

**LAND AND PROPERTY SUB-COMMITTEE MEETING
WEDNESDAY 3 FEBRUARY 2021**

No	Item	Summary of Key Recommendations
1.	Apologies	<i>None</i>
2.	Declarations of Interest	<i>Alderman Baird and Councillor McGurk in Item -13</i>
	'In Committee' Items 3 to 12 inclusive	
3.	Minutes of Land and Property Sub Committee Meeting held on 6 th January 2021	<i>Confirmed</i>
4.	Full Fibre Network Implementation CCGBC Sites – Wayleaves	<i>Approve</i>
5.	Coleraine Market Yard – Expressions of Interest	<i>Approve Option B and re-tender works and explore 3rd party interest further; bring options to future meeting</i>
6.	Estates Strategy – Civic Building Profile	<i>Noted</i>
7.	Landsdowne Shelter	<i>Approve Option 1</i>
8.	Portstewart Town Hall	
	8.1 Portstewart Town Hall 'NOT FOR PUBLICATION'	<i>Approve Option 1</i>
	8.2 Portstewart Town Hall, Library Lease Update	<i>Approve</i>
9.	Requests for Use of Council Land	

10.	Requests to Purchase/Dispose of Council Land/Property	
	10.1 Killyrammer Community Centre – Asset Disposal – Next Steps	Approve
11.	Leases and Licenses	
	11.1 Portrush, North Pier Lease, The Crown Estates to Causeway Coast and Glens Borough Council	Approve
	11.2 Drumavalley, Magilligan – NIE Wayleave No 814437 (report attached	Approve
12.	Legal Issues	None
13.	Correspondence	
	13.1 Department for Communities, Local Government Circular 21/2020 – Guidance to Councils – Disposal of Land at less than Best Price	Noted
13.	Portstewart, Berne Road Café – Lease Renewal	Approve renewal

**MINUTES OF THE MEETING OF THE
LAND AND PROPERTY SUB-COMMITTEE MEETING
HELD VIA VIDEO-CONFERENCE ON
WEDNESDAY 3 FEBRUARY 2021 at 7.00PM**

- Chair:** Councillor Knight-McQuillan (R)
- Present:** Alderman Baird (R), Fielding (R), Hillis (R)
Councillors Beattie (R), McGurk (R), McLean (R), C Mc Shane(R)
- Non Committee Members
In attendance:** Alderman A Robinson (R) Councillor C McCaw (R)
- Officers Present:** M Quinn, Director of Corporate Services (R)
P Donaghy, Democratic Services Manager (R)
J Mills, Land and Property Solicitor (R)
D McLaughlin, Land and Property Officer (R)
J Richardson, Head of Capital Works, Energy & Infrastructure (Items 5, 7, 8)
S McMaw, Head of Performance (Items 6 and 7)
N McGurk, Strategic Projects Manager (Item 4)
C McKeary, Senior Planning Officer
- In attendance:** J Elliott, Town Centre Manager
R Gillen, Coast & Countryside Manager
(I Owens, J Keen, Committee & Member Services) left 7.09pm

Key (R) = Remote attendance

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST

Alderman Baird and Councillor McGurk in Item 13 Lease Renewal, Berne Road, Portstewart. Alderman Baird and Councillor McGurk left the meeting during discussion of the item.

The Chair indicated that the item would be discussed last on the agenda to permit the Members to leave the meeting at that point.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McGurk
Seconded by Alderman Baird and

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

The information contained in the following items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

3. MINUTES OF LAND AND PROPERTY SUB COMMITTEE MEETING HELD ON 6TH JANUARY 2021

Summary minute, previously circulated.

AGREED – that the Minutes of the Land and Property Sub-Committee meeting held Wednesday 6th January 2021 are confirmed as a correct record.

4. FULL FIBRE NETWORK IMPLEMENTATION CCGBC SITES - WAYLEAVES

The Strategic Projects Manager presented the report, previously circulated.

Purpose of Report

To request approval of all wayleaves associated with the Full Fibre Northern Ireland (FFNI) project. Due to the time constraints of the project, granting of all future wayleaves associated with the project will

alleviate the restrictions associated with granting of wayleaves on an individual basis.

