

**LAND AND PROPERTY SUB-COMMITTEE MEETING  
WEDNESDAY 6 APRIL 2022**

<b>No</b>	<b>Item</b>	<b>Summary of Key Recommendations</b>
<b>1.</b>	Apologies	<b>Councillor McGurk</b>
<b>2.</b>	Declarations of Interest	<b>None</b>
<b>3.</b>	Minutes of Previous Meeting held on 2 March 2022	<b>Taken as read and signed as correct</b>
	<b>'In Committee' Items 4-10 Inclusive</b>	
<b>4.</b>	Ballycastle, 25 & 26 Bayview Road, Ballycastle – Asset Realisation – Progression of New Lease Arrangements	<b>AGREED to recommend that Council approve Asset Realisation Department to carry out a tendered lease exercise where bidders have an option to bid for Option 1, 2 &amp; 3, same being based upon 100% commercial criteria (highest bidder) and following completion of the implementation of the tendered lease exercise, a tender report shall be brought back to this committee detailing the competition process, resultant bids received and with recommendations for consideration on moving forward.</b>
<b>5</b>	Community Managed Community Centres – Termination of Shared Management Agreements – Ballykelly and Greysteel	<b>Noted</b>
<b>6.</b>	Requests for Use of Council Land	
<b>6.1</b>	Report on Requests to Use Council Land	

6.1.1	Ref:07/22 Lansdowne Shelter (Shanty) Portrush.	<b><i>AGREED to recommend that Council grant approval for the temporary siting of a “Catering Pod” within the curtilage of the leased area at Lansdowne Shelter, Portrush whilst renovation works to the building were being carried out for a period of 3 months after which the matter would be reviewed. No additional rent would be charged during this period. Any approval granted will be subject to the applicant obtaining any planning permission or licences required”</i></b>
6.1.2	Reference 137/21 Waterfoot Beach	<b><i>Approve</i></b>
6.1.3	Reference 147/21 The Crescent, Portstewart	<b><i>Approve</i></b>
6.1.4	Reference 146/21 Peter Thompson Hall’s recreation grounds, Castlerock	<b><i>Approve, subject to conditions agreed by the L&amp;P SC</i></b>
6.1.5	Reference 140/21 The Crescent, Promenade, Portstewart	<b><i>Approve</i></b>
6.1.6	Reference 143/21 Along the Causeway coastal path requesting use of Council land at Ballintoy Harbour and Portballintrae (finishing point)	
6.2	Retrospective Applications	<b><i>Noted</i></b>
7.	Requests to Purchase/Dispose of Council Land/Property	
7.1	Asset Realisation – Disused Toilet Block at Glenariff Forest – Progression of Disposal	<b><i>AGREED to recommend that as a resultant conclusion of the Private Estate Agency Marketing process as prescribed, that Elected Members approve the unconditional offer from the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly. And also AGREED that in the event that the</i></b>

		<p><b>highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Council give Officers to engage with the next highest bidder, until a party/bidder is progressed through the legal and financial process.</b></p>
7.2	Asset Realisation – Gap Site Located off Killowen Street, Coleraine – Progression of Disposal	<p><b>AGREED to recommend that as a resultant conclusion of the Private Estate Agency Marketing process as prescribed, that Elected Members approve the conditional offer as submitted by the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly. And also AGREED That in the event that the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Elected Members give Officers the authority to engage with the next highest bidder/party, to complete the conveyancing and financial process.</b></p>
7.3	Asset Realisation – Killyrammer Dis-used Community Centre, Ballymoney – Progression of Disposal	<p><b>AGREED to recommend that as a resultant conclusion of the Private Estate Agency Marketing process as prescribed that Elected Members approve the conditional offer as submitted by the highest bidder, and that the legal conveyancing and financial transaction processes commence and conclude accordingly. And also AGREED that in the event that the highest/preferred bidder</b></p>

		<b>does not conclude the conveyancing or financial transaction process, that Council give Officers authority to engage with the next highest bidder to complete the conveyancing and financial process.</b>
<b>7.4</b>	Asset Realisation – Cloughmills Dis-used Play Park – Progression of Disposal	<b>That Council approve the conditional offer by the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly.</b>
<b>8.</b>	Leases and Licences	
<b>8.1</b>	Cushendall Allotments – Cairns Residents' Group – Lease Renewal Update	<b>Noted</b>
<b>8.2</b>	Glenariff Beach Café – Renewal of Lease Update	<b>AGREED to recommend that Council notes the decision taken by Glenariff Improvement Group not to renew the lease for the Glenariff Beach Café effective from 28<sup>th</sup> February 2022 and grants authority to the Land and Property section to refer the property to the Asset Realisation Officer to progress with preparing and conducting a tendered lease exercise for the property</b>
<b>8.3</b>	Ballintoy Tea House, Ballintoy Harbour – Lease Renewal	<b>AGREED to recommend that Council grants approval to renew the lease for Ballintoy Tea House, Ballintoy Harbour commencing on 1<sup>st</sup> January 2022 for a period of 5 years at the yearly rent as detailed in the confidential report (previously circulated and subject to the conditions stated at para 2.6 of the report</b>
<b>8.4</b>	Leases and Licences – Renewal of Commercial Leases - Quarterly Update	<b>Note</b>

<b>9.</b>	Legal Issues	
<b>9.1</b>	Council Title and First Registration – Quarterly Update	<b>Note</b>
<b>10.</b>	Correspondence	
<b>10.1</b>	DfC Guidance for District Councils – Local Government – Disposal of Land at Less Than Best Price	<b>Note</b>

**MINUTES OF THE MEETING OF THE  
LAND AND PROPERTY SUB-COMMITTEE  
HELD VIA VIDEO-CONFERENCE ON  
WEDNESDAY 6 APRIL 2022 AT 7.04PM**

**Chair:** Alderman Knight-McQuillan (R)

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

**Officers Present:** M Quinn, Director of Corporate Services (R)  
P Donaghy, Democratic and Central Services Manager (R)  
W Hall, Asset Realisation Officer (R)  
D McLaughlin, Land and Property Officer (R)  
J Mills, Land and Property Solicitor (R)  
L Scullion, Community Development Manager (R)  
J Drillingcourt, Assistant Land and Property Officer  
(R)  
I Owens, Committee & Member Services Officer (R)

**Non Committee Members** Councillor M A McKillop

**In attendance:** Public (1no.)

**Key** (R) = Remote attendance

**1. APOLOGIES**

An apology was recorded for Councillor McGurk.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF PREVIOUS MEETING HELD ON 2<sup>ND</sup> MARCH 2022**

**AGREED** – that the Minutes of the Land and Property Sub Committee meeting held Wednesday 2<sup>nd</sup> March 2022 were taken as read and signed as correct.

**MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Alderman Baird  
Seconded by Councillor Beattie and

**AGREED** – to recommend that Council move ‘*In Committee*’.

***The information contained in the following item is restricted in accordance with Parts 1, 2 and 3 of Schedule 6 of the Local Government Act (Northern Ireland) 2014***

\* **Public were disconnected from the meeting at 7.08pm.**

**4. BALLYCASTLE, 25 & 26 BAYVIEW ROAD, BALLYCASTLE – ASSET REALISATION – PROGRESSION OF NEW LEASE ARRANGEMENTS**

Confidential report previously circulated presented by the Assets Realisation Officer.

Purpose of Report

The purpose of this report was for the Asset Realisation Department to request consideration, and if acceptable, permission from Members of the Land & Property Sub-Committee to progress with preparing and conducting a tendered lease exercise in respect of Unit Nos.25 & 26 Bayview Road, Ballycastle.

Background

This Report covered two properties, which are strategically adjoining each other.

No.25 Bayview Road, Ballycastle has been empty for a substantial period of time, and has, over the past few years entered into a dilapidated state, whereby the existing flat roof was of a defective nature and allowing water egress into the substantive building causing other fabric members to deteriorate.

The flat roof has now been replaced, eliminating water egress.

No.26 Bayview Road, Ballycastle has been for many years, operating as a café. In February 2022, the L&P SC agreed that “*the Land and Property Solicitor progress the surrender of the lease held by The Bay Café*” as the long-term tenant did not want to renew the lease. The Deed of Surrender is effective from 1<sup>st</sup> April 2022.

Appendix A, previously circulated, contains a site location map and a photograph of the subject units.

No.25 Bayview Road, Ballycastle was under consideration by the Performance Department of Council in the strategic over-view of the Estates Strategy. Following consultation with the Head of Performance, the resultant output being that such a building was not of interest moving forward with the Estates Strategy.

Internal departmental collaboration between Corporate Services, Leisure & Development and Environmental Services Department has taken place, with the resultant parties declaring both assets surplus to Council requirements.

Proposal

Various positive progressive development options exist for the collective properties. Asset Realisation sought market valuations advice from our Estate Agency Framework Consultant, with the following output: -

- *Option 1:* -  
Lease of No.25 Bayview Road, Ballycastle only
- *Option 2:* -  
Lease of No.26 Bayview Road, Ballycastle only
- *Option 3:* -  
Lease of No.25 & 26 Bayview Rd, as a collective (extensive works required – carried out by preferred bidder)
- *Option 4:* -  
Sale of No.25 & 26 Bayview Rd, Ballycastle
- *Option 5:* -  
Sale of site with Full Planning Permission, (Residential re-development)

Potential estimated rental and sales values were provided in the confidential report, previously circulated.

Two key aspects of the options prescribed, is as follows: -

1. Location of the asset(s) – strategic location with sea frontage.
2. Sale of complete site as a whole -vs- lease/rental income over a period of years, (more financially beneficial to hold on to the site as opposed to disposal).

Tender documentation will be reviewed by Council's Land & Property Solicitor and the Land & Property Officer prior to issue.

#### Recommendation

It is recommended that Elected Members consider and approve the Asset Realisation Department to carry out a tendered lease exercise where bidders have an option to bid for Option 1, 2 & 3, same being based upon 100% commercial criteria (highest bidder).

Following completion of the implementation of the tendered lease exercise, a tender report shall be brought back to this committee detailing the competition process, resultant bids received and with recommendations for consideration on moving forward.

Alderman Baird and Councillor C McShane welcomed the report and recommendations and said they had been lobbied by interested parties wishing to lease this asset and both felt it was a prime site at Ballycastle seafront.

The Assets Realisation Officer advised the use of the building was not prescriptive and that the lease holder would be responsible for ensuring storage provision was within Council boundaries.



Proposed by Alderman Baird  
Seconded by Councillor C McShane and

**AGREED** – to recommend that Council approve Asset Realisation Department to carry out a tendered lease exercise where bidders have an option to bid for Option 1, 2 & 3, same being based upon 100% commercial criteria (highest bidder).

Following completion of the implementation of the tendered lease exercise, a tender report shall be brought back to this committee detailing the competition process, resultant bids received and with recommendations for consideration on moving forward.

## **5. COMMUNITY MANAGED COMMUNITY CENTRES – TERMINATION OF SHARED MANAGEMENT AGREEMENTS – BALLYKELLY AND GREYSTEEL**

Confidential report previously circulated presented by Community Development Manager.

### Purpose of Report

The purpose of the report was to inform the Land & Property Sub-Committee that both Greysteel Community Association and Ballykelly Residents Association wish to end the Shared Management Agreements which they have in place with Council for their respective centres.

### Background

#### Greysteel Community Centre

The Council owned Community Centre in Greysteel was erected in 1993 and has been operated since then by Greysteel Community Association. The centre is a portacabin structure and is nearing the end of its lifespan. After consideration of the options for the centre in the context of overall community centre provision in Greysteel, Council decided in November 2017 as follows:

*‘Do not replace Community Centre and support user groups through the transition to using The Vale Centre or other community facilities that may be available’.*

Following that decision, some interim minor repair works were carried out on the portacabin which extended the lifespan of the structure and allowed Greysteel Community Association to continue its activities in the centre while they planned for a move to alternative premises.

#### Ballykelly Community Centre

In 2003 a portacabin was gifted by the Ministry of Defence for community benefit in Ballykelly and a portion of land at Kings Lane Playing Fields, of which Council is the freehold owner, was leased to Ballykelly Youth and Community Association Ltd.

