

**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 7 OCTOBER 2020**

No	Item	Summary of Key Recommendations
1.	Apologies	<i>None</i>
2.	Declarations of Interests	<i>None</i>
3.	Nomination of Chair and Vice Chair	<i>Councillor Knight-McQuillan nominated as Chair and Councillor McGurk nominated as Vice-Chair</i>
4.	Portstewart, Juniper Hill Caravan Site – Operation of Café, Coffee Shop and Grocery Facility	<i>Approves option b and agrees the extension of the existing tenancy in accordance with the Agreement for a period of up to 2 years to 21st December 2021 and charge the rent as detailed at Option 4,2 of the report and to waive the requirement for a revaluation of the rent to be carried out as detailed at clause 9.2 of the Agreement</i>
5.	Minutes of Previous Meeting held on 2 nd September 2020	<i>Noted</i>
5.1	Ref 41/20 – Use of Market Yard Coleraine	<i>Defer to the Corporate Policy & Resources Committee and further recommended that the previous approval, granted in principle, for a licence for a period of up to 6 months to 30th March 2021 is withdrawn and the applicant advised to</i>

		submit a single Request to Use Council Land application for each individual event.
6.	Coleraine Leisure Centre and Joey Dunlop Leisure Centre – Café Facilities	<p><i>The Catering Franchise Licence Agreement in Coleraine Leisure Centre is formally renewed on the same terms and rent as detailed at paragraph 5.1 of the report for a period of 3 years.</i></p> <p><i>The agreement for the Provision of Catering Operation in Joey Dunlop Leisure Centre is extended on the same terms and rent as detailed a paragraph 5.2 of the report for 1 year to reflect the closure periods.</i></p> <p><i>The associated lease/licence fees are waived from 1st July 2020 – 31st March 2021.</i></p>
7.	Ballycastle, Sheskburn House – Requests for Use of Facilities	
7.1	Education Authority Ref 62/20	<i>Refuse</i>
7.2	Ballycastle Foodbank Ref 51/20	<i>Refuse</i>
8.	Requests for Use of Council Land	<p><i>Approve the requests listed at Appendix A subject to the timely submission of the required documentation.</i></p> <p><i>Approve Appendix 2 and notes the amendment to Ref No 53/20 and approves the addition of cost recovery to the recommendation.</i></p> <p><i>Appendix 3 Ref No 43/20 subject to a bond and a valuation being sought</i></p>

8.1	Request from Armoy Community Association to lease land at Limepark Playing Fields, Armoy – Ref No 02/20/P	<i>Defer and all requests will be brought back for consideration when the Leisure and Development Committee has considered the report to declare the asset surplus.</i>
9.	Requests to Purchase Council Land/Property	
9.1	Transfer of Ownership of Council owned Portacabins from Coleraine FC	<i>Approve</i>
10.	Leases/Licenses	
10.1	Benone Avenue, Limavady, NIE Wayleave Agreement No 814008 and associated works	<i>Approve</i>
10.2	Annual Land Lettings 2021	<i>Approve Option b and agree not to proceed with advertising and receiving bids for Annual Land Lettings for 2021 and to investigate the possibility of declaring the land surplus and seek to dispose of it.</i>
11.	Legal Issues	<i>Noted</i>

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE MEETING
HELD VIA VIDEO-CONFERENCE ON
WEDNESDAY 7 OCTOBER 2020 AT 7.00 PM**

- Chair** : Councillor Knight-McQuillan (R)
- Present** : Alderman Baird (R), Fielding (R), Hillis (R)
Councillors Beattie (R), McGurk (R), McLean (R), C
McShane
- Non-Committee Member** : Alderman Duddy (R), Councillors Callan (R), McCaw
(R), Quigley (R)
- Officers Present** : M Quinn, Director of Corporate Services (R)
P Donaghy, Democratic Services Manager (R)
D McLaughlin, Land and Property Officer (R)
J Mills, Land and Property Solicitor (R)
C McKeary, Senior Planning Officer (R)
W McCullough, Head of Sport and Well-Being (R)
S McCartney, Holiday and Leisure Parks General
Manager (R)
J Anderson, Civic Facilities Manager (R)

Key

(R) = Remotely in attendance

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST

None.

3. NOMINATION OF CHAIR AND VICE-CHAIR

Members agreed that the Director of Corporate Services would take the Chair for the item. The Director sought nominations for the position of Chair and Vice Chair of the Land and Property Sub Committee.

Proposed by Alderman Fielding
Seconded by Alderman Hillis

- that Councillor Knight-McQuillan be nominated to the position of Chair.

The Director put the nomination to the meeting.

AGREED - that Councillor Knight-McQuillan be nominated to the position of Chair.

Proposed by Councillor C McShane and
Seconded by Councillor Beattie

- that Councillor McGurk be nominated to the position of Deputy Chair.

The Director put the nomination to the meeting.

AGREED - that Councillor McGurk be nominated to the position of Deputy Chair.

Councillor Knight-McQuillan and Councillor McGurk accepted the positions.

Councillor Knight-McQuillan took the Chair.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Beattie
Seconded by Alderman Hillis and

AGREED – that the Sub-Committee move 'In Committee'.

