



**Draft Land and Property Policy
IN COMMITTEE**

7th June 2017

**Land and Property Sub-Committee
For decision**

Linkage to Council Strategy (2015-19)

Strategic Theme	Leadership and Champion
Outcome	Providing civic leadership to our citizens
Lead Officer	Director of Performance
Cost: (If applicable)	

1.0 Purpose of report

1.1 The purpose of this report is present a draft Land and Property policy to the Sub-Committee for consideration to enable the Sub-Committee to make recommendation to Council.

2.0 Background

2.1 The Terms of Reference of the Sub-Committee include recommending relevant policies and procedures for the Land and Property Department e.g Use of Council Land and Property Policies and Procedures.

2.2 The draft Land and Property Policy, attached at Appendix 1, has been prepared for the Sub-Committee to consider and subsequently make recommendation to Council.

2.3 Council officers have been consulted in the preparation of the document

3.0 Draft Policy

3.1 The main areas covered in the policy are:

- Acquisition of Land and Property
- Disposal of Land and Property
- Marketing of Land and Property
- Use of Council Land and Property
- Rental of Council Land and Property
- Valuation Services

3.2 It is anticipated that the policy will be subject to regular review by the Sub-Committee as a cost analysis of Council's resources through supporting

events is finalised. The Director of Leisure and Development undertook in April 2017 to complete this work.

4.0 Recommendation

It is recommended that the Sub-Committee approves the draft Land and Property Policy.

NOT FOR PUBLICATION



**Causeway
Coast & Glens
Borough Council**

LAND AND PROPERTY POLICY

Policy Number	CCG/
Version Number	1.0
Author	Democratic Services Manager

Date of Screening of Policy	June 2017
EQIA Recommended?	
Date Adopted by Council	
Date Policy Revised	

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1. INTRODUCTION

Causeway Coast and Glens Council is committed to delivering the highest quality public services to the residents of, and visitors to, this area.

The purpose of this policy is to:

- Clarify Council's processes for the acquisition and disposal of its land and property
- Set out Council's principles for the use of its land
- Provide guidance on how to request the use of Council's land

2. POLICY STATEMENT

Causeway Coast and Glens Council is committed to delivering the highest quality public services and will follow best practice in the management of its Land and Property Portfolio.

3. ACCOUNTABILITY AND RESPONSIBILITIES

The Land and Property Sub-Committee has overall responsibility for making recommendation to the Corporate Policy and Resources Committee and Council on Land and Property matters.

The implementation and effectiveness of the policy will be overseen by the Chief Executive of the Council or by officers so designated by him.

4.

Signed: _____ Date:
Mayor
Causeway Coast and Glens Borough Council

Signed: _____ Date:
Chief Executive,
Causeway Coast and Glens Borough Council

SECTION A

1.0 Acquisition of Land and Property

- 1.1 A requirement may arise whereby the Council needs to consider the acquisition of land.
- 1.2 The council may require land to undertake a project or scheme under the general power of competence conferred by Section 79 of the Local Government Act (NI) 2014, or in terms of 'site assembly' for a particular purpose i.e. to construct or provide new facilities or to enhance or develop existing facilities. Within this context it is recommended that the following principles be applied to the acquisition of new land or property:
- i. The need for the acquisition of new land or property should be identified by the relevant Directorate and should be linked to the Council's Strategic Objectives A Business Case* should be developed setting out how the requirement meets the Council's strategic objectives and priorities and any other relevant plans. It should include a cost – benefit analysis and feasibility study. The Business Case should be placed before the Council for approval, and approval should be sought to start identifying a suitable site. Where a site has already been identified, it should be detailed in the Business Case.
 - ii. A site survey should be carried out on any potential site prior to acquisition to ensure that it is suitable for the Council's needs, and to identify any potential development constraints.
 - iii. All land acquisitions, including final purchase price must be approved by Council.
 - iv. Land acquisition will be supported by a Council's legal services team.
 - v. Where negotiations on price are required, these should be conducted by the Council's Valuer.