In January 2017, Ballykelly Youth and Community Association Ltd became a dissolved Company and the remaining term of lease and leasehold interest reverted to the Crown. Council sought Crown disclaimer of the lease to allow the leasehold interest of land including portacabin to merge and be re-incorporated into Council's freehold folio.

In February 2021 Council agreed to enter into a Shared Management Agreement with the newly formed Ballykelly Residents Association to operate the community centre portacabin and essential maintenance works were carried out to the facility.

### Current Position

#### Greysteel Community Centre

Greysteel Community Association has now linked with Faughanvale Community Project and reached an agreement to relocate to their premises in one of the units at The Vale Centre, where they will operate their luncheon club and have their office base. Through the move they have gained a community garden which can be used for planting and by the older people within the community and are planning to secure funding to enhance the premises for further community activities. A letter from the Association confirming their wish to end the Shared Management Agreement was attached at Appendix A to the report (previously circulated).

All utilities have been transferred to Council and insurance has been amended to reflect return of control of the portacabin to Council from 31<sup>st</sup> January 2022.

A block booking has been accepted from another local organisation in Greysteel for a temporary period of 4 months during construction work on their own premises. Following this the portacabin will eventually be removed from the site and some extra pieces of play equipment will be installed in its place as part of the surrounding playpark.

#### Ballykelly Community Centre

Ballykelly Residents Association has made the decision to dissolve the organisation, thus ending their operation of the community centre. This is due to a variety of reasons, including anti-social behaviour, a break in and theft at the cabin, rodent issues and pandemic restrictions, as well changing personal circumstances of the existing volunteers.

Significant efforts were made by the group to attract new volunteers prior to taking this decision, however these efforts proved unsuccessful.

As a result, Ballykelly Residents Association will no longer be able to operate the community portacabin and the Shared Management Agreement will end. All utilities have been transferred to Council and insurance has been amended to reflect return of control of the portacabin to Council from 15<sup>th</sup> February 2022. A letter from the Association

confirming their wish to end the Shared Management Agreement was attached at Appendix B to the report (previously circulated).

The Association has advised that there may still be local interest in hiring the hall from user groups, including Parent and Toddler, Zumba, Youth Club and local birthday parties. Moving forward, Council will accommodate bookings at certain times when a caretaker can be made available, and the use of the centre will be kept under periodic review.

While Agreements for both the Greysteel and Ballykelly portacabins were approved by Council the documents weren't finally signed and returned by the Associations. While technically there is nothing legally binding, Council is formally terminating the 'verbal' agreements and period of occupation from the respective dates detailed above.

#### Recommendation

**It is recommended that** Council notes the requests received from Greysteel Community Association and Ballykelly Residents Association and that the Shared Management Agreements are formally terminated from 31<sup>st</sup> January 2022 and 15<sup>th</sup> February 2022 respectively.

Elected Members were in agreement to note this for information report.

\* **The Community Development Manger left the meeting at 7.41 pm.**

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

### **6.1 Report on Requests to Use Council Land**

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

#### Requests to Use Council Land

There were 5 new requests for the Sub-Committee to consider. The requests are summarised in the table (circulated) with further detail provided at Appendix 1 (circulated)

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

There were 3 retrospective events for the Sub-Committee to note. The report is attached at Appendix 2, 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 Appendix 1, previously circulated are considered and recommendation made.

It is recommended that the requests at Appendix 2, previously circulated, are noted.

The Chair advised under Standing Order 4(3) that she was content to accept an item of urgent business in relation to Lansdowne Shelter (Shanty) Portrush.

#### **6.1.1** Reference 07/22

**Date** as soon as possible

**Location** Lansdowne Shelter (Shanty) Portrush.

**Detail:** A request from the tenant of the former Lansdowne Shelter, Portrush T/A Shanty to temporarily site a "catering pod" within the curtilage of the leased area whilst renovation works are being carried out to the building.

**Officer Recommendation:** For Decision

The Land and Property Officer advised that the tenant made the request due to significant ongoing works to the building leased from Council and correspondence from the Planning Department, resulting in him being unable to operate from the premises.

Alderman Baird advised that as Chair of the Planning Committee she would abstain from voting. Alderman Hillis advised that he also wished to abstain from voting.

Discussion ensued on required access to the public and Council, the impact on other vendors of the area and the timescale to recommend for permitting the licensee to trade on a temporary basis. Some Elected Members expressed concern regarding the ongoing planning application issues. The Asset Realisation Officer clarified the details of the planning permission granted to Council at the time of tendering the lease opportunity for the building

The Democratic and Central Services Manager advised that the decision to be taken by members was to consider the request to use Council land for the temporary siting of the "pod" whilst ongoing works are being undertaken on the property. The land is currently leased by the applicant

and the siting of the “pod” would be on this leased land – no additional Council land is required.

Proposed by Councillor C McShane  
Seconded by Alderman Fielding and

**AGREED** – to recommend that Council grant approval for the temporary siting of a “catering pod” within the curtilage of the leased area at Lansdowne Shelter, Portrush whilst renovation works to the building were being carried out for a period of 3 months after which the matter would be reviewed. No additional rent would be charged during this period. Any approval granted will be subject to the applicant obtaining any planning permission or licences required”.

#### **6.1.2** Reference 137/21

**Date** To be confirmed (9 am – 2 pm between 4<sup>th</sup> and 8<sup>th</sup> of April 2022)

**Location** Waterfoot Beach

**Detail** A request from Northern Regional College to use Council land at Waterfoot Beach for a student film ‘*Day Gone Wrong*.’

**Officer Recommendation:** For Decision

The Land and Property Officer advised that all documents had duly been received, no issues had been raised through Officer consultation and the fee would be waived as per the Land & Property policy.

**AGREED** – to recommend that Council approve request reference 137/21, to use Council land at Waterfoot Beach for a recording of a student film ‘Day Gone Wrong’.

#### **6.1.3** Reference 147/21

**Date** 17<sup>th</sup> April 2022 (from 7.50 am – 8.30 am)

**Location:** The Crescent, Portstewart

**Detail** A request from Agherton Parish Church to use the Bandstand at the Crescent, Portstewart, for a religious service.