Background

Causeway Coast and Glens Borough Council is part of a Full Fibre Network NI (FFNI) Consortium of 10 Councils led by Newry, Mourne and Down District Council (NMD) that is to receive funding of £15 million from the Department of Culture, Media and Sport (DCMS). The funding will be used to install gigabit capable fibre 'direct to the premises' of Council owned buildings by September 2021 that will in turn increase the broadband infrastructure in the surrounding vicinity.

Within Causeway Coast and Glens, we hope to connect approx. 91 public sector buildings with Ultrafast 1000gb connections. Deadlines for project completion are March 2021 for Rural Gigabit Connectivity (RGC) sites and September 2021 for FFNI sites. The project must be completed before this date or the Council and Consortium will lose out on the funding.

Along with the Consortium Partners' sites, the Business Services Organisation (BSO) will use the grant funding to connect Health (Doctors' surgeries for example), Fire and Ambulance sites. Without the involvement of BSO, it is possible that Consortium Members would have too few sites to use all of the available funding, and the RGC funding bid would likely not have been viable.

For the Council's geographical area, the funding is expected to deliver fibre connectivity to 56 of the Council's own sites and 35 BSO sites. (See Appendix 1) (previously circulated)

Two FFNI procurements have been conducted for the connectivity of these public sector sites: Tranche One (rural sites) and Tranche Two (urban sites). Fibrus Networks Limited were the preferred bidder for both Tranche One and Tranche Two.

The £1.5m contract for this project was approved by Leisure and Development Committee on 15th December 2020 and signed at Full Council meeting on 5th January 2021.

Officers have been working with Fibrus Networks Limited to confirm the proposed interventions for each Tranche. Officers will determine the effect that the orders would have on the Council's own network plans and calculate the cost implications for the orders.

These delivery timescales are extremely challenging and it is critical that implementation starts as soon as possible following approval. If there is any delay, then there is a strong risk that the timescale for delivery will become unachievable and suppliers will not be willing to contract to deliver all or any of the Council's sites. In such a case, the funding will be lost, along with the significant benefits that the investment would have brought.

To mitigate this risk, Council was asked to note the timescales and the risks of delay and to set in place the mechanism to approve and execute approval and delivery of contract award as quickly as possible.

Further reports will be presented to Council on implementation and outcomes as the project progresses.

Proposals

To ensure FFNI project can meet the challenging timescales involved with delivery, it is proposed that all wayleaves associated with the project be granted approval. (See Appendix 1) (previously circulated)

FFNI wayleaves will still be subject to Officer consultation, any planning requirements and confirmation of Council's title for each location.

FFNI wayleaves approved under this process and permitted to proceed, will then be listed for signing at the next Full Council meeting.

Officers to inform Land and Property of any changes to the list of Council's FFNI sites as soon as they become aware i.e. sites have been withdrawn or alternate sites added.

It is recommended that Council approves the granting of all wayleaves associated with the Full Fibre Northern Ireland (FFNI) project subject to:

- All appropriate checks being carried out by relevant officers.

- The Officer Consultation process, any planning requirements and confirmation of Council's title for each location.
- Agreement with the relevant department/asset owner regarding access to site and programme of work.
- Wayleaves approved under this process and permitted to proceed, will be listed for signing at the next full Council meeting.
- Any changes to the current list of Council's FFNI sites to be advised to the Land & Property Section and either withdrawn or added to the list as required.

Proposed by Councillor McLean
 Seconded by Alderman Hillis and

AGREED: to recommend that Council approves the granting of all wayleaves associated with the Full Fibre Northern Ireland (FFNI) project subject to:

- All appropriate checks being carried out by relevant officers.
- The Officer Consultation process, any planning requirements and confirmation of Council's title for each location.
- Agreement with the relevant department/asset owner regarding access to site and programme of work.
- Wayleaves approved under this process and permitted to proceed, will be listed for signing at the next full Council meeting.
- Any changes to the current list of Council's FFNI sites to be advised to the Land & Property Section and either withdrawn or added to the list as required.

