



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

<b>No</b>	<b>Item</b>	<b>Summary of Key Recommendations</b>
<b>1.</b>	Apologies	<b><i>Alderman Baird</i></b>
<b>2.</b>	Declarations of Interest	<b><i>None</i></b>
	<b><i>'In Committee' Items 3 to 10 inclusive</i></b>	
<b>3.</b>	Minutes of Previous Meeting held on 6 <sup>th</sup> October 2021	<b><i>Confirmed</i></b>
<b>4.</b>	Rental Arrangements - Chip Shop, Carrick Dhu Caravan Park, Portrush	<b><i>Approve the rent of £2,400 for the chip shop at Carrick Dhu Caravan Park, Portrush is waived for the period from 1<sup>st</sup> October 2021 to 31<sup>st</sup> March 2022 inclusive</i></b>
<b>5.</b>	Requests for Use of Council Land	
	Ref 74/21 Portballintrae Community Development Group (Permanent Art Piece)	<b><i>Deferred</i></b>
	Ref 85/21 Portballintrae Community Development Group (unveiling of La Girona Memorial and musical Irish/Spanish Cultural event)	<b><i>Deferred</i></b>
	Ref 101/21 Get up & Get on Paddle Boarding	<b><i>Approve</i></b>
	Ref 102/21 Portballintrae Residents Association (fireworks display)	<b><i>Noted</i></b>
	Ref 97/21 Irish Federation of Sea Anglers UPC	<b><i>Approve Do not charge</i></b>
	Ref 105/21 Historic Environment Division	<b><i>Approve</i></b>

5.1	Ref 87/20 – Portstewart, The Crescent – Repainting of Biblical Script	<b>Note the content and accept the recommendations contained within the report as set out</b>
6.	Requests to Purchase/Dispose of Council Land/Property	
6.1	Ref 03/19/P – Request to Purchase strip of land to rear of Hillcrest Gardens, Ballymoney	<b>Option 1 - Refuse the request</b>
6.2	Asset Realisation - Private & Public Sector, (D1) Disposal commencement process – Gap Site, Killowen Street, Coleraine	<b>Grant approval to carry-out the actions as prescribed within proposal</b>
6.3	Asset Realisation - Private Market Place Disposal process in respect of dis-used Play Park, Cloughmills	<b>Approve the appointment of an Estate Agent from Councils ‘Mini-Tender Competition Framework -2021’, as set out</b>
6.4	Asset Realisation - Estate Agent appointment consideration Killyrammer Community Centre/School House, Ballymoney	<b>Approve the appointment a local Estate Agent from within the Borough, from Councils ‘Mini-Tender Competition Framework - 2021’, as set out</b>
7.	Leases and Licences	
7.1	Surrender of Lease – Dis-used Toilet Block, Riverview Crescent, Cushendun	<b>Approve engage in communication with the National Trust in respect of surrendering the present lease over the dis-used toilet block at Riverview Crescent, Cushendun, and that thereafter, the premises be handed back to the National Trust, as set out.</b>
8.	Legal Issues	
8.1	Request from Radius Housing	<b>Approve the request from Radius Housing Association for an extension until March 2022 to carry out due diligence. In the event an acceptable offer to purchase was not received, the property would be placed on</b>

		<i><b>the external (open) market for expressions of interest.</b></i>
<b>9.</b>	Correspondence	<b><i>None</i></b>
<b>10.</b>	Timetable of Land and Property Sub-Committee Meetings Jan 2022- Dec 2022	<b><i>Approve</i></b>

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

Chair: Alderman Knight-McQuillan (R)

Present: Alderman Fielding (R), Hillis (R)  
Councillors Beattie (R), McLean (R) McGurk,  
McShane C (R)

Officers Present: M Quinn, Director of Corporate Services (R)  
J Mills, Land and Property Solicitor (R)  
J Richardson, Head of Capital Works and Infrastructure (R)  
W Hall, Asset Realisation Officer (R)  
S D McCartney, Holiday and Leisure Parks General Manager (R)  
S Duggan, Civic Support & Committee & Member Services Officer (R)

**Key** (R) = Remote attendance

**1. APOLOGIES**

Apologies were recorded from Alderman Baird.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Councillor McGurk

Seconded by Councillor McLean and

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

***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***

**3. MINUTES OF LAND AND PROPERTY SUB COMMITTEE MEETING  
HELD ON 6 OCTOBER 2021**

Summary minute, previously circulated.