AGREED - to change the order of business and take Item 7 on the agenda at this point.

4. PORTSTEWART, JUNIPER HILL CARAVAN SITE – OPERATION OF CAFÉ, COFFEE SHOP AND GROCERY FACILITY

Confidential report, previously circulated, presented by Holiday and Leisure Parks General Manager.

The-Sub-Committee was asked to consider the extension of the existing Licence Agreement for the Provision of a Catering Operation

for the tenant at the Café/Coffee Shop at Juniper Hill Holiday Park, Portstewart in accordance with the terms contained in the agreement.

The Holiday and Leisure Parks General Manager provided the Sub-Committee with the background history of the premises and the difficulties experienced in securing a tenant.

As a result of a tender process a suitable tenant was identified and awarded a lease by Council for 9 months on 21st March 2019

The tenant was unable to trade as planned this year due to the closure of the Park as a result of the instruction from the Northern Ireland Executive. In accordance with the lease, the tenant has indicated a desire to exercise the option to renew (subject to both parties being in agreement). Leisure and Development officers recognise the attraction and benefit of the presence of a tenant, and the café/coffee shop as being a valuable hub and “social service” to customers at Juniper Hill.

The Sub-Committee was asked to consider the following options:

- a) Do not extend the agreement, and instruct Council staff to seek a new tenant.
- b) Extend the existing tenancy in accordance with the agreement for a period of up to 2 years to 21st December 2021, and charge the rent as detailed at Option 4.2 of the report. Council would agree to waive the requirement for a revaluation of the rent to be carried out as detailed at clause 9.2 of the Agreement.
- c) Extend the existing tenancy in accordance with the agreement, and charge the rent as detailed at Option 4.3 of the report. . Council would waive the requirement for a revaluation of the rent to be carried out as detailed at clause 9.2 of the Agreement.

It is recommended that Council approves option b) and agrees the extension of the existing tenancy in accordance with the Agreement for a period of up to 2 years to 21st December 2021 and charge the rent as detailed at Option 4.2 of the report and to waive the requirement for a revaluation of the rent to be carried out as detailed at clause 9.2 of the Agreement.

Proposed by Councillor Beattie
Seconded by Councillor McLean and

AGREED – to recommend that Council approves option b) and agrees the extension of the existing tenancy in accordance with the Agreement for a period of up to 2 years to 21st December 2021 and charge the rent as detailed at Option 4,2 of the report and to waive the requirement for a revaluation of the rent to be carried out as detailed at clause 9.2 of the Agreement.

- * **The Holiday and Leisure Parks General Manager left the meeting at 7.31pm.**

5. MINUTES OF LAND AND PROPERTY SUB-COMMITTEE MEETING HELD WEDNESDAY 2 SEPTEMBER 2020

The Minutes of the Land and Property Sub Committee meeting held Wednesday 2 September 2020 were confirmed as a correct record.

Matters Arising

5.1 Ref 41/20 – Use of Market Yard Coleraine

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

At the Land and Property Sub- Committee meeting in September 2020 Members considered a request from Coleraine Business Improvement District (BID) reference number 41/20 for the use of the market yard for an initial period of 6 months for a number of community/town based events.

It was “**AGREED** – *that request no 41/20 for the use of the Market Yard, Coleraine by Coleraine Business Improvement (BID) team for a 6 month licence agreement up to 30th March 2021 be agreed “in principle” subject to a more detailed programme of events being submitted for consideration and a decision on a fee/cost recovery considered by Council.*”

Council has advertised the development opportunity for the Market Yard, Coleraine in the local press week commencing 28th September 2020 with the closing date for the Expressions of Interest on 30th October 2020 at 12 noon.

As agreed at the September Land and Property Sub-Committee a more detailed programme of events has now been submitted by Coleraine BID and was s attached at Appendix A to the report previously circulated.

In support of their application Coleraine BID advised that it is non-profit making organisation whose aim is to safely attract people to the town of Coleraine and not to make a profit for the organisation. Where possible, they aim to deliver their activities at no charge to the community and visitors.

Each project will have its own unique operational plan, risk assessment and current COVID-19 risk assessment which will comply with the changing government guidance in place at the particular time of delivery. In addition a communication plan and an action plan should anyone attending take ill will be in place using the latest government guidance available. For some activities a pre-ticket system could be implemented to control total visitor numbers and a track and trace record would be created on site for visitors. Details of other mitigating measures were provided to the Sub-Committee.

Council's Town and Village Manager (TVM) has been liaising with Coleraine BID regarding their proposed events and is supportive of their application. The main aim is to attract footfall to the town through creating positive experiences. TVM will continue to liaise with the BID on activities. Discussions have been undertaken with BID in relation to the possibility of the Causeway Speciality Market making use of the site if adverse weather conditions prevail during the winter months as this a more sheltered location.

Until Coleraine BID has confirmation to use the site final details of the activities and dates cannot be confirmed.

Coleraine BID are prepared to meet with Estates once the licence has been confirmed to agree any preparation for the site and agree any cost allocations. Cost recovery could be determined at the end of any agreed licence period on agreement between Council and BID.

The Senior Planning Officer in attendance provided the following planning advice regarding the Market Yard, Coleraine:

The restriction in terms of planning for the proposed used depend on the amount of days in a calendar year that the site will be used.