* The business case should meet the requirements as set out in Departmental guidance both in terms of content and value of the project. Furthermore it should be robust enough to support an economic appraisal that may be required to support borrowing should the need arise. It should also take into consideration the full capital project, have cognisance of due diligence and any feasibility study.

All potential acquisitions of land should consider current users and potential users and where adverse impact may be identified in relation to Section 75 dimensions each decision must be screened.

SECTION B

2.0 Disposal of Land and Property

2.1 The disposal of land and property falls into two distinct categories:

- 2.1.1 Land which has been declared surplus to requirements, and
- 2.1.2 Requests received from third parties to purchase Council land or property.

2.1.1 Land which has been declared surplus to requirement

Although it is recognised that the Land and Property Service Guidance on 'Disposal of Surplus Public Sector Property in Northern Ireland' (March 2013, or as updated.) does not specifically apply to Local Councils and that some of the steps detailed in the guidance are not required, it is deemed best practice to adhere to its guiding principles. The Council will therefore take a proactive approach across all Directorates to the identification of land and property which is surplus to requirements.

Senior Management Team will be responsible for identifying land or property potentially surplus to requirements having taken into account the principles of good asset management.

A site will be deemed to be surplus to the Council's requirements if either:

- i. It makes no contribution to the delivery of the Council's services.
- ii. It has no potential for future strategic or regeneration/redevelopment purposes.
- iii. An alternative site has been identified which would achieve a more cost effective service delivery.
- iv. Its disposal would help facilitate the achievement of the Council's Strategy objectives.

A site will be deemed to be under-used if:

- i. The income being generated from the site is below that which could be achieved from:
 - An alternative use.
 - Disposing of the site and investing the income.
 - Intensifying the existing use.
- ii. Part of the site is vacant and is likely to remain vacant for the foreseeable future.

Once such land has been identified, the subsequent disposal of same should take into consideration the principles of the LPS Guidance, and should be done so in accordance with the following:

- i. All disposals must be approved by Council.
- ii. All pre-emption rights should be considered.
- iii. Some initial scoping should be done to ascertain if there are any burdens or barriers in terms of the titles or clauses to obstruct the sale.
- iv. Offers should be sought through public advertisement unless there is good reason not to do so.
- v. Planning input should be sought as to the +/- impact on the value of the site
- vi. Where negotiations on price are required, these should be conducted by the Council's Valuer and agent.
- vii. Advice should be sought from the Council's Valuer and agent on the most appropriate method of disposal.
- viii. Where appropriate more than one valuation may be sought
- ix. Each asset will be assessed on a "case by case" basis in terms of "adding value" prior to disposal.

2.1.2 Requests received from third parties to purchase Council land or property

Given the wide range and variety of requests received from third parties to purchase a piece of land or property from the Council, each request should be dealt with on a case by case basis. However the following should be considered in every request:

- i. S96 of the Local Government (NI) Act 1972 – Requirement to get best price or best rent.
- ii. Any pre-emption rights.
- iii. Has or should market testing take place?
- iv. Should the land or property be placed on the open market – is it effectively surplus?
- v. How is the land accessed? Can the applicant gain access to the land without going over Council property? Are there any rights of way issues?
- vi. What is the land required for?
- vii. Is it a key or ransom strip? (Stokes v Cambridge).
- viii. Would disposing of the land have any impact on Council operations or services, including maintenance?
- ix. Would the disposal have a detrimental impact on the remaining land, where only a portion has been requested?
- x. Is there any relevant historical background to the land?
- xi. Should any restrictive covenants or special conditions be attached to the disposal?
- xii. Would the disposal have any impact (positive or negative) on any of the Section 75 groupings?
- xiii. Is the land to be disposed of a revenue generating asset e.g. car parks?