**Officer Recommendation:** For Approval

The Land and Property Officer advised that all documents had duly been received, no issues had been raised through Officer consultation and the fee would be waived as per the Land & Property policy.

**AGREED** – to recommend that Council approve Request reference 147/21, to use Council land at The Crescent, Portstewart for a religious service.

#### **6.1.4** Reference 146/21

**Date** 4<sup>th</sup> – 5<sup>th</sup> June 2022 (from 12 pm on 4<sup>th</sup> June – 12 pm on 5<sup>th</sup> June)

**Location** Peter Thompson Hall’s RecreationGgrounds, Castlerock

**Detail** A request from Castlerock Community Association to use Council land at the Peter Thompson Hall Recreation Grounds, Castlerock, for the screening of the Jubilee concert.

**Officer Recommendation:** For Decision

The Land and Property Officer advised that the organizer has submitted this application to get approval 'in principle' to enable them to apply for funding under the Queens Platinum Grants Policy. The Land and Property Officer advised that other aspects of the application would be approved through Environmental Services, and consultation with PSNI and that the applicants had been advised accordingly.

The Land and Property Officer advised that all documents had duly been received and the fee would be waived as per the Land & Property policy as this was a community event.

The Land and Property Officer advised that the following issues had been raised through Officer consultation: -

- Use of football pitch prohibited
- Inspection of area to take place with a Council officer before and after event
- Marshalling or stewarding required by group for traffic management
- Consideration be given to putting additional litter bins on site
- The organisers of the event would be responsible for organising a "clean up" of the site after the event

**AGREED** – to recommend that Council approve Request reference 146/21, to use Council land at Peter Thompson Hall's Recreation rounds, Castlerock for a for the screening of the Jubilee concert, subject to the following conditions.

- Use of football pitch prohibited
- Inspection of area to take place with a Council officer before and after event
- Marshalling or stewarding required by group for traffic management
- Consideration be given to putting additional litter bins on site
- The organisers of the event would be responsible for organising a "clean up" of the site after the event

#### **6.1.5** Reference 140/21

**Date** 14<sup>th</sup> July 2022 (from 1 pm – 4 pm)

**Location:** The Crescent, Promenade, Portstewart

**Detail** A request from Travelbound to use Council land at the Crescent, Portstewart, for a free concert given by Telford Priory School Choir and Band.

**Officer Recommendation:** For Decision

The Land and Property Officer advised that all documents had duly been received, no issues had been raised through Officer consultation and the fee would be waived as per the Land & Property policy.

**AGREED** – to recommend that Council approve Request reference 140/21, to use Council land The Crescent, Promenade, Portstewart for a free

concert given by Telford Priory School Choir and band.

#### **6.1.6** Reference 143/21

**Date** 15<sup>th</sup> October 2022 (7 am – 5 pm)

**Location** Along the Causeway coastal path requesting use of Council land at Ballintoy Harbour Ballintoy and Portballintrae (finishing point)

**Detail** A request from Aware NI and Geology Rocks Adventure Tourism to use the Causeway coastal path requesting use of Council land at Ballintoy Harbour and Portballintrae (finishing point) for a guided half marathon hike in aid of local charity.

**Officer Recommendation:** For Decision

The Land and Property Officer advised that all documents had duly been received, no issues had been raised through Officer consultation and the fee would be waived as per the Land & Property policy as this was a charity event and the charity number had been provided.

**AGREED** – to recommend that Council approve Request reference 143/21, to use Council land Along the Causeway coastal path requesting use of Council land at Ballintoy Harbour and Portballintrae (finishing point) for a guided half marathon hike in aid of local charity.

Alderman Baird raised concern that Council do not own the entire route and the Land and Property Officer advised that the applicant was aware permission could only be granted to use Council owned land.

## 6.2 Retrospective Applications

Reference 134/21

**Date** 9th March 2022

**Location** Lands at Christie Park

**Detail** Coleraine launch a community song 'This is Our Streets' which is funded by PCSP and Radius Housing

Reference 132/21

**Date** 22<sup>nd</sup> and 30<sup>th</sup> of March 2022

**Location** Council Land at Ballycastle Harbour, Downhill Beach and Castlerock Beach

**Detail** Film for the NI Tourist Board Campaign

Reference 142/21

**Date** 22<sup>nd</sup> and 30<sup>th</sup> of March 2022

**Location** Council land at Ballycastle Harbour

**Detail** Drone filming for the Mountain Vets S3 for BBC2

Members were in agreement to note the retrospective applications.

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

### 7.1 **Asset Realisation – Disused Toilet Block at Glenariff Forest Progression of Disposal**

Report, previously circulated, was presented by the Asset Realisation

Officer.

### Purpose of Report

The purpose of this report was for the Asset Realisation Department to request consideration, and if acceptable, permission from Members of the Land & Property Sub-Committee to progress the sale of the dis-used Toilet Block at Glenariff Forest, (off the Glen Road), through the legal conveyancing and financial process to the highest tendered bidder.

### Background

On the 6<sup>th</sup> October 2021, the Department for Infrastructure, Capital Works & Energy produced and tabled a Report Item to the Land & Property Sub-Committee (L&P SC), in which a broad statement of usage history, site classification, development opportunity and the way forward was provided for consideration and approval.

The October 2021 L&P SC decision that *Council* “approves the disposal of the said asset via the private competitive estate agency marketplace in order to gain best capital receipt for Council. It is further recommended: that Council grants Officers the authority to sell the asset for market value or greater.

The disposal process will be implemented and managed by Councils Asset Realisation Department, with a Post Asset Realisation Report brought back to the Land and Property Sub-Committee for recommendation and approval prior to entering legal conveyancing procedures“was subsequently ratified by Council on 2<sup>nd</sup> November 2021.

Asset Realisation carried out the administration and implementation of a competitive tendering process, which is as detailed below.

- Number of individuals / companies who expressed an interest: - 56 no.
- This tender competition was advertised on the following platforms, with a commencement date of 8<sup>th</sup> December 2021 and an end date of 18<sup>th</sup> February 2022; -
  - Irish News.
  - Belfast Telegraph
  - Coleraine Chronicle.
  - NRE, (Estate Agent), Website, including Social Media feed.
- 10 no. monetary offers were made. These are as contained in table 1A overleaf, previously circulated.