If they intend to use it more than 28 days in the calendar year they can avail of the full planning approval granted under LA01/2017/0506/F which permits unlimited days for events which fall within the proposal description. However, to implement this approval, the conditions of the approval must be adhered to. The most pertinent are:

- Condition 05 regarding no site works before the archaeology report is carried out
- Condition 07 regarding roads and access arrangements which must be completed prior to commencement of development.
- Condition 08 regarding the submission of a Traffic Management Plan to DfI Roads
- Condition 10 regarding the use of sound amplification for not more than 28 days.

If the site is to be used less than 28 days a year (not more than 14 of those for the market) in most cases this is without restriction, however as this site is within an area of archaeological interest, they cannot avail of these rights.

Permitted development cannot apply in this case and use of the site needs to be in accordance with the planning permission.

As the Market Yard is a listed structure to demolish, alter or extend a listed building without the appropriate consents is an offence under S85(1) of the Planning Act (NI) 2011. This would include affixing anything to such a building which may cause damage to the fabric of it for example signage.

Members of the Sub-Committee were still concerned about the lack of detail provided by the applicant in the revised programme of work and felt that granting a licence was not appropriate.

Following a discussion on the planning information provided it was:

Proposed by Alderman Hillis
Seconded by Alderman Baird and

AGREED to recommend that the matter is deferred to the Corporate Policy & Resources Committee and further recommended that the previous approval, granted in principle, for a licence for a period of up to 6 months to 30th March 2021 is withdrawn and the applicant advised to submit a single Request to Use Council Land application for each individual event.

6. COLERAINE LEISURE CENTRE AND JOEY DUNLOP LEISURE CENTRE – CAFÉ FACILITES

Confidential report, previously circulated, presented by Head of Sport and Well-Being.

The Sub-Committee was asked to consider the current Licence/Lease arrangements during the Covid-19 pandemic, and the impact on the café businesses operating from the Coleraine Leisure Centre (CLC) & Joey Dunlop Leisure Centre (JDLC) during and post Centre Closures. Members were asked to grant approval to renew the Licence arrangement for the Café in Coleraine Leisure Centre; extend the existing Lease for the café in the Joey Dunlop Leisure Centre and agree that the associated lease/licence fees are waived from 1st July 2020 – 31st March 2021.

The café within Coleraine Leisure Centre is operated through a Catering Franchise Licence Agreement which commenced on 1st January 2004 for an initial 5 year period and annual rental payment as detailed within the confidential report.

The café within Joey Dunlop Leisure Centre is operated under an Agreement for the Provision of a Catering Operation. The tenant was appointed on completion of a Public Tender process. The agreement commenced on 1st October 2019 for an initial period of 3 years and rental payment detailed within the confidential report.

As a result of Covid-19 and government direction, Council closed both Coleraine and Joey Dunlop Leisure Centre's on the 17th March 2020.

During the closure period, Council granted approval in May 2020 to defer rent payments across all lease/license agreements in line with Section 83 of the Coronavirus Act for the period April – June 2020. A letter was subsequently issued in August 2020 to all lease/licence holders to confirm that this deferred rent was payable in full by 1 January 2021.

Following Council approval of the Sport & Wellbeing Recovery Plan, both Centre's re-opened on 26th August 2020 and are now operating under Covid19 restrictions, where access to activities and services is reduced considerably. The cafés have not yet re-commenced trading again at both Coleraine and Joey Dunlop Leisure Centres.

The impact of Covid-19 has exposed the current position re the Licence agreement with the Café in Coleraine Leisure Centre which needs to be urgently resolved. Members were asked to consider any one of the following options:

- a) it is formally renewed on the same terms at the same rent as detailed at paragraph 3.1 of the report for a period of 3 years.
- b) it is formally renewed on the same terms with an updated valuation and rent for a period of 3 years
- c) or put out for tender etc.

It is deemed very unlikely that a higher rental could be secured in the short term. Drawing from the experience of the recent public tender for the Café at Joey Dunlop Leisure Centre, it is likely that a tender exercise for Coleraine will result in a long process, which is unlikely to achieve the valuation rent for the facility.

Whilst both proprietor's welcome non Centre user customers, the closure or part closure of the facilities has had a direct commercial impact on their ability to generate the income they need to continue to operate.

In late September 2019, the ceiling in the pool hall in Joey Dunlop Leisure Centre partially collapsing, resulting in the shutdown of the pools in centre for a period of 2 ½ months. This coincided with the opening of the new Café at JDLC. Effectively the new proprietor at the site had only from January 2020 to March 2020, to try and establish the business. Unfortunately due to the Covid-19 related closure, the proprietor has only been able to operate for approximately 3 months of the first year of the lease.

It is both proprietors' preference that due to the initial closure and phased return of activities in Leisure Centre's that it is not commercially viable for them to resume trading until April 2021.

Sport & Wellbeing are aware of the precedent that the decision to waiver rent may set for other leases/licenses operated by Council across other facilities; and of the distinction between government sanctioned closure during the period April-July and Council decision to re-open leisure centres in August under a phased recovery plan to the end of March 2021.