As with the disposal of surplus land:

- i. All disposals must be approved by Council
- ii. Where negotiations on price are required, these should be conducted by the Council's Valuer and agent.
- iii. Advice should be sought from the Council's Valuer and agent on the most appropriate method of disposal
- iv. Applicants will normally be required pay the Council's reasonable legal and other relevant fees.

All potential disposals of land should consider current users and potential users and where adverse impact may be identified in relation to Section 75 dimensions each decision must be screened.

DRAFT FOR CONSIDERATION

SECTION C

3.0 Marketing of Land and Property

- 3.1 The Council will employ the services of an Estate Agent to market all land and property as required in accordance with the Council's procurement policy. The services of the Council's Valuer will be employed in the consideration of land and property disposal valuations and where applicable methods of disposal.

DRAFT FOR CONSIDERATION

SECTION D

4.0 Use of Council Land and Property

- 4.1 The Council owns a significant portfolio of land and property assets ranging from parks and open spaces, to facilities and buildings, some of which were historically 'gifted' to or acquired by the Council's Predecessors in Title. Various policies will be relevant to the use of most of this land and property, such as Fees and Charges for Leisure Centres, Community Centres, Town Halls etc. However, where such policies do not cover formal requests for short term use by others it is recommended that a number of 'principles' be applied:
- 4.2 All requests to use Council land or property should be submitted in writing at least six weeks prior to the date of use requested; exceptions to this will however be considered where a benefit to the Council area and population as a result of the use can be shown.
- 4.3 Where possible requests to use Council land or property should be submitted using the relevant form attached at Appendix A. This form will be available on the Council's website, and in alternative formats on request.
- 4.4 Requests to use Council land for minor events (excluding the use of revenue generating carparks)**
- a) Delegated Authority will be given to relevant officers for the approval of routine uncontentious requests. An example of 'routine' use would be an orienteering event on Council park land, an organised run on a coastal path, or community event.
 - b) There will be no charge to the user providing there is no commercial element to the agreed usage.
 - c) Where the usage is primarily for a community or sporting event but there is incidental commercial use (e.g. chip vans or stalls) a fee based on the temporary street trading licence fee will be applied per trader. Payment must be made in advance.
 - d) Where the event is solely commercial the Council's Valuer should determine a suitable fee. Payment must be made in advance.
 - e) Organisers will be required to adhere to any or all of the following terms and conditions as are relevant, together with any other condition deemed necessary to be applied given the nature of the event:
 - i. Agree and limit numbers involved i.e. staggered starts for running events in public places.
 - ii. Provide a risk assessment and event management plan.

- iii. Display public notices for at least two weeks before an event to notify the public that said event is due to take place in the area. Signage to be agreed in advance with appropriate Council officer.
- iv. Public notices must be removed after the event within seven days.
- v. Provide appropriate welfare facilities at own cost.
- vi. Provide evidence of relevant insurances and fully indemnify Council against all risks associated with the use of land or property.
- vii. Make good any damage caused during the use.
- viii. Put in place protective measures for areas where important natural heritage is present.
- ix. Arrange for the collection and subsequent removal of all litter and other debris from the main event and adjacent areas during the event, as well as once the event has concluded, however, should the Council have to do any additional cleaning the costs will be recovered from the Organiser.
- x. Arrange for the prompt removal of any items used in connection with the usage e.g., staging or fencing (timescale for removal to be agreed with Council officers).
- xi. Agree to provide maps or any other document deemed appropriate by Council officers.
- xii. Put in place plans to limit any negative impact on the public using the land at the same time as the event.
- xiii. Provide evidence of permits/licences/registrations and approvals where relevant.
- xiv. Indemnify the Council against all claims which may result from the event or use of the area, and provide the Council with a copy of the relevant insurance policy.
- xv. Ensure that only the designated area, or areas specified by Council officers are used for the event.
- xvi. Ensure that adequate marshals are placed throughout the designated area so as members of the public are not endangered by the event.
- xvii. Ensure that where appropriate, the car parking facility at the location remains available for use by the general public.
- xviii. Where electric supplies are being used this must be agreed in advance with Council officers. Additional costs may apply depending on the services required. Outdoor electrical supplies must be Ingress Protection (IP) rated and suitable for use.
- xix. Comply with any other relevant legislative provision.
- xx. No petrol generators are to be used. Generators must be earth spiked and certified by a NICEIC electrician.
- xxi. Where animals will be used as a part of any event, the Council's officers must be notified so that checks to ensure that welfare arrangements are in place can be undertaken.