The minutes of the previous meeting held on 6<sup>th</sup> October 2021 were confirmed as a correct record.

#### **4. RENTAL ARRANGEMENTS – CHIP SHOP, CARRICK DHU CARAVAN PARK, PORTRUSH**

Report, previously circulated, was presented by the Holiday and Leisure Parks General Manager.

##### **Purpose of Report**

To consider the current Licence/Lease arrangements during the Covid-19 pandemic, and the impact on the hot food takeaway business operating at Carrick Dhu Holiday Park during and post the enforced closures of the Holiday Park due to the pandemic.

To seek Member approval to review the payment arrangements between Council and the proprietor of the Chip Shop at the end of the current holiday season.

Background and proposals were circulated within the confidential report.

##### **Options**

In relation to future rent due, consider the impact of the enforced closure of Chip Shop at Carrick Dhu Holiday Park due to Covid-19 on the tenant's ability to trade and pay quarterly rental payments. Acknowledging Council's current position of only offering deferral of rental payable over the period April-June 2020, Holiday & Leisure Park's preferred option is to waiver the rents due from 1<sup>st</sup> October 2021 - 31<sup>st</sup> March 2022 at a total cost of £2,400.

This represents a 6-month period whilst the Park was closed for over 7 months, and reflects the unique dependency of the Chip Shop on general holidaymaker's footfall at Carrick Dhu, and an inability to remain commercially viable leading up to the customers' return next March.

**It is recommended** that the Land & Property Sub-Committee recommends to Council that the rent of £2,400 for the chip shop at Carrick Dhu Caravan Park, Portrush is waived for the period from 1<sup>st</sup> October 2021 to 31<sup>st</sup> March 2022 inclusive.

In response to questions surrounding equality, the Council Solicitor provided an opinion on the unique circumstances presented.

Proposed by Alderman Fielding  
Seconded by Alderman Hillis and

**AGREED** – to recommend that Council approve the rent of £2,400 for the chip shop at Carrick Dhu Caravan Park, Portrush is waived for the period from 1<sup>st</sup> October 2021 to 31<sup>st</sup> March 2022 inclusive.

- \* **Holiday and Leisure Parks General Manager left the meeting at 7.23pm.**

## **5. REQUESTS FOR USE OF COUNCIL LAND**

Report, previously circulated was presented by the Director of Corporate Services.

### **Requests to Use Council Land**

There were 3 new requests for the Sub-Committee to consider. The requests have been summarised in the table below with further detail provided at Appendix 1 (previously circulated)

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

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

There were two Addendums listed for the Sub-Committee to consider. The report was attached 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

**It is recommended** that the requests listed at Appendices 1 and 3 are considered and recommendation made.

**It is recommended** that the request at Appendix 2 is noted.

Ref	Date	Location	Detail	Officer Recommendation	
74/21	Permanent Art Piece – Installation April/May 2022	Portballintrae Village Hall Car Park	A request from the Portballintrae Community Development Group to use Council land at Portballintrae Village Hall Car Park to install an art piece to reflect the “Girona Gold Story” and the Spanish Armada of 1588 on a permanent basis. Permanent memorial to “La Girona” and those who lost their lives on Board.	<b>For discussion</b>	<b>AGREED</b> – to recommend that Council defer consideration for additional information on the specific location.
85/21	11 <sup>th</sup> June 2022 From 8am to 7pm.	Beach Road Car Park, Portballintrae	A request from Portballintrae Community Development Group to use Council land at Beach Road Car Park, Portballintrae for the unveiling of La Girona Memorial and musical Irish/Spanish Cultural event on the 11 <sup>th</sup> of June 2022.	<b>For discussion</b>	<b>AGREED</b> – to recommend that Council defer consideration for additional information in respect of what arrangement Council has in place to assist community organisations.
101/21	25 <sup>th</sup> June 2022 9am to 4.30pm	Portballintrae Harbour	A request from “Get up & Get on Paddle Boarding” to use Council land at Portballintrae Harbour for a charity paddleboard fun day on the 25 <sup>th</sup> June 2022.	<b>For discussion</b>	Proposed by Councillor McLean Seconded by Alderman Hillis and <b>AGREED</b> – to recommend that Council approve the request, subject to Conditions as set out.