The Sub-Committee considered the preferred options detailed within the report presented by the Head of Sport and Well Being

Renewal of the Catering Franchise License Agreement at Coleraine Leisure Centre: consider the three options available under 3.1 of the report, with the preferred option being the renewal of the license under

the same terms and rent as detailed within the report for a period of three years commencing October 2020 to September 2023.

Review of Agreement for the Provision of Catering Operation at Joey Dunlop Leisure Centre: consider the detrimental impact of both the closure of Joey Dunlop Leisure Centre's pool hall ceiling, and the closure of Centres due to Covid--19 on the Café Lease holder's first year of trading. The preferred option being the extension of the existing 3 year lease by 1 year to September 2023.

The preferred options above were deemed reasonable under the exceptional circumstances and would allow the market conditions to settle before reviewing the commercial catering opportunities / potential outsourcing options across all three major leisure centres (including Roe Valley) in September 2023.

Rental Payments Due: consider the impact of the closure of Coleraine Leisure Centre and Joey Dunlop Leisure Centre due to Covid-19 on the Café Licence Holders ability to trade and pay annual rental payments. Acknowledging Council's current position of only offering deferral of rental payable over the period April-June 2020, Sport & Wellbeing's preferred option is to waiver the rents due from 1st July 2020 – 31st March 2021. This reflects the unique dependency of the cafés on general throughput within the leisure centres and an inability to remain commercially viable during the approved Sport & Wellbeing Recovery Plan for the remainder of this financial year.

It is recommended that Council approves the preferred options and that;

- a) The Catering Franchise Licence Agreement in Coleraine Leisure Centre is formally renewed on the same terms and rent as detailed in para 5.1 of the report for a period of 3 years.
- b) The Agreement for the Provision of Catering Operation in Joey Dunlop Leisure Centre is extended on the same terms and rent as detailed at paragraph 5.2 of the report for 1 year, to reflect the closures periods.
- c) The associated lease/licence fees are waived from 1st July 2020 – 31st March 2021.

Proposed by Councillor McLean
Seconded by Councillor Beattie and

AGREED – to recommend that Council approves the preferred options and that:

- a) The Catering Franchise Licence Agreement in Coleraine Leisure Centre is formally renewed on the same terms and rent as detailed at paragraph 5.1 of the report for a period of 3 years.
- b) The agreement for the Provision of Catering Operation in Joey Dunlop Leisure Centre is extended on the same terms and rent as detailed a paragraph 5.2 of the report for 1 year to reflect the closure periods.
- c) The associated lease/licence fees are waived from 1st July 2020 – 31st March 2021.

7. BALLYCASTLE, SHESKBURN HOUSE – REQUESTS FOR USE OF FACILITIES

The Sub-Committee agreed to hear the confidential reports on two requests to use Sheskburn House before making a recommendation on either.

7.1 Education Authority – Request to Lease the Council Chamber, Mayor’s Parlour and the Ground Floor Offices in Sheskburn House, Ballycastle - Ref No 62/20

Confidential report, previously circulated, presented by Land and Property Officer in the absence of the Head of Performance.

Members were asked to consider the request from the Education Authority to lease the Council Chamber, the Mayor’s Parlour and the ground floor of Sheskburn House for an extended period pending the construction phase of the shared campus. They currently work out of the Ballycastle High School site.

The Education Authority operate a youth club 3 nights a week (Wednesday-Friday) from Ballycastle High School. The School is being developed into a joint campus and during the building phase, the youth club will require temporary premises. The youth club has an average attendance of 40 per night, age group post primary.

In February 2020 the Education Authority approached Council Officers requesting temporary hire of an office at Sheskburn House for 2 Members

of their staff. They also enquired as to the possibility of a longer term lease of both the office and the ground floor of Sheskburn House.

The lease of the ground floor area of Sheskburn House would include the Legacy Moyle Council Chamber, Mayor`s Parlour, and offices. The youth club would require access to the tea room and toilets. Council staff would have access to the tea room and toilets during the day. The Mayor`s Parlour will remain available for weddings and the room cleared to enable same. The office areas and Legacy Moyle Council Chamber will be used exclusively by the youth club and contain their equipment. It is estimated that the Education Authority will require a lease period of 3 years.

The proposal by the Education Authority would require exclusive access to the Legacy Moyle Council Chamber, Mayor`s Parlour and ground floor offices. One of the offices would be leased to the 2 Education Authority staff.

Currently the ground floor offices in Sheskburn House are used for storage with the exception of the one allocated to the 2 Education Authority staff. However the Legacy Moyle Council Chamber and Mayor`s Parlour are used for meetings and training purposes by Council staff and also by the community for meetings and special occasions such as weddings.

In a twelve month period from 1st January 2019 to 31st December 2019 there were 346 bookings of the Mayor`s Parlour and 167 bookings of the Legacy Moyle Council Chamber. The majority of these bookings are weekly, repeated over a number of months. The majority of other usages in the Mayor`s Parlour and Legacy Moyle Council Chamber were for one off meetings by Community groups or for staff training. In the period 1st January 2019 to 31st December 2019 there were 4 weddings in the Mayor`s Parlour.