An RICS Redbook Valuation was undertaken to establish the value of the asset prior to market placement – details provided within the confidential report (previously circulated).

### Proposal



Following the closure date and time of the said tendered bid procedure as detailed under 2.0, it was requested by our appointed Estate Agent, proof of funds from the highest bidder be supplied. Subsequent to this request, the highest bidder sent a bank statement with proof of funds to support his bid.

It is therefore proposed that CC&GBC enter into, and complete the legal conveyancing process, following completion of same, the monetary transaction value as noted between CC&GBC and the highest bidder.

It is proposed that in the event that the preferred bidder does not conclude the conveyancing process, that Elected Members give permission to Officers to engage with the next highest bidder, until a party/bidder successfully concludes the conveyancing and financial processing sequence.

#### Recommendation

As a resultant conclusion of the Private Estate Agency Marketing process as prescribed, it is recommended that Elected Members approve the unconditional offer from the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

It is recommended that in the event that the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Elected Members give Officers authority to engage with the next highest bidder, until a party/bidder is progressed through the legal and financial process.

Proposed by Alderman Baird  
Seconded by Alderman Fielding and

**AGREED** – to recommend that as a resultant conclusion of the Private Estate Agency Marketing process as prescribed, that Elected Members approve the unconditional offer from the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

And also **AGREED** that in the event that the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Council give Officers authority to engage with the next highest bidder, until a party/bidder is progressed through the legal and financial process.

## **7.2 Asset Realisation – Gap Site Located off Killowen Street, Coleraine – Progression of Disposal**

Report, previously circulated, was presented by the Asset Realisation Officer.

#### Purpose of Report

The purpose of this report was for Asset Realisation Department to request consideration, and if acceptable, permission from Members of the Land & Property Sub-Committee to progress the sale a gap site located at Killowen Street, Coleraine, (The Heights), through the legal conveyancing and financial process to the highest tendered bidder.

### Background

On the 4<sup>th</sup> March 2020, the Department for Infrastructure, Capital Works & Energy produced and tabled a Report Item to the Land & Property Sub-Committee (L&PSC), in which a broad statement of usage history, site classification, development opportunity and the way forward was provided for consideration and approval. Council ratified the Sub-Committee recommendation to proceed with the action points as detailed in the report 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”.

A further report was taken to the L&P SC on 3<sup>rd</sup> November 2021 when it was agreed the service area of Infrastructure, Capital Works & Energy carry out 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.

This simultaneous approach to marketing and disposal has proved beneficial in fast tracking the Councils disposal process of assets, whilst ensuring a timely offer of a capital receipt.

Councils Land & Property Solicitor lodged the D1 Disposal application on January 5<sup>th</sup>, 2022, with no resultant interested parties, and as such, this method of disposal was concluded.

Asset Realisation carried out the administration and implementation of a competitive private estate agency tendering process, which is as detailed below: -

- Number of individuals / companies who expressed an interest: - 9no.
- This tender competition was advertised on the following platforms, with a commencement date of 2<sup>nd</sup> December 2021 and an end date of 18<sup>th</sup> February 2022; -
- Irish News.
- Belfast Telegraph

- Coleraine Chronicle.
- NRE, (Estate Agent), Website, including Social Media feed.
- 8no. monetary offers were made. These are as contained in table 1A, previously circulated.

An RICS Redbook Valuation was undertaken to establish the value of the asset prior to market placement - – details provided within the confidential report (previously circulated).

#### Proposal

Following the closure date and time of the said tendered bid procedure as detailed under 2.0, it was requested by our appointed Estate Agent, proof of funds from the highest bidder be supplied. Subsequent to this request, the highest bidder forwarded a bank statement illustrating that the highest bid submitted could be facilitated.

It is therefore proposed that Causeway Coast & Glens Borough Council (CC&GBC) enter into, and complete the legal conveyancing process, following completion of same, the monetary transaction value as noted between CC&GBC and the highest bidder.

It is proposed that in the event that the preferred bidder does not conclude the conveyancing process, that Elected Members give permission to Officers to engage with next highest bidder or in any event, until a successful bidder is found, (as per point no. 4.2 of this report).

#### Recommendation

As a resultant conclusion of the Private Estate Agency Marketing process as prescribed, it is recommended that Elected Members approve the conditional offer as submitted by the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

It is also recommended that in the event that the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Elected Members give Officers the authority to engage with the next highest bidder/party, to complete the conveyancing and financial process.

Discussion ensued regarding the potential use of the asset by the purchaser and the Assets Realisation Manager advised that it was unknown.

The Land and Property Officer advised she was aware of a typographical error within the footer of the report.

**AGREED** - to recommend that as a resultant conclusion of the Private Estate Agency Marketing process as prescribed, that Elected Members approve the conditional offer as submitted by the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

And also **AGREED** that in the event that the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Elected Members give Officers the authority to engage with the next highest bidder/party, to complete the conveyancing and financial process.

### **7.3 Asset Realisation – Killyrammer Dis-used Community Centre, Ballymoney – Progression of Disposal**

Report, previously circulated, was presented by the Asset Realisation Officer.

#### Purpose of Report

The purpose of this report was for the Asset Realisation Department to request consideration, and if acceptable, permission from Members of the Land & Property Sub-Committee to progress the sale of Killyrammer dis-used Community Centre, Ballymoney through the legal conveyancing and financial process to the highest tendered bidder.

#### Background

On the 1<sup>st</sup> August 2018 the Department for Infrastructure, Capital Works & Energy produced and tabled a Report Item to the Land & Property Sub-Committee (L&PSC), in which a broad statement of usage history, site classification, development opportunity and the way forward was provided for consideration and approval. The recommendation within the report was ratified by Council on 28<sup>th</sup> August 2018 and agreed that “Council consider the options presented in this report and grant approval to the Capital Works Department to submit a Full Statutory Planning Application in respect of Option 3, which provides an ‘added-value’ 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”. Option 3 of the report below:

#### Option 3:-

Sell site with Planning Permission for retention of existing School House, with minor extension and refurbishment works to facilitate 2 no. semi-detached residential units, including 2 no. detached 4 bed residential units to the rear of site.