Ref	Detail of Request		
102/21	A request from Portballintrae Residents Association to use Council land at Portballintrae Harbour for a fireworks display as part of the Halloween Festival Weekend on the 29 <sup>th</sup> October 2021. From 5pm to 8.30pm.	<b>Retrospective - For Noting</b>	<b>AGREED</b> – to recommend that Council note the request.

105/21	A request from the Historic Environment Division to use Council land at Kinbane Head Carpark, Ballycastle, for essential health and safety works to be carried out to Kinbane Castle from the 8th of November to the week commencing the 6th of December 2021 - for approximately 6 weeks.	<b>Addendum</b>	Proposed by Councillor C McShane Seconded by Alderman Hillis and <b>AGREED</b> – to recommend that Council approve the request subject to the stated Conditions.
97/21	A request from the Irish Federation of Sea Anglers UPC to use Council land at Magilligan, Benone, Downhill, East Strand and Whiterocks Beach, Portrush for the All Ireland Master Angler Shore Competition on the 20th and 21st of November 2021.	<b>Addendum</b>	Proposed by Alderman Fielding Seconded by Councillor McLean and <b>AGREED</b> – to recommend that Council approve the request; that Council does not charge.

## 5.1 REF 87/20 – PORTSTEWART, THE CRESCENT – REPAINTING OF BIBLICAL SCRIPT

Report, previously circulated was presented by the Director of Corporate Services.

### **Purpose of Report**

To present the report following the verbal presentation of the report provided at the last meeting on 6<sup>th</sup> October 2021 for the Sub-Committee to note and to provide Committee with the information to instruct officers to proceed with equality screening and consultation in line with Council's Equality Scheme.

### **Background**

In 2018 Council approved, as landowner, a request (ref No 20/18) from a private individual to repaint existing biblical script on a section of the sea wall located at The Crescent, Portstewart subject to conditions including planning requirements. Following the Council decision and planning approval the text was repainted. The text reads:

“THE SEA IS HIS AND HE MADE IT PSALMS 95:5  
ETERNITY? YE MUST BE BORN AGAIN JOHN 3:7 CHRIST DIED FOR US ROMANS 5:8”



At its meeting in May 2021 the Sub-Committee considered a second request (Ref No 87/20) from the applicant to repaint the same biblical script on the sea wall and recommended that *the request is deferred to the next meeting of the Sub-Committee when further information on screening and equality considerations will be available.*

At the Sub-Committee's meeting in October 2021 Gilmartin Consulting verbally presented a report addressing the screening and equality considerations and responded to Members' queries.

### **Equality Implications**

The report '*Equality considerations in relation to permission to repaint religious message on sea wall*' is attached as Appendix 1 (previously circulated)

The report summary states the following:

- *as a result of previously failing to conduct an equality screening on the request to repaint the biblical script on the sea wall the council may be viewed as being in breach of its Equality Scheme*
- *the Council is now required to review its decision to permit the repainting of Biblical text on the sea wall at Portstewart*
- *an equality screening processes should be instructed*
- *an initial equality screening may indicate that an EQIA is required*
- *the Council will be required to conduct a formal consultation process into the equality and good relations implications of the decision to permit biblical script on the sea wall*
- *all previous comments received by the council in relation to the repainting of Biblical text should be included in the equality screening process*
- *the Council should review the aims and objectives of the Land & property policy in relation to requests to the use of Council land*
- *ensure the policy framework associated with the implementation of the Land and Property policy and indeed Council processes ensure robust compliance with statutory obligations*
- *ensure the policy framework associated with the implementation of the Land and Property policy adheres to all other relevant council policies such as community plan, Local Development Plan, Equality and Good Relations Strategy*
- *senior staff and elected Members should receive mandatory training in relation to their obligations outlined in the Equality Scheme. This training should also provide workshops on demonstrating effective leadership on equality and good relations, and equality screening processes.*