5. COLERAINE MARKET YARD – EXPRESSIONS OF INTEREST

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

Background

In February 2020 following the Rates meeting, Council agreed to lease the Market Yard and Members requested officers to seek expressions of interest. The Market Yard lease was subsequently publically advertised with a closing date of the 30th of October 2020.

Appendix 1 showed the submission request form (previously circulated). Appendix 2 showed the advertisement / brochure detail. (previously circulated).

Submissions of Interest

Two submissions of interest were received as detailed in the report, previously circulated. Given the expression of interest result –

It is recommended Members now consider the following options;

- a) Seek expressions of interest for disposal and bring back results for Members consideration.
- b) Retain asset for possible future strategic use (yet to be established).

The Head of Capital Works, Energy and Infrastructure provided Members with detail of correspondence received from a third party expressing interest in the development of the Market Yard site and outlining a proposal. Similar correspondence had been received by the Chair and other Members of the Sub-Committee on 1st February 2021. The Head of Capital Works advised that if Members agreed this proposal could be explored with officers in Economic Development and Town Centre Management and brought back to the Sub-Committee for consideration.

During the discussion of the matter Members raised issues relating to the site which would impact on its development. Members also referred to the previous tender exercise carried out for the works required to the site to satisfy planning requirements and the costs provided at that time.

Proposed by Alderman Fielding
Seconded by Councillor McGurk and

AGREED: to recommend that the asset is retained for possible future strategic use (yet to be established) and that the works required to satisfy planning requirements are re-tendered and further options

including the third party interest received are explored and brought to the Sub-Committee for further consideration.

6. ESTATES STRATEGY – CIVIC BUILDING PROFILE

The Head of Performance presented the report, previously circulated.

The purpose of this report is to provide Elected Members with an analysis of issues relating to the Civic Buildings and Town Halls to assist and inform a strategy regarding future decision making.

Background

At the Corporate Policy and Resources Committee meeting on 24th November 2020, Elected Members asked for updates and progress regarding the Estates Strategy. It was recommended that this should be dealt with through the Council's Land and Property Sub-Committee.

Proposal

To inform discussions, a Civic Building profile table was attached as Appendix 1 (previously circulated). This table provides an overview of issues associated with each building.

Appendix 2 (previously circulated) contains an initial legal review of title for each of the buildings which gives a basic overview of title, but not a detailed rundown of covenants etc., which would be confirmed when a building was deemed surplus.

Elected Members will have the opportunity to consider the various issues and provide direction regarding priorities with respect to the Estates Strategy.

It is recommended that the Land and Property Sub-Committee consider the issues as detailed in this report including Appendices 1 and 2 (previously circulated).

Following discussion Members agreed that a workshop for all Members where more information on each building could be presented including life cycle and revenue costs and users would assist Members to get a fuller picture and inform future consideration.

The Head of Performance agreed to begin working on the information pending Council's decision on a Workshop.

Proposed by Alderman Baird
Seconded by Councillor McGurk and

AGREED: to recommend that the report presented is noted and that a Workshop is held for all Members where further information on each civic building can be presented for Members' consideration.

*The Chair advised Members that an addendum had been circulated re Lansdowne Shelter and with Member's agreement advised that it would be taken as the next item of business.

7. COMMERCIAL REALISATION OF LANDSDOWNE SHELTER PORTRUSH

The Head of Capital Works, Energy and Infrastructure presented the report, issued as an addendum.

Previously in October 2018 Council approved officers to carry out the following key actions with regard to Lansdowne Shelter;

- a. Submit a Planning application for a perspective extension and alterations, including a general change of use for the existing building to a Licensed Restaurant.
- b. Upon receipt of planning permission for a "Change of Use", carryout a tendered lease exercise.
- c. Compile a tender analysis report and recommendation to Members for consideration to achieve best value, whilst limiting capital expenditure by Council.

A tendered lease opportunity was carried out between 2nd December 2020 and 8th January 2021, which consisted of the following Lease & Development options to allow Individuals and businesses of all capacities to bid for same.