A further report was taken to the L&PSC on 3<sup>rd</sup> February 2021 to permit the service area of Infrastructure, Capital Works & Energy to dispose of the asset via the Private Sector Estate Agency Market process, (following the pro-longed and unsuccessful D1 Disposal engagement process with NIHE and it nominated Housing Associations) and bring a subsequent report back to members of this committee detailing the resultant output and consideration of same. Council ratified the decision and agreed “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". Triangle Housing Association subsequently withdrew from the process.

Asset Realisation carried out the administration and implementation of a competitive tendering process, which is as detailed below; -

- Number of individuals / companies who expressed an interest: - 9no.
- This tender competition was advertised on the following platforms, with a commencement date of 7<sup>th</sup> December 2021 and an end date of 18<sup>th</sup> February 2022; -
- Irish News.
- Belfast Telegraph
- Coleraine Chronicle.
- NRE, (Estate Agent), Website, including Social Media feed.
- 2no. monetary offers were made. These are as contained in table 1A, previously circulated.

An RICS Redbook Valuation was undertaken to establish the value of the asset prior to market placement

#### Proposal

Following the closure date and time of the said tendered bid procedure as detailed under 2.0, it was requested by our appointed Estate Agent, proof of funds from the highest bidder be supplied. Subsequent to this request, the highest bidder sent a 'Decision in Principle', from their preferred Mortgage company, indicating that they may be able to obtain a mortgage for a value greater than the amount tendered by them, however, this is subject to a complete and successful mortgage application, including the lender conducting a condition review of the subject property.

It is therefore proposed that Causeway Coast & Glens Borough Council (CC&GBC) enter into, and complete the legal conveyancing process, following completion of same, the monetary transaction value as noted between CC&GBC and highest bidder.

It is proposed that in the event that the preferred bidder does not conclude the conveyancing process, (as this is subject to a full/complete mortgage application approval), that Elected Members give permission to Officers to engage with the second highest bidder, (as per point no. 4.2 of this report).

#### Recommendation

As a resultant conclusion of the Private Estate Agency Marketing process as prescribed, it is recommended that Elected Members approve the conditional offer as submitted by the highest bidder, and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

**It is recommended** that in the event that the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Elected Members give Officers authority to engage with the next highest bidder to complete the conveyancing and financial process.

Proposed by Councillor McLean  
Seconded by Alderman Hillis and

**AGREED** – to recommend that as a resultant conclusion of the Private Estate Agency Marketing process as prescribed that Elected Members approve the conditional offer as submitted by the highest bidder, and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

And also **AGREED** that in the event that the highest/preferred bidder does not conclude the conveyancing or financial transaction process, that Council give Officers authority to engage with the next highest bidder to complete the conveyancing and financial process.

#### **7.4 Asset Realisation – Cloughmills Dis-used Play Park – Progression of Disposal**

Report, previously circulated, was presented by the Asset Realisation Officer.

##### Purpose of Report

The purpose of this report was for the Asset Realisation Department to request consideration, and if acceptable, permission from Members of the Land & Property Sub-Committee to progress the sale of the disused Play Park at Cloughmills, Ballymoney through the legal conveyancing and financial process to the highest tendered bidder.

##### Background

On the 4<sup>th</sup> August 2021, the Department for Infrastructure, Capital Works & Energy produced and tabled a Report Item to the Land & Property Sub-Committee (L&P SC), in which a broad statement of usage history, site classification, development opportunity and the way forward was provided for consideration and approval. The L&P SC decision to “*grant permission to enter the disposal process for the asset via the D1 LPS disposal process to establish if the residential use value can be achieved directly*” was ratified by Council on 7<sup>th</sup> September 2021.

Following a further report to the L&P SC on 3<sup>rd</sup> November 2021 Council ratified the decision to “*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*”.

This decision permitted the service area of Infrastructure, Capital Works & Energy to dispose of the asset via the D1 Disposal process, (managed by Central Advisory Unit (CAU), Land & Property Services (LPS) of Department of Finance (DoF)), and the Private Estate Agency Market Place.

This simultaneous approach to marketing and disposal has proved beneficial in fast tracking the Councils disposal process of assets, whilst ensuring a timely offer of a capital receipt.

Councils Land & Property Solicitor lodged the D1 Disposal application on October 14<sup>th</sup>, 2021, with the Northern Ireland Housing Executive nominating Rural Housing Association, who later withdrew their interest.

Asset Realisation carried out the administration and implementation of a competitive private estate agency tendering process, which is as detailed below: -

- Number of individuals / companies who expressed an interest: - 5no.
- This tender competition was advertised on the following platforms, with a commencement date of 6<sup>th</sup> December 2021 and an end date of 18<sup>th</sup> February 2022; -
  - Irish News.
  - Belfast Telegraph
  - Coleraine Chronicle.
  - NRE, (Estate Agent), Website, including Social Media feed
- 1no. monetary offer was made as contained in table 1A, previously circulated.

#### Proposal

Following the closure date and time of the said tendered bid procedure as detailed under 2.0, it was requested by our appointed Estate Agent, proof of funds from the highest bidder be supplied. Subsequent to this request, the highest bidder forwarded a bank statement illustrating that the highest bid submitted could be facilitated.

It is therefore proposed that CC&GBC enter into, and complete the legal conveyancing process, following completion of same, the monetary transaction value as noted between CC&GBC and the highest bidder.

#### Recommendation

As a resultant conclusion of the Private Estate Agency Marketing process as prescribed, it is recommended that Elected Members approve the conditional offer by the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

At the request of Alderman Baird, a map was shared showing the location of the asset. Alderman Baird pointed to the lack of social housing in Cloughmills and asked if all avenues in this respect had been visited. The Assets Realisation Officer advised that this area had been designated as an open space as determined by Area Plan. The Land and Property Solicitor advised that at present there were no viable plans at present for this site. Alderman Baird enquired if community

consultation had taken place and the Assets Realisation Officer advised that the Head of Sport and Well-Being had undertaken same with the outcome that the asset was surplus to the requirement of the Leisure and Development Directorate.