- *ensure all committees reports have the necessary legislative responsibilities (e.g., equality screening) attached prior to the decision-making process*
- *In relation to the Land and Property policy it is essential that there is a more robust process to address all other core council policies which have an impact on the decision-making process.*

**It is recommended** that Council notes the content and accepts the recommendations contained within the report '*Equality considerations in relation to permission to repaint religious message on sea wall*' and proceeds to instruct an equality screening process and conduct a public consultation process into the equality and good relations implications of any decision to permit biblical script on the sea wall. Following completion of the equality screening and public consultation a report is brought to the Land and Property Sub-Committee.

Councillor C McShane expressed concern at the cost carried out to date, she stated Equality Screening was a statutory duty.

Councillor McLean considered equality screening was not required, that the matter was not controversial.

The Chair, Alderman Knight-McQuillan shared the views of Councillor McLean, she was supportive that consultation be given its place and wished to have views recorded.

Alderman Hillis considered the applicant might pay for the process.

Alderman Knight-McQuillan clarified the one-off consultancy process triggered would set Council's guidance for the future.

Councillor McLean queried how many pieces of correspondence had been received, the Director of Corporate Services advised she did not have the figures to hand and would circulate the information after the meeting.

Alderman Fielding shared the concerns of Councillor McLean.

Alderman Fielding and Councillor McLean stated they were against the recommendation.

Proposed by Councillor McGurk

Seconded by Alderman Hillis

- To recommend that Council notes the content and accepts the recommendations contained within the report '*Equality considerations in relation to permission to repaint religious message on sea wall*' and proceeds to instruct an equality screening process and conduct a public consultation process into the equality and good relations implications of

any decision to permit biblical script on the sea wall. Following completion of the equality screening and public consultation a report is brought to the Land and Property Sub-Committee.

The Chair put the motion to the Committee to vote.

4 Members voted For; 2 Members voted Against.

The Chair declared the motion carried.

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

### **6.1 REF 03/19/P – REQUEST TO PURCHASE STRIP OF LAND TO REAR OF HILLCREST GARDENS, BALLYMONEY**

Confidential report, previously circulated was presented by the Asset Realisation Officer.

#### **Purpose of Report**

The purpose of this report is to seek a decision from the Sub-Committee on the request to purchase a strip of council land to the rear of 11 Hillcrest Gardens, Ballymoney, BT53 8NB.

#### **Background**

In March 2020 a report was brought to the Land & Property Sub-Committee (L&P SC) detailing the request from the owners of 11 Hillcrest Gardens, Ballymoney (Ref No 03/19/P) to acquire a strip of Council land to the rear of their property.

At the March 2020 Land & Property Sub-Committee meeting the Planning Officer advised that *“to change recreational land to domestic would require an extension of curtilage/change of use application to take the land within a domestic holding. Planning also advised the Council that caution should be exercised in disposing of land which is designated open space even in small portions as it may be contrary to policy”*.

Council **“AGREED** - *to recommend to defer consideration and advise applicants to seek advice regarding the Planning issues”*.

The applicant’s agent was advised of Council’s decision and the Planning advice as detailed at paragraph 2.4 above.

A second report was brought to the L&P SC on 1<sup>st</sup> September 2021 to advise members that the applicants’ agent wrote to the Land & Property Officer on 13<sup>th</sup> August 2021 to confirm that his clients wished to proceed

with getting a valuation for the strip of land and are aware of the possible need for a planning application.

A copy of the report to the September L&P SC is attached for reference at Appendix 1. This report also contains the Land & Property Report taken to the March 2020 L&P SC meeting.

Council “**AGREED** – *that the matter is deferred to the next meeting and that a site visit is arranged prior to the date of the next meeting*”.

A site visit was held on Thursday 30<sup>th</sup> September 2021 at 5.30pm

### **Proposals**

Should the Land & Property Sub-Committee agree to progress this request it will be subject to the applicants being responsible for the cost of mapping the site (if required), the valuation fee, market value of the land and any Council’s legal search fees or any other costs associated with the sale.