A total of 38no. Individuals/companies expressed an interest in this opportunity.

- **Option 1:-** Lease of existing building as is existing, *(5-year lease, with no risk, and no capital investment by Council)*.
- **Option 2:-** CC&GBC carries out the extension and alterations, *(10-year lease, with risk to, and substantial capital investment by Council)*.
- **Option 3:-** Bidder constructs extension and carryout's alterations, *(10year lease, with minimal income to Council)*.

The Head of Capital Works, Energy and Infrastructure referred Members to the tender return and placing schedule analysis table contained in the report circulated which provided a summary of the tender return monetary bids.

The cost benefit ratio and analysis, as indicated in the tender return analysis table illustrates that the lease bid tender submission **in the sum of £28,750.00** is the most advantageous, **(Option 1)**, and **it is recommended** that Council now enter into legally binding lease with this bidder.

Proposed by Councillor McGurk
Seconded by Councillor McLean and

AGREED: to recommend that Council approves Option 1 Lease of existing building as is existing, *(5-year lease, with no risk, and no capital investment by Council)* and enters into a legally binding lease in the sum of £28,750.00 as the most advantageous tender return with the successful bidder.

8. PORTSTEWART TOWN HALL

8.1 Portstewart Town Hall

The Democratic and Central Services Manager presented the report, previously circulated.

The confidential report provided Members with detailed information and outlined options for consideration.

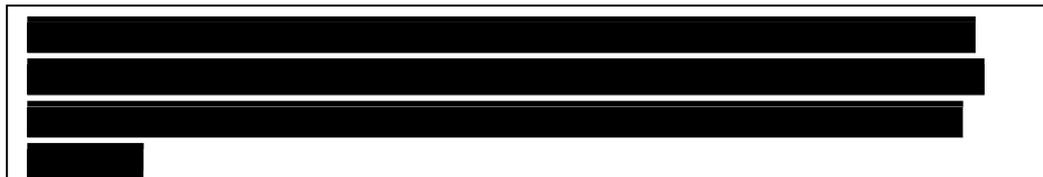
It is recommended that Members consider the information presented in relation to Portstewart Town Hall and provide direction on Council's preferred option for the future of the Town Hall.

Following detailed discussion during which officers responded to Members' queries in relation to the content of the report including community consultation and provided clarification on a number of matters it was

Proposed by Councillor McLean
Seconded by Councillor McGurk

To recommend that Council approves Option 1.

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014



The Chair put the motion to the vote.

With the exception of Alderman Fielding who abstained the Sub-Committee agreed the motion unanimously.

8.2 Portstewart Town Hall – Library Lease Update

The Land and Property Officer presented the report, previously circulated.

The purpose of this report is to update the Sub-Committee on the current situation regarding the Libraries NI lease for Portstewart Town Hall. In September 2020 the Sub-Committee was presented with a confidential

report providing an update on the situation regarding the Libraries NI lease for Portstewart Town Hall. A copy of the report presented to the Sub-Committee is attached at Appendix A (previously circulated) for reference.

Libraries NI has advised that an alternative location has been found for the library in the town and will write again to update Council following which it is likely that Libraries NI will commence the formal surrender of their lease for the ground floor of the Town Hall building.

It is recommended that Council confirms its consent to the course of action as detailed at 4.1 and 4.2 within the report presented. Libraries NI commence the formal surrender of their lease for the ground floor of the Town Hall building and engage LPS to carry out a valuation.

Proposed by Councillor McGurk
Seconded by Alderman Baird and

AGREED: to recommend that Council confirms its consent to the course of action as detailed at 4.1 and 4.2 within the report presented. Libraries NI commence the formal surrender of their lease for the ground floor of the Town Hall building and engage LPS to carry out a valuation.

9. REQUESTS FOR USE OF COUNCIL LAND

The Land and Property Officer presented the report, previously circulated. There are 4 new requests for the Sub-Committee to consider. The requests are summarised in the table at Appendix 1. (previously circulated).