As part of the arrangement the Education Authority would wish to undertake some minor works in the Legacy Moyle Council Chamber. This work would be financed by the Education Authority but would require Council approval. The Mayor`s Parlour would remain as is to enable weddings to be booked.

As Sheskburn House closes at 6.00pm each night and there would be no caretaker on duty in the evenings, the Education Authority would like access in the evening as a keyholder. Such an arrangement would require Council approval and appropriate levels of insurance cover specified within any lease agreement agreed. The Council`s Insurers would also be

asked to take a view on such an arrangement. If the insurance advice is to have a Council member of staff on duty, this cost will need to be passed on to the Education Authority.

Members were advised there was currently a room hire cost per hour for the Mayor's Parlour and Council Chamber. In a lease agreement there would be an evaluation undertaken to identify the charge to account for the total space being leased and other charges such as electricity and heating.

In terms of the Estates Strategy, the office accommodation and the Leisure provision within Sheskburn House are inextricably linked until such times as new leisure facilities are available. An annual lease to the Education Authority may be a more suitable arrangement enabling the Council to keep options open in relation to future use of Sheskburn House.

It is recommended that the Land and Property Sub Committee consider the issues relating to this lease request and consider the following options:

- a) The Council may decide to approve the lease of the ground floor areas of Sheskburn House to the Education Authority for a set period of time subject to clarification of the income value, insurance implications, proposed building alterations and lease arrangements. This option will require the relocation of current user groups to other rooms within the Sheskburn site. It would be best practice to formally consult with these groups before a final decision is taken by Council.
- b) The Council do not agree to the long term lease of the ground floor areas as requested by the Education Authority but do agree to lease of an office for the two members of their staff. This option will require a formal lease agreement.
- c) The Council do not agree to the Education Authority request for lease of the ground floor areas or an office for their two members of staff.

- * The Sub-Committee moved to consider the request at 7.2 before making recommendation on 7.1 as both requests relate to the use of Shesksburn House.

7.2 Ballycastle Foodbank – Request the Use of a Large Room in Sheskburn House, Ballycastle to Store and Distribute Food – Ref No 51/20

Confidential report, previously circulated, presented by Land and Property Officer in the absence of the Head of Performance.

The Sub- Committee was asked to consider an application from the Ballycastle Foodbank Co-Ordinator to have the use of a large room in Sheskburn House to store and distribute food to members of the community.

Members were advised that Ballycastle Foodbank currently operated from private premises in Ballycastle paying £100 per month for use of the building. The foodbank is open 1.30pm -3.30pm each Wednesday and has three volunteers on site distributing food. The food is non-perishable. The owner of the current premises has other plans for the building and the foodbank must relocate.

There is a requirement to have sole access to an area that can store up to 2 tonnes of food necessitating shelving and other storage equipment. In addition there must be adequate space to put together food boxes and pass these on to those visiting the foodbank.

The foodbank is an on-going service to the community and the request for accommodation in Sheskburn House is not time bound.

The proposal submitted by the Ballycastle Foodbank Co-ordinator on behalf of Ballycastle foodbank would require the sole use of the Legacy Moyle Council Chamber as this is the only room large enough to meet the requirements of the service. Although the foodbank operates one afternoon each week, the requirement to store the food renders the room unusable for other bookings. The organisers of the foodbank have their own insurance and this would need to align with the Council's insurance requirements.

Occasions may arise when access is required to the foodbank in emergency situations and arrangements will need to be put in place to enable this to happen. This would necessitate the building caretaker attending to open up and close.

In terms of room hire, a charge for on-going use of the room would need to be considered along with potential charges for out of hours attendance by the caretaker.

The Legacy Moyle Council Chamber had 167 bookings between 1st January 2019 and 31st December 2019. These bookings were primarily for one off meetings and training seminars. The room is booked on occasions for meetings by Community groups and by the Council to carry out training of staff. The Civic Facilities General Manager is confident that bookings can be relocated to other rooms within the Sheskburn Site if Council agree to the lease request. It is best practice to consult with any regular user groups prior to a final decision by Council.

It is recommended that the Land and Property Sub Committee consider the issues relating to this lease request and consider the following options:

- a) The Council approve the request for lease of the Legacy Moyle Council Chamber to the organisers of the Ballycastle Foodbank for a set period of time subject to clarification of their insurance arrangements, lease arrangements, charging and out of hour's access to the building.
- b) The Council does not approve lease of the Legacy Moyle Council Chamber for use as a foodbank

Following a lengthy discussion on both the request from the Education Authority and the Ballycastle Foodbank Members raised the following issues:

- Future of Sheskburn House is not yet known – if the building was to close the Education Authority and/or the Foodbank would have to move out
- Costs incurred providing a caretaker out of hours
- Lease of the premises would not be possible as it would give the tenant business tenancy rights
- Sheskburn House is a civic building and needs to be retained for civic duties/functions.
- Public access currently not permitted in Sheskburn House except for registration
- Security of offices within the building and additional costs in securing them
- The Foodbank would require sole use of the Moyle Legacy Council Chamber 24/7 rendering it unavailable to other users.

- The Chamber would be required to store food supplies – not deemed an appropriate use of the Chamber
- Child protection issues raised if a youth club was permitted use of the building.
- Council has no other facilities in Ballycastle to offer either applicant.