Requests to Purchase Council Land will be dealt with in accordance with Section B, clause 2.1.2 of the Land and Property Policy – Requests received from third parties to purchase Council land or property.

### **Options**

1. Refuse the request.
2. Sell the land via the D1 Disposal Process.
3. Sell the land on the open market.
4. Agree to the sale of a strip of Council land to the rear of the property at 11 Hillcrest Gardens, Ballymoney, BT53 8NB to the applicant subject to the following:
  - An independent valuation is obtained for the parcel of land identified
  - Applicant will be responsible for the cost of any mapping fees, the valuation fee, the market value of the land, Council’s legal search fees and any other costs associated with sale.

Note – In accordance with the Land and Property Policy, Council shall keep a written record of its reasoning for engagement or non-engagement of the D1 process.

**It is recommended** that the Sub-Committee is asked to consider the options as detailed at 1 to 4 of this report and makes a recommendation to Council.

Proposed by Alderman Hillis  
Seconded by Alderman Fielding and

**AGREED** – to recommend that Council approve Option 1. Refuse the request.

## **6.2 ASSET REALISATION – PRIVATE & PUBLIC SECTOR, (D1) DISPOSAL COMMENCEMENT PROCESS – GAP SITE, KILLOWEN STREET, COLERAINE**

Confidential report, previously circulated was presented by Asset Realisation Officer.

### **Purpose of Report**

The purpose of this report is to seek permission to commence the D1 Disposal process, and to simultaneously carryout a Private Sector Estate Agency market tender competition for the gap site, Killowen Street, Coleraine.

### **Background**

In March 2020 a report item was taken to the Land & Property Sub-Committee (L&P SC) to consider the disposal of the aforesaid asset.

Council subsequently ratified the decision and *“agreed that the Sub-Committee grants approval to proceed with the action points, a) to g). to allow market assessment of the asset and deduce its realisation potential. Upon completion of these actions a report will be brought back to the Land & property Sub-Committee to assess the realisation value/opportunity, prior to completion of any potential sale.*

### **Action Points**

- a) *Declare the asset surplus.*
- b) *Confirm legal title status.*
- c) *Confirm planning designation of site.*
- d) *Based on the outcome of c) - prepare architectural drawings to provide a concept of the housing units that can be achieved on the site to ensure added value can be achieved.*
- e) *Engage a local estate agent to assess and recommend realisations in respect of point d) above to achieve best value of money in relation to current market condition requirements.*
- f) *Submit a planning application for best realisation as per action d)*
- g) *Enter into the D1 disposal process and subsequently the private sector thereafter - should the D1 disposal process be unsuccessful.*

Following approval, a planning application was prepared and lodged by our Capital Works Dept. in July 2020.

Northern Ireland Water, (NIW), a consultee in the Planning Application consideration process, identified that there was no spare capacity in the existing Sewage infrastructure in the locality of the said site, which maybe the case for months or years to come.

To ensure a 'refusal' notice was not issued upon the application and respective site, the Asset Realisation Department withdrew the application in October 2021, in order to safeguard a future competitive land/property tender disposal process.

The current situation presents significant liabilities to Council, in respect of:

- Illegal dumping at the gap site.
- Anti-Social behaviour.
- Insurance liability costs.

In addition, non-compliance with Councils adopted Estates Strategy, 2020-2025 in respect of the disposal of declared surplus assets.

### **Proposal**

It is proposed that the Asset Realisation Department, with the assistance of Councils Legal Department, carryout the following actions:

- a. Compile the associated legal documentation and commence the D1 Disposal process via the Department of Finance, (DoF).
- b. Appoint an Estate Agent from Councils, '*Mini-Tender Estate Agency Framework-2021*', thereafter compile the required marketing material, and advertise/float same on the private competitive estate agency marketplace.
- c. In order to streamline both respective methods of procurement disposal, (D1 and Private Sector), re. the aforesaid asset, a time limit of a maximum 60 days will be applied, for marketing and '*considerations*' to be submitted by interested parties.