There is 1 repeat event for the Sub-Committee to consider. It is detailed at Appendix 2. (previously circulated)

There are 2 retrospective events for the Sub-Committee to note. They are detailed at Appendix 3. (previously circulated)

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

Recommendation

It is recommended that the requests listed at Appendices 1, and 2 (previously circulated) are considered and recommendation made;

It is recommended that the requests at Appendix 3 (previously circulated) are noted.

The following requests were presented:

Ref	Date	Location	Detail	Officer Recommendation
81/20	8 th of February to 5 th of March 2021.	Adjacent to Portrush RNLI Station on Kerr Street, Portrush	A request from Portrush RNLI to use Council land adjacent to Portrush RNLI Station on Kerr Street, Portrush, to place a temporary storage container to facilitate works to the station from the 8 th of February to 5 th of March 2021.	For discussion
77/20	14th of February 2021	Downhill Beach	A request to use Council land at, Downhill Beach, for a wedding ceremony on the, 14th of February, 2021. 12 people to attend	For recommendation
82/20	As soon as possible on Saturdays and two nights during the week	Portrush East Strand	A request from Northern Ireland Volleyball to use Council land at, Portrush East Strand, for the Northern Ireland Volleyball Commonwealth Games Programme Senior National Training, as soon as possible on Saturdays, and two nights during the week.	For recommendation

Ref	Date	Location	Detail	Officer Recommendation
76 20	As soon as possible due to possible flooding – dates to be confirmed.	To the rear of a property at Dromore Avenue, Limavady	A request from Combined Facilities Management to use Council land on behalf of NIHE to the rear of a property at Dromore Avenue, Limavady, for works to run a storm drain from the property to the NI Water storm drain located in the playing field, as soon as possible due to possible flooding.	For recommendation

In response to a query in relation to request Ref 81/20 regarding the issue of the public parking at this site and blocking the access it was recommended that the Head of Capital Works, Energy and Infrastructure would consult with RNLI with a view to installing a barrier control at the site and access fobs would be issued to RNLI.

The Land and Property Officer advised Members that in relation to request Ref 82/20 Council's Coast and Countryside Manager had been liaising with the organisation and that other suitable beaches had been suggested as well as East Strand for the team's use if the East Strand was not available. Members agreed to include the use of other beaches i.e. Whiterocks, West Strand, Castlerock and Benone in the recommendation.

Proposed by Alderman Fielding
Seconded by Councillor McLean and

AGREED: to recommend that the requests to use Council land Ref: 81/20; 77/20; 82/20 and 76/20 are approved. AND further recommended that the approval for Ref 81/20 notes that the Head of Capital Works, Energy and Infrastructure consults with RNLI with a view to installing a barrier control at the site and access fobs would be issued to RNLI, AND recommends Ref: 82/20 includes the use of East Strand, Whiterocks, West Strand, Castlerock and Benone beaches. The beach to be used by the team for training purposes to be the one deemed most suitable on the date/time for which the use is needed and in liaison with and prior arrangement with Council's Coast and Countryside Team.

The Land and Property Officer presented Appendices 2 and 3 Repeat and Retrospective requests to use Council Land.

Proposed by Councillor C McShane
Seconded by Alderman Baird and

AGREED: to recommend that request No 83/20 presented at Appendix 2 is approved with the caveat that the markets can only be held on 14 out of the 18 dates requested. This is in accordance with part 5 of the Schedule to The Planning (General Permitted Development) Order (Northern Ireland) 2015 which limits the use of land without planning permission for the holding of a market to a total of 14 days in any calendar and requests at Appendix 3 in the report are retrospectively approved.

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

10.1 Killyrammer Community Centre – Asset Disposal – Next Steps

The Democratic and Central Services Manager presented the report, previously circulated.

The purpose of this report is to seek authority for the next steps in the disposal of former Killyrammer Community Centre in the D1 Public Sector Clearing House Procedure and Open Public Market thereafter.

Background

Council agreed in January 2018 in respect of Killyrammer Community Centre not to proceed to Outline Business Case stage and proceed with Option Four: Close Killyrammer Community Centre and ensure users are accommodated in other halls and dispose of the asset as detailed in the report to the Leisure and Development Committee in June 2017. In May 2018 Council agreed that the following work progress in respect of this property 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.

