



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Disposal of Land to the Ulster Museum
Date:	19 November 2010
Reporting Officer:	Gerry Millar, Director of Property and Projects, Ext. 6217.
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Relevant Background Information

At its meeting on 24 September 2010 Committee deferred consideration of a report in relation to the disposal of land to the Ulster Museum to enable further information to be submitted.

The report to 24 September 2010 Committee and associated Appendix is attached at Appendix 1.

There had been a series of prior Committee decisions by the then Parks and Cemeteries Committee in relation to the proposed disposal of some 825 sq yards of land at Botanic Gardens to the Ulster Museum for use as a car park. These culminated in a decision to dispose of the land at the Parks and Cemeteries Committee on 29 October 1970. Subsequently the disposal price of £1,150 for the land, as recommended by the Commissioner of Valuation, was approved by the Parks and Cemeteries Committee without further debate, at its meeting on 13 May 1971. A 999 year lease was subsequently prepared and signed by Lord Mayor and Town Clerk before being issued to the Museum for completion. In March 1974 the Board of Trustees of the Ulster Museum agreed to complete the lease on their part. There followed exchanges of correspondence between the Museum's solicitor and the Town Solicitor querying certain aspects of the lease. In the end it appears the lease was not formally completed, despite the willingness and approval of Elected Members and the Board Of Trustees to the arrangement. It is not clear where any fault in relation to the non-completion may lie, although the current Museum management would be of the view that the available correspondence appears to place responsibility with the Council.

In addition the same portion of land (approximately) had been occupied in connection with construction of the extension to the museum, by the Museum's contractor, under Licence from Belfast Corporation since c.1967. This contractor's occupation was still

continuing in 1971, however it appears to have been absorbed into the Museum's occupation for car parking purposes by the erection of railings on or about November 1971 (i.e. after Council approval to dispose of the land). The Museum's occupation of the land has continued until the present time.

Key Issues

There was an expressed political authority, subsequent agreement and legal intention, to dispose of land for a car park to the Ulster Museum in the period 1970/71 to 1974. On the strength of this the Museum took (or were permitted to take/continue) occupation of the site in advance of completion of the proposed 999 year lease. In the event the lease, for reasons unknown, was not satisfactorily completed by the parties. The most likely reason for non-completion appears to be because of an oversight by either Council or the Museum or both bodies.

While the Council could potentially re-cover possession of the car park it is likely the Museum will oppose this on legal and moral grounds. Any recovery process is therefore likely to be lengthy with an uncertain outcome.

Resource Implications

Financial

Not known at this stage. There could be a range of financial incomes dependant upon agreement of terms with Ulster Museum and potentially approval of same by the DOE if the arrangement is deemed to fall below 'best price'.

Human Resources

No additional human resources required.

Asset and Other Implications

The current unregulated use of the land is undesirable from an asset management perspective. Disposal of the land would give effect to previous Committee decisions and realise a modest capital income as originally intended in 1971.

Recommendations

Committee is recommended to approve in principle to proceed with disposal of lands to the Ulster Museum, as originally intended, subject to a revised lease to be prepared by the Town Solicitor and subject to a disposal price to be agreed with the Museum and reported to, and approved by, a future meeting of Committee.

Decision Tracking

Director of Property and Projects to bring a further report to Committee by 30 June 2011 to provide an update on the progress of negotiations with the Ulster Museum.

Key to Abbreviations

None

Documents Attached

Appendix 1. Report to 24 September 2010 meeting of Strategic Policy and Resources Committee (including Appendix thereto).

APPENDIX 1