### **Recommendation**

It is recommended that the Sub-Committee grants approval to the Asset Realisation Department to carry-out the actions as prescribed within proposal above and detailed below:

- a. Compile the associated legal documentation and commence the D1 Disposal process via the Department of Finance, (DoF).
- b. Appoint an Estate Agent from Councils, '*Mini-Tender Estate Agency Framework-2021*', thereafter compile the required marketing material, and advertise/float same on the private competitive estate agency marketplace.

- c. In order to streamline both respective methods of procurement disposal, (D1 and Private Sector), re. the aforesaid asset, a time limit of a maximum 60 days will be applied, for marketing and '*considerations*' to be submitted by interested parties.

and thereafter, produce a detailed Public & Private Sector tender conclusion analysis report, in respect of the '*considerations*' submitted, for consideration for the gap site, Killowen Street, Coleraine.

Proposed by Alderman Hillis  
Seconded by Councillor McGurk and

**AGREED** – to recommend that Council grant approval to the Asset Realisation Department to carry-out the actions as prescribed within proposal above and detailed as set out above.

### **6.3 ASSET REALISATION – PRIVATE MARKET PLACE DISPOSAL PROCESS IN RESPECT OF DIS-USED PLAY PARK, CLOUGHMILLS**

Confidential report, previously circulated was presented by the Asset Realisation Officer.

#### **Purpose of Report**

The purpose of this report is to request permission to carry out a tender competition in the 'Private' Estate Agency marketplace, which will run simultaneously with the currently progressing D1 Disposal process.

#### **Background**

A Report Item was tabled and approved by the Land & Property Sub-Committee in August 2021 for Officers to commence the D1 Disposal process in respect of Cloughmills dis-used play park.

Councils Legal Department have completed the necessary documents and commenced the D1 Disposal process via the Department of Finance, (DoF), as of 14<sup>th</sup> October 2021.

Given Councils experience of utilising the D1 Disposal process, which to-date is considered elongated and protracted, where nominations and elongated due-diligence takes place, it is therefore prudent for Council to consider a simultaneous process in the private marketplace.

#### **Proposal**

To appoint an Estate Agent, to advertise and market the said asset on the private marketplace, in parallel with the D1 Disposal Process, which has already commenced. This will ensure the following: -

- Council achieves optimum Public & Private sector marketplace competitiveness.
- Council achieves optimum Public & Private sector ‘*consideration*’ submissions.

Note:

Private Sector tendering processes for this particular site to remain on the marketplace for a minimum 60 days.

### **Recommendation**

It is recommended that Members approve the appointment of an Estate Agent from Councils ‘*Mini-Tender Competition Framework -2021*’, thereafter, commence a competitive private sector marketing and tendering process, of which same will run simultaneously with the D1 Disposal Process.

The said asset to remain on the Private Sector marketplace for a minimum of 60 days.

Upon completion of the D1 Disposal process, which we envisage to end/close before 31<sup>st</sup> March 2022, a report will compile a full Public & Private Sector tendering analysis report, which shall be brought back to this Committee for consideration.

Proposed by Councillor McLean

Seconded by Alderman Fielding and

**AGREED** – to recommend that Council approve the appointment of an Estate Agent from Councils ‘*Mini-Tender Competition Framework -2021*’, thereafter, commence a competitive private sector marketing and tendering process, of which same will run simultaneously with the D1 Disposal Process.

## **6.4 ASSET REALISATION – ESTATE AGENT APPOINTMENT CONSIDERATION KILLRAMMER COMMUNITY CENTRE/SCHOOL HOUSE BALLYMONEY**

Confidential report, previously circulated was presented by the Asset Realisation Officer.

### **Purpose of Report**

The purpose of this report is to seek permission to carryout a public tender competition within the ‘Private’ Estate Agency market place via a local Estate Agency Service delivery for the former Killyrammer Community Centre/School House, Ballymoney.

### **Background**

A report item was tabled and approved by the Land & Property Sub-Committee in August 2018 for Officers to commence the D1 Disposal process in respect of Killyrammer Community Centre.



Councils Legal Department completed the necessary documents and commenced the D1 Disposal process via the Department of Finance, (DoF), in January 2020.