Council granted approval to the Capital Works Department to submit a Full Statutory Planning Application in respect of Option 3, which provides an 'added-value' of £40,000.00, (excl. VAT), and progress through the D1 Public Sector Clearing House

Procedure and Open Market thereafter, in order to maximise revenue from the sale of the site.

Killyrammer Community Centre was advertised under D1, internal market circulation for a period of 15 days, ending on 28th February 2020. Following completion of the D1 process the only interested party through the internal market (public sector) was Triangle Housing Association. Council's previous decision includes progress to the Open Market following completion of the D1 process. However, Triangle Housing Association has requested to continue with their due diligence in the interim.

Council has to make a decision as to how it wishes to proceed in light of the request from Triangle Housing Association.

Next steps

Permit Triangle Housing Association to carry out their due diligence and full feasibility study while also placing the property on the external market to seek interest, subject to the condition that if Council receives a more favourable offer through the external market that it is not bound to sell to Triangle Housing Association.

If the property goes to the external market, a decision needs to be made whether to use the Central Advisory Unit (CAU) commercial agent or a local agent under Council's Framework.

It is recommended that Council permits Triangle Housing Association (the Association) to continue with its due diligence on the condition that Council is not bound to sell to the Association while also placing Killyrammer Community Centre on the external market using the Central Advisory Unit's commercial agent.

Proposed by Alderman Fielding
Seconded by Councillor McLean and

AGREED: to recommend that Council permits Triangle Housing Association (the Association) to continue with its due diligence on the condition that Council is not bound to sell to the Association while also placing Killyrammer Community Centre on the external market using the Central Advisory Unit's commercial agent.

11. LEASES AND LICENSES

11.1 Portrush, North Pier Lease, The Crown Estates to Causeway Coast and Glens Borough Council

The Head of Capital Works, Energy and Infrastructure presented the report, previously issued.

Council completed repairs and improvement works to Portrush Harbour North Pier breakwater in 2019. To enable repairs to the North Pier, an application was required to be made to the Crown Estates for permission to occupy the seabed adjacent to the site and was part of the part of statutory requirements of the Marine Licence Team. The temporary licence was required from 1st May 2018 to 24th June 2019 until completion. Figures were provided in the report, previously circulated.

Following completion of the works a new lease has been drafted between Crown Estates and Council. The 15 year lease period will commence retrospectively, from 25th June 2019. The rental figure was provided in the report, previously circulated.

The retrospective rent is due: 25th June 2019 – 24th June 2020 and thereafter 25th June 2020 – 24th June 2021. The figures were provided in the report.

As part of the new lease drafting process, Council are required to pay The Crown Estate's additional legal and agent's fees as this is a new lease. The agent's fee in this regard is £750 & VAT and the legal fee has yet to be confirmed.

The total now payable to Crown Estates is £13,544.52 to cover both construction licence, 2 years lease until 24th June 2021 and the agent's fee. Council will have to pay the legal fees when the bill is submitted.

It is recommended that Council grants retrospective approval to The Crown Estate's Licence and Lease to Causeway Coast and Glens Borough Council and authorise payment of the Licence fees, retrospective rent and associated fees as listed above and payment of the legal fees when known.

Proposed by Councillor McLean
Seconded by Councillor McGurk and

AGREED: to recommend that Council grants retrospective approval to The Crown Estate's Licence and Lease to Causeway Coast and Glens Borough Council and authorise payment of the Licence fees, retrospective rent and associated fees as listed above and payment of the legal fees when known.

11.2 Drumavalley, Magilligan – NIE Wayleave No 814437

The Land and Property Officer presented the report, previously circulated.

The purpose of this report is to seek approval from the Sub- Committee for Northern Ireland Electricity (NIE) Networks Ltd Wayleave Agreement No 814437 for work on Council land at the playing fields to the rear of Magilligan Community Centre, Seacoast Road, Limavady.