Alderman Baird wished it to be noted that her preference was that the matter be back to the Committee for consideration and further consultation undertaken with the Cloughmills community in advance of any decision being taken.

Proposed by Councillor McLean  
Seconded by Alderman Fielding and

**AGREED** – to recommend that Council approve the conditional offer by the highest bidder and that the legal conveyancing and financial transaction processes commence and conclude accordingly.

## **8. LEASES AND LICENCES**

### **8.1 Cushendall Allotments – Cairns Residents’ Group – Lease Renewal Update**

Report, previously circulated, was presented by the Land and Property Officer.

#### Purpose of Report

The purpose of this report was to update Elected Members regarding the request to extend the lease to the Trustees of Cairns Residents’ Group for the allotments at the plot of land known as Cairns Play Area, Cushendall Ref No 12/18/P

#### Background

Moyle District Council granted an eight-year lease in August 2012 for a plot of land known as Cairns Play Area at Cairns, Cushendall, Co Antrim to the Trustees of Cairns Resident Group (the “tenant”).

A report was taken to the Land & Property Sub-Committee (L&P SC) on 9<sup>th</sup> January 2019 seeking to renew the lease by a minimum of ten years to enable the group to continue with their work in the community and to apply for future funding further 10 years.

Council agreed “to an extension of the current lease to the Trustees of Cairns Residents’ Group for the plot of land known as Cairns Play area, Cushendall for a further ten years under the same terms and conditions”.

At the January 2019 L&P SC meeting the Planning Officer in attendance raised a planning issue in relation to the allotments at the land. Members noted the matters and requested that officers liaise with the Community Association to provide guidance in relation to the issue.



A location map of the allotment garden was attached at Appendix A to the confidential report, (previously circulated)

### Proposals

In accordance with Council's Land & Property Policy an independent valuer was instructed to carry out a valuation of the plot of land used for the allotments. The valuation was carried out in February 2022 and estimated the rental value was provided in the confidential report, (previously circulated)

As Council had previously taken the decision to renew the lease under the same terms and conditions, a case had to be made to the Department for Communities seeking Ministerial approval to renew the lease in accordance with Local Government Circular 21/2020 – Guidance to Councils – Disposal of Land at Less than Best Price.

The Land and Property Officer submitted the case for Ministerial approval with full supporting documentation as detailed in the Guidance document on 2<sup>nd</sup> March 2022.

A response granting permission was received from DfC, Local Government & Housing Regulation Division on 14<sup>th</sup> March 2022 in reference to the proposed renewal of the lease of land at Cairns Road Allotments and Open Space, Cushendall to the Trustees of Cairns Residents' Group.

In accordance with the Ministerial approval and the Council decision of January 2019, Council will progress the extension of the current lease to the Trustees of Cairns Residents' Group for the plot of land known as Cairns Play area, Cushendall for a further ten years under the same terms and conditions commencing on 1<sup>st</sup> May 2022

### Recommendation(s)

**It is recommended** that the Sub-Committee notes the Ministerial approval received granting authority to Council to renew the lease to the Trustees of Cairns Residents' Group for the plot of land known as Cairns Play area, Cushendall for a further ten years under the same terms and conditions commencing on 1<sup>st</sup> May 2022.

Proposed by Alderman Baird  
Seconded by Councillor C McShane and

**AGREED** – to recommend that Council notes the Ministerial approval received granting authority to Council to renew the lease to the Trustees of Cairns Residents' Group for the plot of land known as Cairns Play area, Cushendall for a further ten years under the same terms and conditions commencing on 1<sup>st</sup> May 2022.

Elected members wished to thank the Land and Property Officer and her staff for the hard work undertaken to obtain Ministerial approval.

## **8.2 Glenariff Beach Café – Renewal of Lease Update**

Report, previously circulated, was presented by the Land and Property Officer.

### Purpose of Report

The purpose of this report was to update Members on the decision taken by Glenariff Improvement Group in relation to their lease of Glenariff Beach Café and seek approval to refer the property to the Asset Realisation Officer to progress with preparing and conducting a tendered lease exercise for the property.

### Background

In June 2015 Causeway Coast and Glens Borough Council granted a 5-year lease to Glenariff Improvement Group for the premises now known as Glenariff Beach Café. Glenariff Improvement Group is a company limited by guarantee with charitable status which was set up in 2007. The group has operated the café on a seasonal basis from April to September

The lease expired on 29<sup>th</sup> June 2020 and the group was “over holding” since 30<sup>th</sup> June 2020. The café has not been opened due to the COVID-19 Coronavirus pandemic.

Following a request from Glenariff Improvement Group in December 2020 a report was taken to the Land & Property Sub-Committee (L&P SC) on 6<sup>th</sup> January 2021 seeking authority to grant additional time to the group to consider their options with regard to the renewal of the lease.

It was agreed that “Council grants Glenariff Improvement Group until 30<sup>th</sup> June 2021 to consider their options so that they can make an informed decision on whether to renew the lease for the Glenariff Beach Café or not.”

The Land & Property section subsequently received confirmation from Glenariff Improvement Group of its intention to renew the lease under the same terms and conditions.

### Proposals

Glenariff Improvement Group formally notified the Land and Property Section on 21<sup>st</sup> March 2022 that the group does not want to renew the lease for the Glenariff Beach Café effective from 28<sup>th</sup> February 2022.

Arrangements have been made with Council’s Asset Realisation Officer Officers for the group to formally hand over the keys to the café on Friday 1<sup>st</sup> April 2022.

### Recommendation

**It is recommended** that Council notes the decision taken by Glenariff Improvement Group not to renew the lease for the Glenariff Beach Café effective from 28<sup>th</sup> February 2022 and grants authority to the Land and Property section to refer the property to the Asset

Realisation Officer to progress with preparing and conducting a tendered lease exercise for the property.

Alderman Baird and Councillor C McShane referred to the number of enquiries they had received regarding Glenariff Beach Café.

Proposed by Councillor C McShane  
Seconded by Alderman Baird and

**AGREED** – to recommend that Council notes the decision taken by Glenariff Improvement Group not to renew the lease for the Glenariff Beach Café effective from 28<sup>th</sup> February 2022 and grants authority to the Land and Property section to refer the property to the Asset Realisation Officer to progress with preparing and conducting a tendered lease exercise for the property.