After further discussion Members suggested that the Education Authority's request for office accommodation for 2 members of its staff could be accommodated as a room booking and a licence or lease would not be required. This could be dealt with through the normal booking procedures currently in place for Sheskburn House, Ballycastle.

Having considered both reports and the issues raised it was

Proposed by Alderman Hills
 Seconded by Alderman Fielding and

AGREED - to recommend that Council refuses both the request from the Education Authority to lease the Council Chamber, Mayor's Parlour and the Ground Floor Offices in Sheskburn House, Ballycastle - Ref No 62/20 and the request from Ballycastle Foodbank for the use of a Large Room in Sheskburn House, Ballycastle to Store and Distribute Food – Ref No 51/20.

8. REQUESTS FOR USE OF COUNCIL LAND

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

There were 4 new requests for the Sub-Committee to consider. The requests were summarised in the table (circulated) with further detail provided at Appendix 1 (circulated).

There was 1 repeat event for the Sub-Committee to consider. The report was attached at Appendix 2 (circulated).

There were 8 retrospective events for the Sub-Committee to note. The report was attached at Appendix 3(circulated).

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

The Sub-Committee was advised that in line with the current government Coronavirus (COVID-19) regulations guidance all applicants are being asked to submit site specific risk assessments with their applications.

The risk assessments must comply with the Management of Health and Safety at Work Regulations (Northern Ireland) 200 and the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020. The organisers must take all reasonable measures to limit the risk of transmission of the coronavirus, including implementing the preventative and protective measures identified in the risk assessment and comply with any relevant guidance issued by a Northern Ireland Government Department.

It is recommended that the requests listed at Appendices 1, 2 and 4 are considered and recommendation made.

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

AGREED – to recommend that Council approve the requests at Appendix 1 (circulated) subject to the following

Ref 56/20 – Request from the “Swell Festival” organisers to use Council land at East Strand for a community based pop festival from 30th October to 1st November 2020. The event will include a beach clean and beach sand sculpture.

Proposed by Alderman Hillis
Seconded by Alderman Fielding and

AGREED – to recommend that Application Ref No 56/20 is approved subject to the timely submission of the required documentation which will include a site specific risk assessment in accordance with government

restrictions and which complies with the guidelines in place at the time of the event.

AGREED – to recommend that Council approves Appendix 2 subject to the following amendment:

Ref No 53/20 – Request for Coleraine Business improvement District to use Council land at the Town Hall and Coleraine Leisure Centre, Coleraine to install inflatable Halloween art from 17th October to 1st November 2020 has been amended. The applicant has advised that the use of the Town Hall is no longer required and it is only Coleraine leisure centre which is required.

It was further **AGREED** that there should be cost recovery for any damage caused to the Leisure Centre building and that the building should be inspected pre and post erection of the inflatable Halloween art.

AGREED - to recommend that Council notes the requests at Appendix 3 (circulated) subject to the following:

Ref No 43/20 – Request from a contractor for the use of Council land at the Vue Apartments, Strand Road, Portrush for use as a builder's compound during construction works. Members were advised that since the report was issued the contractor has amended the dates required and has advised that there were not currently on site so it was not a retrospective request.

Following discussion it was:

Proposed by Alderman Hills
Seconded by Alderman Baird and

AGREED – to recommend that Request No 43/20 for the use of Council land at the Vue Apartments, Strand Road, Portrush for use as a builder's compound during construction works is approved subject to:

- the payment of a bond of £2k prior to the occupation of the site
- a valuation to be carried out and the applicant responsible for paying the valuation costs
- payment of the fee determined by the valuation
- satisfactory reinstatement of Council land
- satisfactory submission of Public Liability Insurance (£10m indemnity), a site specific Risk Assessment and Health and Safety

documents as requested by Council's Corporate Health and Safety and Insurance Services Manager.

8.1 Request from Armoy Community Association to lease land at Lime Park Playing Fields, Armoy – Ref No 02/20/P

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

Armoy Community Association has written to Council to seek a lease of the land at Limepark Playing Fields.

The Community Association's intention would be to immediately develop a simple running/walking track around the perimeter of the site, as was planned in the approved planning application of E/2014/0055/F. In order to ensure that the path is safe to use the Community Association has indicated that it would need to carry out sightlines work at the entrance to the playing fields. This work would need to be completed by early December 2020 before the current planning permission expires.

The Community Association has advised that it would maintain the grass on the main pitch to ensure it can be used for socially distanced, COVID-compliant sport and recreational activities. It advises that in its view the site will be an important and safe outdoor space for the Community Association's partnership with the Community Sports Network.

Council's Leisure and Development Directorate has identified the land at Lime Park Playing Fields as surplus as the Rugby Club that previously occupied the site have relinquished any claim on the site. The Model Aircraft Club who also occupied part of the site have also confirmed that it no longer wishes to use the land.

In accordance with Council's Land and Property policy, adopted in February 2020, land identified as surplus in terms of service need is brought to the Land and Property Sub-Committee in terms of disposal. Currently Council has not earmarked capital expenditure for this site and there is no requirement for the Leisure and Development Directorate to retain the land for service delivery.

