Options

1. Refuse the requests from Armoy Community Association and the Causeway Giants American Football Club to extend the existing Licence Agreements for a further 6 months under the existing terms and conditions.
2. Grant approval to the requests from Armoy Community Association and the Causeway Giants American Football Club to extend the existing Licence Agreements for a further 6 months under the existing terms and conditions from 1st April 2022 to 30th September 2022.

It is recommended that the Sub-Committee consider the options presented at 4.1 and 4.2 of this report and makes a recommendation to Council.

Proposed by Councillor C McShane
Seconded by Councillor McGurk and

AGREED – to recommend that Council approve Option 2, grant approval to the requests from Armoy Community Association and the Causeway Giants American Football Club to extend the existing Licence Agreements for a further 6 months under the existing terms and conditions from 1st April 2022 to 30th September 2022.

7.2 COLERAINE LEISURE CENTRE CAFÉ – REQUEST TO TERMINATE CAFÉ LICENCE

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

The Head of Sport and Well Being updated Members on the current Catering Franchise Licence Agreement at Coleraine Leisure Centre and advised that approval was sought to terminate the Licence arrangement for the Café in Coleraine Leisure Centre.

Elected Members gave consideration to the specific circumstances cited regarding the request to terminate the Licence.

The Land and Property Solicitor provided legal opinion. It was confirmed that the Land and Property Sub Committee was only being asked to consider the termination of the Licence Agreement. Other associated matters would be presented to the Finance Committee to deal with under the relevant Council policy.

It is recommended that the Land & Property Committee recommends to Council that:

The Catering Franchise Licence Agreement in Coleraine Leisure Centre is formally terminated.

Proposed by Councillor McLean
Seconded by Alderman Hillis and

AGREED – to recommend to Council that the Catering Franchise Licence Agreement in Coleraine Leisure Centre is formally terminated.

* **The Head of Sport and Wellbeing left the meeting at 8:19pm**

8. LEGAL ISSUES

Verbal update was provided by the Land and Property Solicitor.

The Land and Property Solicitor provided clarification of terminology contained within the Land and Property Policy regarding “surplus” land/property.

The Democratic and Central Services Manager confirmed the Land and Property Policy will be reviewed and invited members to contact her with comments. She further advised that consultation would take place formally with Members and Officers during the review period.

The Land and Property Solicitor advised that correspondence had been issued to the tenant in Council property at Bayview Road, Ballycastle, regarding early termination of their historical lease. The tenant had indicated their intention to surrender their lease early and do not intend to make a claim for compensation.

Upon surrender of the lease the asset would be considered by Council Officers, with options for its future use to be presented to the Land and Property Sub Committee in due course.

Proposed by Councillor C McShane
Seconded by Councillor McGurk and

AGREED – to recommend that Council approve that the Land and Property Solicitor progress the surrender of the lease held by The Bay Café.

9. CORRESPONDENCE

There were no items of correspondence.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor C McShane
Seconded by Councillor McGurk and

AGREED – that Land and Property Sub-Committee move *‘In Public’*.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 8:35pm

Chair