

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE
HELD IN THE BANN VIEW COMMITTEE ROOM, CIVIC HEADQUARTERS
WEDNESDAY 3 OCTOBER 2018 AT 7:00 PM**

- Chair** : Councillor Knight-McQuillan
- Present** : Councillors Baird, Fielding, McCorkell, K
Mulholland and Quigley
- Officers Present** : M Quinn, Director of Corporate Services
P Donaghy, Democratic & Central Services
Manager
D McLaughlin, Land and Property Officer
S Mathers, Development and Enforcement
Manager
J Richardson, Head of Capital Works, Infrastructure
& Energy
D J Hunter, Council Solicitor
E Keenan, Council Solicitor
- Non Sub-Committee
Members Present** Councillor P McShane

1. APOLOGIES

Apologies were recorded for Alderman Hillis and Councillor C McShane.

2. DECLARATIONS OF INTEREST

Councillor Quigley in Item 3 Establishment and Appointment of a Framework for Professional Estate Agency Services.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McCorkell
Seconded by Councillor Quigley

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

3. ESTABLISHMENT AND APPOINTMENT OF A FRAMEWORK FOR PROFESSIONAL ESTATE AGENCY SERVICES

The Head of Capital Works, Infrastructure and Energy presented a report on the establishment and appointment of a Framework for Professional Estate Agency Services, previously circulated.

The requirement for a Professional Estate Agency Service Framework to assist Council in the delivery of a continued quality service to our Customers is a necessity.

The areas this new Framework will assist upon, are as follows:-

- To assist in the realisation of surplus to requirement Assets, (Capital Assets Realisation Team).
- Rent Reviews
- Lease Renewals
- Valuation services
- Disposal / Sales
- Expert Witness
- Dispute Resolution, including Compensation & Rating Analysis
- Auctioneering Services, (for Ice-Cream trading plots etc.)

The Department for Capital Works, Infrastructure & Energy conducted a new Mini-Tender Competition procedure complying with Councils Procurement Guidelines.

The Framework as produced by the Department, will;

- Provide Value for Money, (VFM)
- Provide a timely service provision to high standards of quality
- Cover all areas of the Borough
- A defined and structured Scope of Service has been provided for each Professional Service 'LOT', with Key Performance Indicators (KPI's).

This Mini-Tender Competition was sent to Estate Agents in each of the legacy Council areas, and other areas in Northern Ireland, so a broad range of historical knowledge could be drawn upon, notwithstanding the commercial advantage to Council for using companies within our Borough.

Appendix B attached to the report provided a list of companies invited to tender.

The tender competition allowed bidders to select each area and professional service 'LOT' they wished to apply/be considered for. This will allow Council to award business to the most competitive bid within any Area and Professional Service 'LOT'.

In carrying out this tender competition, fees have decreased in some Professional Service 'LOTs' by 86%.

Appendix A attached to the report provided full details of the tender evaluation Framework.

It is recommended that Elected Members approve the Framework of successful tenderer as set out in Appendix A, which notes of the winning tenderer for each Professional Service 'LOT' within areas, Ballymoney, Coleraine, Limavady & Moyle.

The Head of Capital Works, Infrastructure and Energy responded to members' questions in relation to the steps taken to secure best value for the expertise required, reduction in current costs and provision for flexibility of choice within the tender. The Head of Capital Works, Infrastructure and Energy confirmed that the tender provided for flexibility of choice to secure the best approach for a particular project and confirmed that the services procured through the tender would deliver savings on current services.

In response to a query from Councillor Quigley, Council's Solicitor advised in relation to the member's declaration of interest earlier in the meeting and her subsequent involvement in the discussion.

During the course of the debate Councillor K Mulholland joined the meeting at 7.14pm.

Proposed by Councillor McCorkell
Seconded by Councillor Baird and

AGREED –to recommend approval of the Framework of successful tenderer as set in Appendix A, which notes the winning tenderer for each Professional Service 'LOT' within areas, Ballymoney, Coleraine, Limavady & Moyle.

4. COMMERCIAL REALISATION OF COUNCIL PROPERTY

The Head of Capital Works, Infrastructure and Energy presented a report, previously circulated.

The Lansdowne Shelter building is an old life boat shelter constructed in the 1800's, and has remained vacant for several years. In 2012/2013, the external building envelope and roof was refurbished including an extension to facilitate a disabled toilet. The existing roof structure and general building envelope externally is in excellent condition.

The building is situated at a location of outstanding natural beauty, with considerable footfall on the edge of the North Coast, with beautiful views of the Skerries, East Strand and beyond- see Appendix A of this report for location and appearance of current building. With the combination of its unique location within the Borough and adjacent car parking, this asset has the potential as an attractive commercial proposition.