An elongated and protracted period of nominations by the Northern Ireland Housing Executive occurred between March 2020 and September 2021, with the subsequent non-succession via the D1 Disposal process for Public Body consideration.

Under 'Legal issues' at the Land & Property Sub-Committee, dated September 2021, Councils Land & Property Solicitor advised that 'A decision will be required to determine what commercial agents are used for a D1 external market (public sector) sale either Central Advisory Unit (CAU) D1 agents or local commercial agents'. Members were asked to consider this matter.

Following discussion, it was agreed that a further report would follow to the Land and Property Sub Committee in October 2021.

### **Proposal**

As the Central Advisory Unit, (CAU) of Land and Property Services (LPS) utilise the service of Estate Agents outside of the Borough of Causeway Coast & Glens, which may not be to the advantage of Council in respect of the disposing of the specific said asset, it is proposed that Council engage directly with a 'Local' Estate Agent within the Borough via Councils *'Mini-tender Estates Agency Framework – 2021'*.

The appointment of a 'local' Estate Agent has numerous benefits, some of which are as follows;-

- Knowledge of the local area and context.
- Data base of local contacts and developers.
- Knowledge of individuals / companies who wish to purchase land and property in the vicinity.

The CAU of LPS utilise the services of estate agents outside the borough.

### **Recommendation**

It is recommended that Members approve the appointment a local Estate Agent from within the Borough, from Councils *'Mini-Tender Competition Framework -2021'*, and thereafter, commence a competitive private sector marketing and tendering process for the former Killyrammer Community Centre/School House, Ballymoney.

The said asset to remain on the Private Sector marketplace for a minimum of 60 days. All disposal offers received shall be brought back to members for consideration.

Proposed by Councillor McLean

Seconded by Alderman Hillis

and

**AGREED** – to recommend that Council approve the appointment a local Estate Agent from within the Borough, from Councils *'Mini-Tender Competition Framework -2021'*, and thereafter, commence a competitive private sector marketing and tendering process for the former Killyrammer Community Centre/School House, Ballymoney.

## **7. LEASES/LICENCES**

### **7.1 SURRENDER OF LEASE – DIS-USED TOILET BLOCK, RIVERVIEW CRESCENT**

Confidential report, previously circulated, was presented by the Asset Realisation Officer.

#### **Purpose of Report**

The purpose of this report is for Asset Realisation Department to request consideration, and if acceptable, permission from Elected Members of the Land & Property Sub-Committee, Corporate Policy & Resource Committee and Full Council, for such a department to enter into communication with the National Trust in respect of Council surrendering the said lease on the dis-used toilet block at Riverview Crescent, Cushendun.

A location map and photograph extract of the said premises can be found under Appendix A (circulated) of this Report Item.

#### **Background**

In February 2018 Council agreed to initiate the asset disposal of the above property and a report was subsequently taken to the Land and Property Sub Committee on 2<sup>nd</sup> May 2018 to agree to proceed with the Capital Asset Realisation process and the DI disposal process for the Riverview Crescent toilet block, Cushendun. This decision was ratified by Council on 22<sup>nd</sup> May 2018.

Councils Legal Department completed a due-diligence check on available legal documents, which upon checking the said property was leased from the National Trust, dated 11<sup>th</sup> November 1996.

The lease is for a period of 79 years from 1<sup>st</sup> October 1994 at a yearly rent of £1.00 (if demanded), therefore, Council has 52 years left on the said lease.

Significant constraints are contained within the legal lease, namely, the toilets can only be used as a toilet block, and we cannot assign (or in effect sell), or lease to a third party.

The current situation presents significant liabilities to Council, in respect of: -

- Annual maintenance and upkeep.
- Insurance liability costs.
- Direct Rate cost.

### **Proposal**

It is proposed, that the Asset Realisation Department, with the assistance of Councils Land & Property Solicitor, engage in communication with the National Trust, to request that the Land/Building Owner accepts the 'Surrender of Lease' from Council, and thereafter, if accepted by the National Trust, officially hands the said premises over to the 'Trust'.