Council has legal title to the land at the playing fields to the rear of Magilligan Community Centre under Land Folio LY5184. A map showing the area of Council ownership is attached at Appendix A (previously circulated).

NIE has advised Council that it intends to carry out work to recover/remove the existing transformer pole (405A) which is situated on the boundary fence line of the Council owned playing field to the rear of Magilligan Community Centre.

The proposed works is 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 Ltd plan to carry out the following work at this site:

- Recover/remove the transformer form the pole (pole number 405A).
- Laying a new LV Cable, around the boundary fence line of the playing field to maintain the electricity supply to the four houses adjacent to the playing field.

NIE Networks Ltd propose carrying out the works subject to:

- All work will be carried out at a suitable time and agreed in advance with all parties involved.
- Council's Lead Officer will liaise with the management of Magilligan Community Centre regarding the works
- All excavation and reinstatement will be carried out to a high standard and the land left back and reseeded.
- The site will be inspected by a Council Officer before and after the work is carried out to ensure satisfactory reinstatement to the previous standard.

NIE Networks Ltd has submitted Wayleave Agreement No 814437 for approval and signature to cover the proposed works.

The area of Council land where the work is to be carried out on is identified on the Wayleave Agreement map 1 at Appendix B (previously circulated)

It is recommended that Council approves Northern Ireland Electricity (NIE) Networks Ltd Wayleave Agreement No 814437 for work on Council land at playing fields to the rear of Magilligan Community Centre, Seacoast Road, Limavady subject to:-

- All work will be carried out at a suitable time and agreed in advance with all parties involved.
- Council's Lead Officer will liaise with the management of Magilligan Community Centre regarding the works
- All excavation and reinstatement will be carried out to a high standard and the land left back and reseeded.
- The site will be inspected by a Council Officer before and after the work is carried out to ensure satisfactory reinstatement to the previous standard.

Proposed by Councillor McGurk
 Seconded by Alderman Fielding and

AGREED: to recommend that Council approves Northern Ireland Electricity (NIE) Networks Ltd Wayleave Agreement No 814437 for work on Council land at playing fields to the rear of Magilligan Community Centre, Seacoast Road, Limavady subject to:-

- All work will be carried out at a suitable time and agreed in advance with all parties involved.
- Council's Lead Officer will liaise with the management of Magilligan Community Centre regarding the works
- All excavation and reinstatement will be carried out to a high standard and the land left back and reseeded.
- The site will be inspected by a Council Officer before and after the work is carried out to ensure satisfactory reinstatement to the previous standard.

12. LEGAL ISSUES

There were no additional legal matters to be brought.

13. CORRESPONDENCE

13.1 Department for Communities, Local Government Circular 21/2020 – Guidance to Councils – Disposal of Land at less than Best Price

The Land and Property Officer presented the correspondence report, previously circulated.

The purpose of this report is to inform Members of correspondence received in relation to Land and Property matters.

Department for Communities – Local Government Circular 21/2020 –

Guidance to Councils- Disposal of Land at Less than Best Price

Correspondence has been received from the Department for Communities Local Government & Housing Regulation Division in relation to Local Government Circular 21/2020, Guidance to Councils – Disposal of Land at Less than Best Price. The correspondence is attached at Appendix A for reference (previously circulated).

The Guidance will be placed on the Department for Communities website as a Local Government Circular.

The full guidance document provided by the Department for Communities is attached at Appendix B for reference. (previously circulated)

In summary, the guidance is specifically aimed to assist Council staff dealing with the Disposal of Land at Less than Best Price and the processes which should be followed for specific cases where Council have agreed to dispose of or lease a particular area of land, property or buildings.

All references to the disposal (of land) applies equally to the

- Sale;
- Leasing, letting or granting in fee farm;
- Exchanging, giving or receiving money for equality of exchange;
- Surrender (if leasehold); granting a licence for use for any purpose or for such purposes as are mentioned in the licence;
- Or Granting (by way of sale, lease, letting or licence) any easement, profit
- Or right in respect of the land (as per section 45 the Interpretation Act (NI) 1954).