(a) In order to initiate a robust consultation process, and to realise the benefit early next year, scheme design drawings have been prepared to facilitate a planning application (submitted in September 2018) for a 'change of use' from an existing vacant building to a licensed restaurant, to include a single storey side extension. This will allow both Council Officers and the Land and Property Sub Committee to gain feedback from all consultees, including giving Council reassurance to carry out a marketing and commercial lease tender exercise.

Proposed drawings at Appendix B to the report were circulated at the meeting.

(b) The Head of Capital Works, Infrastructure and Energy advised that should Planning Approval be obtained for a 'change of use', a marketing booklet shall be produced, and commercial lease tender exercise conducted in order to identify the best generating an income source, with minimal capital expenditure and risk to Council. The Tenant will have to make the capital investment in respect of required construction works.

Analysis of the commercial lease tender exercise will be brought back to the Land and Property Sub Committee for consideration.

The Head of Capital Works, Infrastructure and Energy further advised that the building is listed and the Historic Environment Division would be consulted as required through the Planning Application process.

In response to a query relating to car parking spaces the Development and Enforcement Manager advised that consultation would take place with DfI Roads as part of the Planning Application process. Members noted the proximity of a large public car park at the location.

It is recommended - that Council grants approval to Capital Works Department to carry out the necessary engagements with statutory stakeholders and consultees and to conduct a commercial lease tender exercise as detailed at points a and b to allow such proposals to be brought back to the Land and Property Sub Committee at a later date to make an informed decision on the commercial realisation of Lansdowne Shelter, Portrush.

Proposed by Councillor Quigley
Seconded by Councillor Baird and

AGREED – to recommend that approval is granted to the Capital Works Department to carry out the necessary engagements with statutory stakeholders and consultees and to conduct a commercial lease tender exercise as detailed at points a and b to allow such proposals to be brought back to the Land and Property Sub Committee at a later date to make an informed decision on the commercial realisation of Lansdowne Shelter, Portrush.

5. REQUESTS FOR USE OF COUNCIL LAND

The Director of Corporate Services presented a report and Appendices 1 – 3, previously circulated, on requests for use of Council land for Sub-Committee's consideration.

The Director advised Committee of a correction to Appendix 3 Ref No 187/18 – the correct details were: Use of Council land at Portballintrae Harbour for a running event on 22nd June 2019.

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

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 Baird
Seconded by Councillor McCorkell and

AGREED – to recommend that the requests listed in Appendix 1 are approved.

AGREED – to recommend that Council notes the requests at Appendix 2 and 3.

6. REQUESTS TO PURCHASE/LEASE COUNCIL LAND

The Director of Corporate Services presented the report, previously circulated. There were 2 request for the Sub-Committee to consider summarised within the report.

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

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|-----|-------------------------------------|
| 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 |

6.1 Ref 52/15 – Request to Purchase Land Adjacent to property at Seacoast Road Magilligan, Limavady

The Director of Corporate Services presented the details of the request which had previously been circulated to Members. The Sub-Committee was shown photographs of the site and the area of land in question.

The Director and Council's Solicitor responded to Members' questions relating to the information presented in the report. It was confirmed that Council has no strategic plans to develop or use the land at the location. Following further advice from Council's solicitor in relation to adverse

possession and encroachment the Director confirmed the options presented in the report.

The options available to Council are:

1. Refuse to sell the land
2. Agree to sell the land with a Title Indemnity Insurance.

Recommendation - Sub-Committee is asked to consider the information presented, and make recommendation.

Proposed by Councillor Mulholland
Seconded by Councillor McCorkell and

AGREED – to recommend that Council agrees to sell the land with a Title Indemnity Insurance.

6.2 Ref 197/16 – Main Street, Portush

The Director of Corporate Services advised that in May 2018 the Land and Property Sub-Committee recommended that a report be brought back to the Sub-Committee following a valuation on leasing the land and disposing of the land to the rear of a property at Main Street, Portrush.

The Director advised the Sub-Committee that a valuation report had been received and the report was circulated at the meeting.

It was **AGREED** – that the matter be deferred to the Sub-Committee's next meeting to allow Members time to consider the valuation report.

The Director advised that the report would be emailed to all Members of Council.

7. REF 01/18/E – ANDERSON PARK, COLERAINE - REOPENING OF LINK BETWEEN THE NORTHERN REGIONAL COLLEGE CAMPUS AND ANDERSON PARK, COLERAINE.