During discussion of this request Council's Senior Planning Officer advised that Planning permission for redevelopment of this site expires on 16 December 2020. To retain the permission in perpetuity, a material start must be made by carrying out an act of development. In this case demolition of the clubhouse after permission was granted may constitute a

material start. S23 of the Planning (NI) Act 2011 defines development as building operations on land and includes the demolition of buildings in the definition of building operations. If the building was demolished prior to approval being granted then some element of construction should be carried out before this date along with compliance with any pre commencement conditions such as implementation of visibility splays.

Work to the site lines alone would not constitute a material start.

Members were keen that the Planning approval on the site be maintained and that Council should investigate how this could be maintained and if a “material start” could be made to keep the planning permission alive.

The Land and Property Officer advised the Sub-Committee that since the report was issued the Land and Property section has received a further request to lease the Limepark Playing Fields Armoy from the Causeway Giant American Football Club Ref 04/20/P and an Expression of Interest in purchasing the land Ref No 03/20/P.

Members were of the opinion that a decision could not be taken on any of the requests until the land was declared surplus by the Leisure and Development Directorate. A report will be taken to the Leisure and Development Committee meeting on 20th October 2020 to declare the land surplus to requirement.

It was **AGREED** to recommend that a decision be deferred and all requests for use of the playing fields at Limepark, Armoy will be brought back for consideration when the Leisure and Development Committee has considered the report to declare the asset surplus.

It was further **AGREED** that Council should confirm what was required to constitute a “material start” to keep the Planning permission alive.

9. REQUESTS TO PURCHASE COUNCIL LAND/PROPERTY

9.1 Transfer of Ownership of Council owned Portacabins from Coleraine Football Club Ref No 05/20/P

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

Council is asked to approve the transfer of ownership of 2 Council owned portacabins, currently on site at Coleraine Showgrounds, to Coleraine Football Club.

The former Coleraine Borough Council installed 2 portacabins at Coleraine Showgrounds approximately 15 years ago to provide additional shower blocks during the Milk Cup football tournament. The portacabins were purchased by Coleraine Borough Council in 2005.

Council currently insures the portacabins as part of the full property portfolio. The Estates team carry out minimal maintenance which includes Legionella management and water quality testing. Council is responsible for the Health & Safety aspects of this but receives no benefit from the resource.

Coleraine Football Club has submitted a request to the Land and Property section asking Council to consider the transfer of ownership of the 2 portacabins on site at Coleraine Showgrounds to the club.

The portacabins are currently used as a storage facility, steward's room and a physio room. If agreed, Coleraine Football Club will accept full responsibility for the portacabins.

Officers were consulted about the proposals and have advised that Coleraine Football Club use the portacabins all year round and that they are of no use to Council. Council's Estates team have advised that the cabins are in a poor state and may have little or no monetary value to Council. By transferring ownership to Coleraine Football club it would relieve Council of its Health & Safety responsibilities and insurance and maintenance liability.

The transfer of ownership would be cost effective for Council given the ongoing costs associated with insurance, health and safety consideration and current and future maintenance.

A form of transfer agreement would need to be put in place to include provision for insurance and maintenance.

Legal advice has been sought and there is no legal impediment to transferring ownership.

It is recommended that the Land and Property Sub-Committee consider the request from Coleraine Football Club and consider the following options:

- a) Refuse the request.

- b) Agree to the transfer of ownership of the 2 Council owned portacabins to Coleraine Football Club without charge and a form of transfer agreement is drawn up.
- c) Agree to the transfer of ownership of the 2 Council owned portacabins to Coleraine Football Club subject to a valuation being sought to determine a charge and a form of transfer agreement is drawn up

Proposed by Councillor McLean
Seconded by Alderman Fielding and

AGREED – to recommend that Council approves Option b and agrees to the transfer of ownership of the 2 Council owned portacabins to Coleraine Football Club without charge and a form of transfer agreement is drawn up.

* **Alderman Baird left the meeting following discussion of this item.**

10. LEASES/LICENSES

10.1 Benone Avenue, Limavady, NIE Wayleave Agreement No 814008 and associated works

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

Approval was sought from the Sub- Committee for Northern Ireland Electricity (NIE) Networks Ltd Wayleave Agreement No 814008 and associated works on Council land at Benone Avenue, Benone, Limavady.

Council holds unregistered title to the land at Benone Avenue, Benone where NIE propose carrying out the required work.

A map showing the area of Council land (hatched area outlined in red) at Benone Avenue was attached at Appendix A (previously circulated)

NIE Networks has advised Council that it intends to recover the existing 11,000 volt transformer pole from the Golden Sands Caravan Park on Benone Avenue, Benone, Limavady. Golden Sands Caravan Park is privately owned.

The proposed works are required to comply with current government legislation. The Electricity Safety, Quality and Continuity Regulations (ESQR) 2002 mandates that high risk areas such as caravan parks, play parks and playing fields require overhead cables to be undergrounded. As part of their ongoing programme, NIE Networks propose to carry out the following work:

- Recover/remove the overhead line, transformer pole (pole number 5/56) and 2 wire stays from within Golden Sands Caravan Park site.
- Erect a new Terminal pole H (pole no 4/56), 2 terminal stay wires and erect the pole mounted transformer (Benone K) in the land owned by Council and identified on the map at Annex A.
- Lay 1 new underground Lv cable of approximately 15 metres in length with associated earthing from pole 4/56 to the road in Council ownership to maintain the supply to the adjacent houses and the caravan site.
- Cut and remove a small area of scrub and a few small trees to maintain a safe area around the new pole no 4/56

NIE Networks Ltd has submitted Wayleave Agreement No 814008 for approval and signature to cover the proposed works.