4.5 Requests for 'Significant' or miscellaneous use

- a) All requests for more 'significant' use of Council land and property falling outside of its normal usage will be reported via the Land and Property Sub-Committee for approval e.g. use of a public area for a parade, use of Council land by a funfair, extensive filming on Council land or use of revenue generating car parks. This is not an exhaustive list.
- b) There will be no charge to the user providing there is no commercial element to the agreed usage.
- c) Where the usage is primarily for a community or sporting event but there is incidental commercial use (, e.g. chip vans or stalls) a fee based on the temporary street trading licence fee will be applied per trader. Payment must be made in advance.
- d) Where the event is solely commercial the Council's Valuer should determine a suitable fee. Payment must be made in advance.
- e) A bond of £500, or other value deemed appropriate by the Council may be applied where the usage has the potential to cause damage to the Council's property due to the nature of event, type of equipment being used, or number of people expected to attend the event.
- f) No car boot sales are to be held on Council land.
- g) No circuses with animals are to be held on Council land.
- h) Where appropriate Licence Agreements should be entered into for miscellaneous usage e.g. storing equipment on Council land or property. Legal advice should be obtained where necessary.
- i) The Council's Valuer will be asked to determine a suitable consideration for the usage, taking into consideration the type of use, length of use, any commercial profit being made by the user and nature of user ensuring 'best value' is achieved whilst taking into consideration potential added benefit to the delivery of relevant Council services as a result of the event e.g. community development or tourism benefits.
- j) As with routine use any or all of the terms and conditions listed may be applied to the usage.

4.6 Requests to use Council land for a Major Event eg major concert

The Council has a number of spaces which can facilitate the holding of concerts and events. When considering a request to hold such an event or concert the following principles must be adhered to:

- a) The event must enhance the reputation of the Borough, and deliver benefits to the Borough in line with Council's strategic objectives.
- b) The Council's Valuer will be asked to determine a suitable consideration for the usage, taking into consideration the type of use, length of use, any commercial profit being made by the user and nature of user ensuring 'best value' is achieved whilst taking into consideration potential added benefit to the delivery of relevant Council services as a result of the event e.g. community development or tourism benefits.
- c) All requests must obtain Council approval.
- d) Any act must be capable of being broadcast on mainstream media.
- e) A minimum lead time of six months to be introduced for any Major Concerts/Events including the name of the Acts to allow for all licensing issues to be addressed (Subject to commercial confidentiality).
- f) Entertainment Licence to consider the inclusion of new licence conditions for outdoor events.
- g) Independent noise monitoring is to be undertaken to the Council's specification but at the organiser's expense.
- h) The maximum noise level must not exceed 85dB(A) (15 leq) at the nearest residential property.
- i) Additional penalty Clauses for non-compliance to be included in any contracts.
- j) Frequency and duration of major events to be agreed by Council, including preparation works and dismantling of same.
- k) Residents' concerns and requirements must be taken into consideration by the organisers. This includes but is not limited to:

