

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 2 MAY 2018 AT 7:00 PM**

- Chair** : Councillor Quigley (Vice Chair)
- Present** : Alderman Hillis, Councillors Callan, Duddy,
McCorkell, Holmes and McShane C.
- Officers Present** : M Quinn, Director of Corporate Services
S Mathers, Development Management &
Enforcement Manager
D Hunter, Council Solicitor
D McLaughlin, Land & Property Officer
E McCaul, Committee & Member Services Officer
- Non Sub-Committee Members Present** Councillor McShane P

SUBSTITUTION

Councillor Holmes replaced Councillor Baird and Councillor Callan replaced Councillor Knight-McQuillan for the transaction of business at the meeting.

1. APOLOGIES

Apologies were recorded from the Councillors Baird, Knight-McQuillan and McLaughlin

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor C McShane

Seconded by Councillor Callan and

AGREED - that Sub-Committee proceed to conduct the following business 'In Committee'.

3. PREVIOUS MINUTES – MATTERS ARISING

There were no matters arising from previous minutes.

4. REQUESTS FOR USE OF COUNCIL LAND

The Director of Corporate Services presented a confidential report previously circulated on requests for use of Council land.

The following factors were 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

There are 5 requests for the Sub-Committee to consider. The requests are summarised in the table below with further detail on each request provided at Appendix 1.

Further information including maps and photographs will be made available at the meeting.

There are 3 repeat and 6 retrospective events for the Sub Committee to note. The reports are attached at Appendix 2 and 3 of the report.

It is recommended - that the requests listed at Appendix 1 are considered and recommendation made.

It is recommended - that the requests at Appendix 2 and 3 are noted.

Proposed by Councillor McCorkell
Seconded by Councillor McShane C and

AGREED - to recommend that Council approve in principle the requests listed at Appendix 1 of the report

The requests set out in Appendix 2 and 3 of the report were **NOTED**.

5. REQUESTS TO PURCHASE/LEASE COUNCIL LAND

5.1 Ref 197/16 – 2 Main Street, Portrush

There was one request to purchase/lease Council land for the Sub-Committee to consider.

The following factors should be taken into account when considering the request.

- Right of Way issues
- Setting precedent
- Impact on Council's strategy
- Valuation
- Long term impact on Council's asset
- Legal implications.

The Sub-Committee considered a report, previously circulated regarding a request to purchase/lease land at Main Street, Portrush.

The proposal is a cantilever section of a building which overhangs Council's land. A photograph was circulated showing the architect's impression of the proposed building including the cantilever section of the building.

In addition, to allow the building work to commence, a section of an existing hedge needs to be removed and permission is sought to do this. Planting would be restored on completion of the building. A small area at this side of the building is required for bin storage which would be screened off and sited to comply with Council's requirements.

The options for the Sub Committee to consider are:

- a) Dispose of the land
- b) Agree a lease with the property owner

Both options would be subject to completion of contractual and legal considerations, obtaining a valuation and Councils' reasonable legal costs being discharged by the leasee.

Recommendation- Sub-Committee is asked to consider the information presented, and make recommendation in principle to the Corporate Policy and Resources Committee.

A discussion took place on previous decision of Council to refuse requests to lease or sell land to the rear of properties at Main Street, Portrush.

Proposed by Councillor Duddy
Seconded by Councillor McCorkell

- **To recommend that a report be brought back to the Sub-Committee following valuations on leasing the land and disposing of the land.**

The Director of Corporate Services advised that further to the report being circulated, updated information had been received and that the sentence in paragraph 2 on page 3 of the report, regarding bin storage, be disregarded as this was included in the Planning Application.

This was **NOTED** by the Sub-Committee.

Alderman Hillis requested that his objection to the recommendation be recorded.

The Chair put the recommendation to the Sub-Committee to vote, 5 for and 2 against. The Chair declared the recommendation carried.

6. LEASES/LICENCES

6.1 Berne Road, Portstewart – Amendment to Lease

The Sub-Committee received a report, previously circulated in relation to a lease for premises at Berne Road, Portstewart.

Two tenants are named on the lease. The request received is for the lease to be reviewed and be held in one of the current tenant's name only.

Legal advice was provided which confirms the lease can be amended in this regard subject to Council's approval.

It is recommended - that the Land and Property Sub Committee consider the request to amend the lease for the premises at 3

Berne Road, Portstewart to one tenant subject to Council's legal costs being discharged by the tenant(s).

Proposed by Councillor Duddy
Seconded by Councillor McCorkell and

AGREED – to recommend to Council that the lease is amended for the premises at Berne Road, Portstewart to one tenant subject to Council's legal costs being discharged by the tenant(s).

6.2 Roe Valley Arts and Cultural - Centre, Limavady – Amendment to Lease

The Sub-Committee considered a report previously circulated relating to a tenancy at Roe Valley Arts and Cultural Centre.

The tenant has requested Council's permission to place some "temporary street furniture" outside the premises.

The area at the front window of the premises measures 16 feet long and extends out by 20 feet and it is within this area the tenant requires a section to place the furniture.

The temporary street furniture will consist of 3 or 4 wooden bench and table sets. A parasol would be placed in the centre of the furniture to provide coverage – the base of which could be either a moveable granite base or a permanent base, however, the tenant has expressed a preference for a permanent base fixed to the ground. In addition, in order to secure the furniture overnight the tenant is requesting permission to erect a low wooden pitched fence around the entire structure

This request falls outside the "Street Trading and Pavement Café" legislation as the Unit is on Council owned land.