### **Recommendation**

It is recommended that Elected Members approve of the Asset Realisation Department to engage in communication with the National Trust in respect of surrendering the present lease over the dis-used toilet block at Riverview Crescent, Cushendun, and that thereafter, the said premises be handed back to the National Trust, in order for Council to eliminate its stated liabilities on a dis-used facility.

Council's Land and Property Solicitor provided further context, another set of public conveniences in Cushendun were associated with the same lease.

Proposed by Councillor McGurk  
Seconded by Councillor McLean and

**AGREED** – to recommend that Council approve of the Asset Realisation Department to engage in communication with the National Trust in respect of surrendering the present lease over the dis-used toilet block at Riverview Crescent, Cushendun, and that thereafter, the said premises be handed back to the National Trust, in order for Council to eliminate its stated liabilities on a dis-used facility.

## **8. LEGAL ISSUES**

### **8.1 Request from Radius Housing**

Council's Land and Property Solicitor tabled a verbal report and recommendation for Sub-Committee consideration.

An update on the D1 Internal Market sale (Public Sector) of lands at Laurel Hill was provided to members. An expression of interest and completed D1 questionnaire had been received from Radius Housing Association. Radius Housing Association have requested an extension until March 2022 to carry out due diligence on the site.

Members were asked to approve the request for an extension until March 2022, in the event an acceptable offer to purchase was not received the

property would be placed on the external (open) market for expression of interest.

Council's Land and Property Solicitor detailed comparable D1 asset disposal processes carried out to date and the Dunluce Centre which had been via a Development Brief. He further advised the Land and Property Policy would be amended to include all options for disposal.

Discussion ensued on the potential for the Laurel Hill site.

Elected Member questions were answered by both Legal Services and the Capital Assets Realisation Team.

Proposed by Councillor McLean  
Seconded by Alderman Fielding and

**AGREED:** to recommend that Council approve the request from Radius Housing Association for an extension until March 2022 to carry out due diligence. In the event an acceptable offer to purchase was not received, the property would be placed on the external (open) market for expressions of interest.

## **9. CORRESPONDENCE**

There were no items of correspondence.

## **10. TIMETABLE OF LAND AND PROPERTY SUB-COMMITTEE MEETINGS JAN 2022 – DEC 2022**

Report, previously circulated, was presented by Director of Corporate Services.

### **Purpose of Report**

The purpose of the report is to present the Schedule of Land and Property Sub-Committee Meetings, January 2022 -December 2022 for Council decision.

### **Background**

The day and frequency of the Land and Property Sub-Committee meetings each month previously agreed, is presented as follows:

- 1<sup>st</sup> Wednesday of the month at 7pm.

Following the adoption of the Timetable of Council and Committee Meetings January 2022 – December 2022 at its Council meeting held 5

October 2021, the proposed Timetable of Land and Property Sub-Committee Meetings 2022 has been presented, taking into account a July recess.

Note there is no Corporate Policy and Resources Committee meeting scheduled in August 2022 or December 2022.

### **Proposal**

Proposed Land and Property Sub-Committee meeting dates schedule 2022:

- Wednesday 5<sup>th</sup> January 2022 at 7pm
- Wednesday 2<sup>nd</sup> February 2022 at 7pm
- Wednesday 2<sup>nd</sup> March 2022 at 7pm
- Wednesday 6<sup>th</sup> April 2022 at 7pm
- Wednesday 4<sup>th</sup> May 2022 at 7pm
- Wednesday 1<sup>st</sup> June 2022 at 7pm
- July 2022 – No meeting
- August 2022 - No meeting
- Wednesday 7<sup>th</sup> September 2022 at 7pm
- Wednesday 5<sup>th</sup> October 2022 at 7pm
- Wednesday 2<sup>nd</sup> November 2022 at 7pm
- December 2022 – No meeting

### **Recommendation**

**It is recommended** that Land and Property Sub-Committee consider the Land and Property Sub-Committee meeting dates schedule, January 2022 to December 2022 inclusive.

**AGREED** – to recommend that Council approve the Land and Property Sub-Committee meeting dates schedule, January 2022 to December 2022 inclusive.

### **MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Councillor C McShane

Seconded by Councillor McGurk and

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

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 9.26pm.

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Chair