### **8.3 Ballintoy Tea House, Ballintoy Harbour, Lease Renewal**

Report, previously circulated, was presented by the Land and Property Officer.

#### Purpose of Report

The purpose of this report was to seek agreement to renew the lease for Ballintoy Tea House, Ballintoy Harbour.

#### Background

A lease for the term of 3 years was granted by Moyle District Council from 1<sup>st</sup> January 1978 and subsequently renewed until the most recent renewal for a period of 3 years commencing 1<sup>st</sup> January 2017.

Due to the tenant's length of occupation of the premises they are considered a business tenant under the Business Tenancies (Northern Ireland Order) 1996

A proposal was made to the tenant that the 1979 lease was substituted for an updated modern lease clarifying responsibilities and areas used by the tenant

The lease was redrafted as per the terms detailed in the confidential report (previously circulated)

#### Recommendation

**It is recommended** that Council grants approval to renew the lease for Ballintoy Tea House, Ballintoy Harbour commencing on 1<sup>st</sup> January 2022 for a period of 5 years at the yearly rent as detailed in the confidential report (previously circulated) and subject to the conditions stated at para 2.6 of the report.

Councillor C McShane commended the Land and Property Solicitor on the work undertaken to agree the revised lease.

Proposed by Alderman Hillis  
Seconded by Alderman Baird and

**AGREED** – to recommend that Council grants approval to renew the lease for Ballintoy Tea House, Ballintoy Harbour commencing on 1<sup>st</sup> January 2022 for a period of 5 years at the yearly rent as detailed in the confidential report (previously circulated) and subject to the conditions stated at para 2.6 of the report.

#### **8.4 Leases and Licences – Renewal of Commercial Leases – Quarterly Update**

Report, previously circulated, was presented by the Land and Property Officer.

##### Purpose of Report

The purpose of this report was to provide a quarterly update to the Sub Committee regarding the progress of the renewal of Council's commercial leases.

##### Background

In June 2021 the Sub-Committee was advised that the Land and Property section had commenced a review of all outstanding leases renewals and rent reviews.

Updates have been brought to the Land & Property Sub-Committee in September 2021 and January 2022.

##### Proposals

As previously advised Land and Property records show that Council has 57 commercial leases, 40 of which have been prioritised under the first tranche of reviews/renewals. These leases have been prioritised based on the rental values. Council has 17 other commercial leases which have a nominal or a peppercorn rent and these will be dealt with in the second tranche of reviews/renewals

A table detailing the 40 commercial leases currently under review was attached at Appendix A, previously circulated, for reference and is summarised below:

- 4 leases renewed/reviewed late 2020
- 5 leases renewed 2021
- 2 leases renewed 2022
- 14 leases have been given to a valuer to carry out a valuation and commence the renewal negotiations
- 6 leases awaiting an instruction to the valuer to commence negotiations
- 3 leases - rent reviews not yet due
- 4 leases not yet due for renewal
- 1 vacant property being used by Council

- 1 vacant property – Report to be brought to Council in April 2022 regarding future use

A further quarterly update will be brought to the Land & Property Sub-Committee in June 2022.

#### Recommendation(s)

**It is recommended** that the Sub-Committee notes the quarterly update presented on the renewal/review of commercial leases.

Elected Members were in agreement to note this for information report.

## **9. LEGAL ISSUES**

### **9.1 Council Title and First Registration – Quarterly Update**

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

#### Purpose of Report

To provide Sub-Committee with Council Title and First Registration update following the initial report presented to Committee on 5<sup>th</sup> May 2021, quarterly update on 1<sup>st</sup> September, December 2021 and the up to date position as at March 2022 (Appendix 2, previously circulated).

#### Background – Title and First Registration

Members were informed at that meeting of correspondence received from NIAO, regarding the inclusion of assets where title was not proven.

An internal review of title and registration was carried out, using the Fixed Asset schedule

Members were provided with the Title and Registration position as of 8<sup>th</sup> April 2021 (Appendix 1, previously circulated)

Quarterly updates were provided as of September and December 2021. The quarterly update for March 2022 is included in Appendix 2, previously circulated.

#### Quarterly Progress Report as at March 2022

The Quarterly Progress Report as of March 2022 2021, is attached in Appendix 2, previously circulated. Significant progress has been made in terms of both title and registration.

#### Recommendation

It is recommended that Council note the Quarterly Progress Report as of March 2022 and associated Appendices, previously circulated.

Elected Members were in agreement to note this for information report.

## **10. CORRESPONDENCE**

## 10.1 DfC Guidance for District Councils – Local Government – Disposal of Land at Less Than Best Price

Report, previously circulated, was presented by the Land and Property Officer.

In February 2021 a report was brought to the Land & Property Sub-Committee to advise them of correspondence 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 was attached at Appendix A for reference.

The full guidance document provided by the Department for Communities was attached at Appendix B, previously circulated, for reference and can be accessed on the Department for Communities website using the following link, previously circulated.

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.

On 8<sup>th</sup> March 2022 DfC re-issued the “*Guidance to Councils – Disposal of Land at Less than Best Price*” to all Council Chief Executives as a reminder of the appropriate procedures when disposing of council lands, in particular in circumstances when the land is possibly being disposed of at less than best value.

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”).

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.

### Recommendation

**It is recommended** that the Sub-Committee notes the re-issue of 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.

Elected Members were in agreement to note the correspondence report.

Alderman Hillis referred to the decision taken at the February Council meeting regarding the proposed Skate Park at Metropole Park, Portrush and asked for a timeline on when the matter would be brought to the Land and Property Sub Committee.

The Democratic and Central Services Manager advised that she hoped it would be tabled for the May meeting but was subject to input from officers outside of the Land and Property Section.

The Council Land and Property Solicitor advised that he believed that the asset might not necessarily be surplus to the Leisure and Development (L&D) Directorate, given the nature of the request and input from L&D would be required in relation to any decision on the matter.

### **MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Councillor C McShane  
Seconded by Alderman Baird and

**AGREED** – that Council move ‘*Public*’.

There being no further business, the Chair thanked everyone for their attendance and the meeting closed at 10.06 pm.

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Chair