The current lease provides provision for exterior awnings, tables and chairs.

It is recommended - that the Land and Property Sub Committee consider the request to grant permission to the tenant to place the temporary street furniture and erect a low wooden pitched fence in front of the premises in accordance with the terms of the lease at Para 4.1.7. The permission will form a daily licence only and shall be revocable at any time by the Landlord should other events, activities, or circumstances require all the available space.

Approval is subject to Council's legal costs being discharged by the tenant.

The Development Management & Enforcement Manager confirmed that Planning Permission would be required for any permanent structure.

Council Solicitor provided advice in terms of the lease and insurance responsibilities, and the Director also provided information on the impact of a permanent structure on the area, and in relation to the lease, and also that cognisance is taken on the guidance around the enclosures of Pavement cafes.

The Sub-Committee requested that Officers liaise with the Leasee to progress the request.

Proposed by Councillor McCorkell
Seconded by Councillor Callan and

It was recommended that the Council consider grants the request to grant permission to the tenant to place the temporary street furniture and erect a low wooden pitched fence in front of the premises in accordance with the terms of the lease at Para 4.1.7. The permission will form a daily licence only and shall be revocable at any time by the Landlord should other events, activities, or circumstances require all the available space. Approval is subject to Council's reasonable legal costs being discharged by the tenant. In addition the Sub-Committee that the current lease is renewed and amended as required.

The Chair put the recommendation to the Sub-Committee to vote, The recommendation was **AGREED**.

7. ASSETS FOR DISPOSAL

The Sub-Committee considered a report, previously circulated on two Council assets identified for disposal, Killyrammer Community Centre and Riverview Crescent Toilet Block.

It is recommended that the following work progress in respect of both properties and that a report is brought back to Sub Committee with the results of the D1 – Public Sector Clearing House procedure once it has been completed;

- Completion of all technical and legal due diligence and compilation of the Title Pack.
- Identification of any initiatives which may add value prior to disposal.
- Obtain a Market Valuation for each property
- In accordance with Department of Finance guidance, liaise with Land and Property Services and initiate the D1 – Public Sector Clearing House procedure.

Proposed by Councillor C McShane
 Seconded by Councillor Callan and

AGREED – to recommend that the following work progress in respect of both properties and that a report is brought back to Sub Committee with the results of the D1 – Public Sector Clearing House procedure once it has been completed;

- Completion of all technical and legal due diligence and compilation of the Title Pack.
- Identification of any initiatives which may add value prior to disposal.
- Obtain a Market Valuation for each property
- In accordance with Department of Finance guidance, liaise with Land and Property Services and initiate the D1 – Public Sector Clearing House procedure.

8. EDUCATION AUTHORITY - BACKBURN PATH, LIMAVADY. SHARED EDUCATION CAMPUSES LIMAVADY HIGH SCHOOL AND ST MARY'S HIGH SCHOOL

The Sub-Committee considered a report, previously circulated on correspondence received from the Education Authority asking Council to consider the following requests:

- Grant permission to utilise the front portion of the pathway between the two schools leading onto the Blackburn Path (hereafter referred to as “the pathway”), Limavady, in order to provide a shared entrance for the new shared education campuses being provided at both Limavady High School and St Mary’s High School, Limavady.
- Consider the 3 options proposed by the Education Authority in relation to the portion of the pathway located between the school sites in light of continuing anti-social behaviour which occurs on this section of the pathway leading to the Back Burn Path and, in their

opinion, detract from the benefits of this project. The options identified are;

- a) Improve the condition of the pathway, to include additional lighting and CCTV
- b) Install gates at either end of the pathway to the Blackburn Path which would be closed and opened by the school during school core hours
- c) Remove the pathway

Within the formal agreement (as determined by the respective solicitors), the Education Authority would be responsible for all costs associated with the agreed alterations, ongoing maintenance and the provision of indemnity.

In relation to the 3 options put forward by the Education Authority with regard to the pathway as detailed, Council is being asked to carry out and fund any improvements, alterations and/or addition of lighting and CCTV on the path.

It is recommended - that the Sub Committee grant approval to the request as detailed to utilise the front portion of the pathway leading onto the Blackburn Path, Limavady, in order to provide a shared entrance for the new shared education campuses being provided at both Limavady High School and St Mary's High School, Limavady.

And to agree that further information regarding the request asking Council carry out and fund any improvements, alterations or addition of lighting and CCTV on the pathway to be brought back to the Land and Property Sub Committee following further investigation.

Proposed by Councillor McCorkell
Seconded by Councillor Callan

- Grant permission to utilise the front portion of the pathway between the two schools leading onto the Blackburn Path (hereafter referred to as "the pathway"), Limavady, in order to provide a shared entrance for the new shared education campuses being provided at both Limavady High School and St Mary's High School, Limavady.

Councillor McCorkell withdrew his proposal with the agreement of the seconder.

After lengthy discussion on the request, during which Members raised issues in relation to Public Rights of Way at the location, Maintenance and Council's ownership, the Director of Corporate Services suggested that a decision on the correspondence could be deferred until further information is obtained in relation to the matters raised.

Proposed by Councillor Duddy
Seconded by Councillor Callan

To recommend that decision be deferred until further information is obtained from the Coast and Countryside Manager with regard to right of way and be reported back to the Sub-Committee.

The Chair put the recommendation to the Sub-Committee to vote, which was **AGREED**.

MOTION TO PROCEED 'IN PUBLIC'

AGREED - that Sub-Committee proceed to conduct the following business 'In Public'.

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 7:55 pm.