Appendix B is the map contained within the Wayleave Agreement. (previously circulated).

Appendix C is a map of the proposed works. (previously circulated).

Appendix D is a sketch detailing the exact equipment positions. (previously circulated).

Appendix E is the tree cutting which will require signature to allow the tree cutting to proceed. (previously circulated)

The schedule identifies an area of 100m² of scrub and 3 small trees to be removed.

Council's Coast and Countryside Officer will be the lead Officer for this request and has agreed to:

- inspect the site pre and post works
- agree the area of scrub and the trees to be removed

- sign the tree cutting schedule
- agree a programme of work and access to the site
- ensure Council's land is satisfactorily reinstated.

It is recommended that Council approves Northern Ireland Electricity Networks Ltd Wayleave Agreement No 814008 subject to:

- the site being inspected pre and post works
- the area of scrub and the trees to be removed agreed with the Coast and Countryside Manager
- the tree cutting schedule being signed by the Coast and Countryside Manager
- a programme of work and access to the site agreed
- Council's land being satisfactorily reinstated.

Proposed by Councillor Beattie
 Seconded by Councillor McGurk and

AGREED – recommend that Council approves Northern Ireland Electricity Networks Ltd Wayleave Agreement No 814008 subject to:

- the site being inspected pre and post works
- the site being inspected pre and post works
- the area of scrub and the trees to be removed agreed with the Coast and Countryside Manager
- the tree cutting schedule being signed by the Coast and Countryside Manager
- a programme of work and access to the site agreed
- Council's land being satisfactorily reinstated.

10.2 Annual Land Lettings 2020

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

To seek approval to proceed with advertising and receiving bids for Annual Land Lettings for a period of one year, subject to review and extension of a further two years where appropriate.

Council currently owns and lets various plots of agricultural land throughout the Borough. At the Land & Property Sub Committee

meeting on 2nd August 2017 it was agreed to proceed with 2018 Annual Land Lettings for a period of one year, subject to review and extension for a further year and to proceed with advertising and receiving bids for the Annual Land Lettings in local press and on Council's website with sealed bids submitted by an agreed closing date.

The locations detailed in Figure 1 were previously included under the Annual Land Lettings in 2018.

No	LOCATION ANNUAL LAND LETTING
1.	Camus Picnic Area, Coleraine
2.	Laurel Hill, Coleraine
3.	Letterloan Disused Landfill Site, Macosquin
4.	Craigahulliar, Portrush (4 fields)
5.	Burn Brae, Lisnagungue, Bushmills
6.	Bayhead Road, Portballintrae
7.	Blackrock Road, Kilrea

The Sub-Committee was advised of the total revenue received as a result of the tender exercise.

If agreed the Annual Land Lettings will be advertised in the local press and on Council's website early November 2020 and allow 2 weeks for the sealed bids to be submitted.

The Annual Land Lettings will be for a period of one year, subject to review and extension of a further two years where appropriate.

The Licence period in any one year is for a period of 11 months. The Conacre Licence Agreement period for 2021 is 1st January 2021 to 30th November 2021.

Members were reminded that Council is currently investigating the possibility of developing the site at Laurel Hill, Coleraine as previously agreed by Council in June 2019. This work is ongoing and the site is still available to be considered under the Annual Land Lettings for 2021. The situation will be renewed prior to any subsequent renewal.

It is recommended that the Sub-Committee consider the following options and make a recommendation to Council:

- a) To proceed with advertising and receiving bids for Annual Land Lettings for a period of one year, subject to review and extension of a further two years where appropriate.

- b) Not to proceed with advertising and receiving bids for Annual Land Lettings for 2021 and to investigate the possibility of declaring the land surplus and seek to dispose of it.

Following discussion it was

Proposed by Councillor McGurk
Seconded by Councillor McLean and

AGREED – to recommend that Council approves Option b and agrees not to proceed with advertising and receiving bids for Annual Land Lettings for 2021 and to investigate the possibility of declaring the land surplus and seek to dispose of it.

11. LEGAL ISSUES

A verbal update was provided by Council's Land and Property Solicitor on the following issues:

- Dungiven Sports Pavilion – D1 process Update
- Portstewart Town Hall
- Berne Road Café, Portstewart

With the agreement of the Chair the Democratic Services Manager congratulated Councillor Knight-McQuillan and Councillor McGurk on their appointment as Chair and Vice-Chair respectively and passed on her thanks to the Land and Property team for their continuing efforts and the work involved in servicing the Land and Property Committee.

In response Councillor Knight-McQuillan thanked everyone for their contribution to the Land and Property Sub-Committee and acknowledged the work of the Officers involved.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor McLean
Seconded by Councillor McGurk and

AGREED – to recommend that Council move “In Public”

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at **10.40pm.**

Chair