All Northern Ireland local councils should adhere to this guidance with regard to their approach to the disposal of land at less than best value (“market value”).

A council must seek the approval of the Minister to dispose of any land at less than best price or at less than best rent or otherwise on less than best terms that can be reasonably obtained. Section 3 – Legal Context of the Guidance document, lays out the authority granted to Council to dispose of land under 2 main pieces of legislation:

- Interpretation Act (Northern Ireland) 1954 and in particular Section 45: References relating to land; and
- Local Government Act (Northern Ireland) 1972 and in particular Section 96: Acquisition, etc., of land.

The specific wording in Section 96(5) is, “The right of a council to dispose of land shall be subject to the following restrictions—

(a) Except with the approval of the Ministry, any disposal of land shall be at the best price or for the best rent or otherwise on the best terms that can be reasonably obtained”.

Section 96(5) forms the basis for district councils to provide justification for a project and that disposal is for the well-being of the district

Section 4 of the Guidance details the application process for approval from the Minister. This can only be submitted after Council has received internal approval from appropriate committee(s) and the matter has been ratified by full Council. Applications should not be retrospective.

It is recommended that the Sub-Committee notes the correspondence from Department for Communities Local Government & Housing Regulation Division in relation to Local Government Circular 21/2020, Guidance to Councils – Disposal of Land at Less than Best Price.

AGREED: to recommend that Council notes the correspondence from Department for Communities Local Government & Housing Regulation Division in relation to Local Government Circular 21/2020, Guidance to Councils – Disposal of Land at Less than Best Price.

*Alderman Baird and Councillor McGurk left the meeting at 21.58 prior to discussion of the following item.

14. Portstewart, Berne Road Café – Lease Renewal

The Land and Property Officer presented the report, previously circulated.

The purpose of this report is to seek approval from the Sub-Committee to renew the lease for the café, trading as “Lost and Found”, at 3 Berne Road, Portstewart.

The lease is due for renewal from 1st May 2021. In October 2020, Council received a copy of Form 4 – Business Tenancies (Northern Ireland) Order 1996, Tenant’s Request for New Tenancy under Article 7 of the Order from the tenant. The tenant’s proposed terms were provided in the report, previously circulated.

The Planning Officer in attendance provided Members with an update on a number of planning matters related to the property which were referred to in the report, previously circulated.

In accordance with the Land & Property Policy, Council appointed an external agent to carry out the renewal negotiations on Council’s behalf

with the tenant/tenant's agent. The agent was appointed from the Professional Estate Agency Services Framework currently utilised by Council departments.

Council's agent carried out a valuation of the property in November 2020 and proposes a new rental valuation at a value noted in the report, previously circulated. The agent advised that as this is a lease renewal and not a rent review, the rent can fall at renewal.

The agent has completed the negotiations with the tenant/tenant's agent and has proposed terms for the lease renewal for the café, trading as "Lost and Found", at 3 Berne Road. Portstewart which were laid out in the report, previously circulated.

It is recommended that the Sub-Committee approve the renewal of the lease for the café, trading as "Lost and Found", at 3 Berne Road. Portstewart under the terms laid out in the report, previously circulated and subject to ratification by Council and to contract.

Members asked for further information on a number of matters including the rent renewal figure, the impact of the planning issues on the renewal of the lease and the Council's obligations as landlord. Members also discussed the negative impact of COVID 19 on businesses especially in the hospitality industry.

Members were advised that the planning matters were being dealt with by the Planning Department and that a retrospective planning application had been submitted by the tenant in respect of the works carried out to the premises. All planning matters were being dealt with in accordance with the relevant processes which were separate from the Council's responsibilities as Landlord.

Following discussion it was

Proposed by Councillor Beattie
Seconded by Alderman Fielding and

AGREED: to recommend that Council approves the renewal of the lease for the café, trading as "Lost and Found", at 3 Berne Road. Portstewart under the terms laid out in the report, previously circulated and subject to ratification by Council and to contract.

Proposed by Councillor Beattie
Seconded by Alderman Fielding and

AGREED – that Sub-Committee move '*In Public*'.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 10.30pm.

Chair