The Director of Corporate Services presented the report, previously circulated. The Northern Regional College (Coleraine Campus) has asked Council to enter into a formal agreement in the form of an easement from their Coleraine site onto Anderson Park, Coleraine.

The Northern Regional College has a proposed new Campus on the expanded Coleraine site and wish to reopen an entrance onto Anderson Park, Coleraine. They wish to reinstate the opening to form an integral part of, and contribute to the success of their development which should have significant benefits with direct access to the park and town centre for over 1,300 full time equivalent students

The expanded campus which has an area of 12,560m² will benefit from improved visibility and will be better able to promote accessibility for all members of the community with the reestablishment of the access to Anderson Park, Coleraine. The college has taken the steps of repositioning the new campus to ensure that the maximum frontage of the campus is adjacent to Anderson Park. A map identifying the reopening of the former link to the park, subject to the size and scale of the link through the park is shown at Map 1

The Northern Regional College has requested an easement to reopen the access to Anderson Park and engage with Council to put in place the formal arrangements for the access and potential work in the park to link to the college.

It is recommended – that Council consider the request and grant approval to the Northern Regional College's request for an easement to reopen the access to Anderson Park and engage with Council to put in place the formal arrangements for the access and potential work in the park to link to the college.

Following discussion during which Members raised questions relating to the current access, impact on other users, security and car parking it was suggested by the Chair that representatives of the Northern Regional College be invited to present to the Sub-Committee on the proposal.

Members agreed with the Chair's suggestion and it was **AGREED – to invite representatives from the Northern Regional College to present the proposals to the Land and Property Sub-Committee.**

8. LEGAL ISSUES – VERBAL UPDATE

Council's Solicitor updated Members on two legal matters:

8.1 The Promenade Castlerock

Council's Solicitor advised Committee in relation to a boundary issue at the location which had been drawn to officers' attention. Members were

shown photographs of the location and the boundary issues identified at the property. Council's Solicitor responded to Members' queries relating to the possible options open to Council and the implications of each option.

Following discussion it was **AGREED** - to recommend that Council recognises the boundary as indicated by the property owner and raises no objection.

8.2 Lands at Castle Erin, Portrush

Council's Solicitor referred to previous discussion at Sub-Committee on the matter in March 2018 in relation to the area. During this discussion members of the Planning Committee had left the meeting. She further advised that no live planning application existed in relation to the location to be presented.

The Sub-Committee was shown photographs of the location and the legal issues to be addressed at the site were outlined. Council's Solicitor advised that Council is involved in live proceedings in relation to the site which have existed prior to the merger of legacy Councils in 2015. In order to further these and explore resolution Council's Solicitor sought Sub-Committee's recommendation to approve obtaining a valuation for the land to better inform discussion at a future meeting.

The Development and Enforcement Manager advised Committee in relation to the types of development permissible at the site and confirmed that no planning application has been made in relation to the site.

It was **AGREED** – to recommend that Council's Solicitor seeks a valuation for the land at the site and brings the valuation to a future meeting of Sub-Committee.

9. CORRESPONDENCE

9.1 Land and Property Services - D1 Disposal of Ballymoney Music Centre, Charles Street, Ballymoney

9.2 Land and Property Services - D1 Disposal of 4-6 Killane Road, Limavady

The Director of Corporate Services presented the report including maps, previously circulated.

Correspondence was received from the Land and Property Services regarding the disposal of Ballymoney Music Centre, 23 Charles Street, Ballymoney and the disposal of 4-6 Killane Road, Limavady. The properties have been declared surplus by the owning Department and D1 disposal procedures have been initiated.

The Director confirmed that there is no interest in acquiring the properties from any Council service area.

The Sub-Committee was asked to consider the correspondence and make recommendation on Council's interest in acquiring the land/property.

Proposed by Councillor McCorkell
Seconded by Councillor Baird and

AGREED - to recommend that Council has no interest in acquiring the land/property at:

- Ballymoney Music Centre, Charles Street, Ballymoney and
- 4-6 Killane Road, Limavady

9.3 The McNaughton Estate - Sale of Land at Whiterocks, Portrush

Correspondence has been received on behalf of the McNaughton Estate asking if Council would be interested in acquiring land at the Whiterocks, Portrush and was formerly Ballymagarry Quarry, Dunluce Road, Portrush which is within an Area of Special Scientific Interest (ASSI).

Information on the site and photographs were previously circulated and presented at the meeting.

Following discussion it was AGREED to – defer discussion to the next meeting pending input from Council's Coast and Countryside team in terms of coastal path access plans.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Mulholland
Seconded by Councillor Quigley

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 8.45pm.