- i. Correspondence at an early stage with residents via letters, visits, email or telephone.
 - ii. Residents parking permits being issued.
 - iii. Additional fencing being erected.
 - iv. Deployment of security personnel and PSNI Officers.
 - v. Provision of two complimentary tickets per household per Concert within an agreed area.
 - vi. Council to be provided with evidence of consultation 6 weeks prior to the event.
- m) The organiser must ensure adequate resources can be provided by the relevant Statutory Agencies eg Emergency Services and Translink. This is to be established before any major event is approved.
- n) The needs of other users of the open space must be considered, and any negative impact minimised as much as is possible.
- o) All legislative requirements must be adhered to. This includes but is not limited to:
- i. Noise levels, governed by Noise Council Guidelines.
 - ii. Environmental Health Approvals.
 - iii. Enforcement.
 - iv. Safety and Risk.
 - v. Entertainments Licence.
 - vi. Safeguarding children, young people and vulnerable adults.

As with routine use any or all of the terms and conditions listed may be applied to the usage and any associated contract between the Council and the organiser.

Event organisers must satisfy the Council that the safety of all involved in the event including spectators and other members of the public has been considered and any risk eliminated or minimised.

Events should not impinge on or be allowed to affect road traffic without due consideration and consultation with the relevant statutory body.

SECTION E

5.0 Rental of Council Land and Property

- 5.1 The Council has a significant number of properties and parcels of land that are rented to organisations through long standing Agreements eg Leases, Licences, and Conacre
- 5.2 All requests to rent or lease Council land or Property for a period exceeding seven days will be considered by the Council,
- 5.3 Legal advice will be sought on the most appropriate form of agreement to be entered into, taking into account all relevant factors including Business Tenancy Rights.
- 5.4 All renewals of existing agreements (in all formats) must be considered by the Council.
- 5.5 The Council's Valuer will be used to determine the consideration, except where the land has been marketed for rent via public auction.
- 5.6 All consideration must be approved by the Council.

DRAFT FOR CONSIDERATION

SECTION F

VALUATION SERVICES

The Council will engage the services of a valuer to provide specific advice services including but not limited to advice on the acquisition and disposal of property by sale or lease including the negotiation of leases, rent reviews, lease renewals and surrenders; inspecting properties, supplying estimates on value, advising on disposal methods and procedure, and negotiating an agreed figure as appropriate in respect of:

- i. Acquisition or disposal by agreement of all interests in land and property.
- ii. Disposal of land or property in accordance with LPS Central Advisory Unit guidance on the “Disposal of Surplus Public Sector Property in Northern Ireland”.
- iii. Acquisition, or the grant of, licenses, rights of way, wayleaves or easements.



REQUEST TO USE COUNCIL LAND

About you

Name of Organisation	
Contact Name	
Contact address/email address	
Contact telephone number	

About your event

Please provide as much information as possible. Please attach any relevant documentation or additional pages.

Where would you like to use? (Please attach map or plan if appropriate)

What is the event/usage?

Date of event	
Start and end times (including set up and take down)	
How many people do you think will be attending?	
Have you received Council funding towards your event?	

Do you intend to use or have any of the following at your event?

Food vendors	Yes/No
Stalls selling other products	Yes/No
Live/recorded music or entertainment/PA	Yes/No
Generators	Yes/No

Inflatables/fairground equipment	Yes/No
Fireworks	Yes/No
Staging	Yes/No
Gas	Yes/No
Public toilets/portaloos	Yes/No
Alcohol	Yes/No
Animals	Yes/No

If the answer to any of the above is yes the Council will require further information, should permission be granted.

Have you applied or do you intend to apply for any statutory approvals or licences e.g. public entertainments licence? Yes/No

The Council will require the following for most events:

- **Public Liability Insurance**
- **A suitable and sufficient risk assessment**
- **Event Management Plan**
- **List of any vendors/traders and evidence that they are registered with their local Council.**

If these are already in place, please provide copies with your application. If they are not already in place, these will be required as a condition of use.

Further details can be obtained by contacting

landandproperty@causewaycoastandglens.gov.uk

I confirm that the information provided on this form is to the best of my knowledge accurate and correct.

Signed: _____ Date:

Position within Organisation: