



Subject:	Asset Management: i) Former Tudor Place Playground, Agnes Street ii) Springfield Star - Lease Agreement iii) Medway Street Depot – Appropriation iv) Bankmore Street and Cromac Street Car Parks – Licence Renewals v) Avoniel Play Centre – Proposed Licence Agreement vi) Request for Use of Giant’s Park, North Foreshore for NI Children’s Hospice Colour Dash vii) Park Road – Substation and Cable Easement and Right of Way
Date:	19 May 2017
Reporting Officer:	Gerry Millar Director of Property & Projects
Contact Officer:	Cathy Reynolds Estates Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to seek approval from Members to asset related disposal, acquisition and lease matters.

2.0	Recommendations
2.1	<p>i) Former Tudor Place Playground, Agnes Street</p> <p>Committee is recommended to approve a negotiated financial settlement of £250,000 from the Northern Ireland Housing Executive in relation to an Agreement dated 7 August 2000 for the replacement of Tudor Place Playground and to approve proposals for this capital receipt to be ring-fenced for the provision of proposed play facilities in the Agnes Street area.</p> <p>ii) Springfield Star - lease agreement</p> <p>Committee is recommended to agree to extend the current lease agreement with the Trustees of Springfield Star for lands adjacent to Springmartin Playground for a period of 3 years with an option to renew for a further 3 years from the end date of the previous agreement.</p> <p>iii) Medway Street Depot</p> <p>Committee is recommended to agree to the appropriation of the Medway Street Depot to the Corporate Landbank held by the Strategic Policy & Resources Committee and managed by the Estates Unit, with a further report to be brought back to Committee in due course on future use/disposal options.</p> <p>iv) Licence renewals for off street car parks located at Bankmore Street and Cromac Street</p> <p>Committee is recommended to agree to the renewal of the car park Licence Agreements at Bankmore Street for 12 months from 1 April 2017 at an annual licence fee of £28,100 and at Cromac Street for 12 months from 1 April 2017 at an annual licence fee of £49,000.</p> <p>v) Avoniel Play Centre - Proposed temporary relocation to Exchange Church</p> <p>Committee is recommended to agree to a Licence Agreement for the provision of temporary accommodation at Exchange Church, Albertbridge Road for the displaced Avoniel Play Centre Summer Scheme and potentially the After Schools Club.</p> <p>vi) Request for Use of Giant's Park, North Foreshore for NI Children's Hospice Colour Dash</p> <p>Committee is recommended to approve use of facilities at Giant's Park, North Foreshore on 6 August 2017 for the NI Children's Hospice 5k Sparkle Dash run subject to the satisfactory resolution of the key issues as set out in this report.</p>

	<p>vii) Park Road – Substation and Cable Easement and Right of Way</p> <p>Committee is recommended to grant a 99 year lease, cable easement and right of way to Northern Ireland Electricity Networks Ltd (NIE) for land at Park Road, Belfast for the installation of an electricity sub-station which supplies the Council’s Park Road Civic Amenity Site.</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p>	<p>i) Former Tudor Place Playground, Agnes Street.</p> <p><u>Key Issues</u></p> <p>The Northern Ireland Housing Executive (NIHE) had originally provided land to the Council on Agnes Street, at nil cost to the Council, upon which the Council subsequently developed Tudor Place Playground. In 1998 the Housing Executive sought to recover the site for the development of social housing. The Council agreed to surrender the land and entered into a legal agreement with NIHE dated 7 August 2000, which specified that the NIHE would provide a replacement facility in a defined area. This Agreement specified the minimum size of the replacement facility (0.975 acres) to be provided by NIHE; its location (within Tudor RDA 132) and the specific nature of equipment. At that time the cost of replacement equipment on a new site was estimated to be in the region of £250,000. The replacement facility was to be agreed with the Council within 18 months from the date of the legal agreement.</p> <p>NIHE was unable to fulfil the requirement for provision of a site in the specified location and in the absence of being able to provide a site they were consequently reluctant to alternatively provide funding for a replacement facility elsewhere. There followed a lengthy period during which Council officers sought to find a way to implement the spirit of the agreement with NIHE even though compliance with the letter of the agreement could not be achieved. Legal advice obtained by NIHE had suggested the original Agreement was no longer enforceable but the Council remained of the view that the Agreement continued to have legal effect due to the ongoing contact there had been between the parties to try and reach agreement on a replacement facility.</p> <p>Following lengthy discussions with NIHE they have now accepted the Council’s position and have recently obtained approval from the Department for Communities for payment of a sum of £250,000 to the Council in settlement of compensation for the loss of its former playground facility at Tudor Place, Agnes Street.</p>

3.4	<p>This financial settlement (subject to Committee approval) has been reached with NIHE in lieu of provision by NIHE of an alternative site and play equipment for a replacement playground in the Agnes Street area. The settlement honours the spirit of the Agreement previously entered into with the Council and avoids any potential legal action to resolve the matter. Given the difficulty in reaching agreement with NIHE this financial settlement is considered to represent an advantageous outcome for the Council and the money can now be utilised towards playground facilities in the Agnes Street area.</p>
3.5	<p><u>Financial & Resource Implications</u></p> <p>The recommendation contained in this report would provide a capital receipt of £250,000. It is proposed to ring fence this receipt for the provision of play facilities in the Agnes Street area. This purpose reflects the broad intention as agreed with NIHE in the Agreement of August 2000.</p> <p>ii) Springfield Star - lease agreement</p> <p><u>Key Issues</u></p>
3.6	<p>At its meeting on the 4th April 2017 the People & Communities Committee agreed to extend the current lease agreement with the Trustees of Springfield Star for a period of three years, with an option to renew for a further 3 years from the end date of the previous agreement, subject to the approval of SP&R Committee.</p>
3.7	<p>Members are reminded that the Council agreed to fund the development of a mini soccer pitch with associated fencing and lighting at Springmartin under the first round of the Local Investment Fund Programme. Although the land was owned by the Council it was agreed to fund the proposal providing there was a lease arrangement wherein, in this case, the Trustees of Springfield Star would manage and maintain the asset at no cost to the Council.</p>
3.8	<p>At the time Springfield Star agreed to the lease arrangement and had requested that the agreement run for an initial period to enable capacity to be developed. This period lapsed in September 2016 and the current 3-year agreement does not contain provision for an extension of the lease period.</p>

3.9	<p>Council officers have met with a representative of the Trustees who has indicated a willingness and a desire to continue with the lease agreement for a further period of 3 years with an option to renew for the lease for a further 3 years. Council is satisfied that the Trustees have adhered to the terms and conditions of the agreement and continue to meet a local community need which provides an opportunity to young and old to participate in physical wellbeing benefits. The facility has not been subject to vandalism which also demonstrates the ownership within the community.</p>
3.10	<p><u>Financial & Resource Implications</u></p> <p>The Council will continue to receive the annual rent of £200 which will be subject to review on the 7th Sept 2018.</p> <p>iii) Medway Street Depot</p> <p><u>Key Issues</u></p>
3.11	<p>Following approval by the former shadow Strategic Policy & Resources Committee on 15 January 2015 extensive improvements were recently completed at the Council's Prince Regent Road Cleansing Depot. This depot, which transferred to the Council following Local Government Reform in 2015, is used by the Council's Cleansing Services staff as a mustering station. These upgrade works have provided an enhanced facility in a central location and has also enabled staff from a cleansing depot at Medway Street to co-locate at the newly refurbished Prince Regent Road Depot. As a result, the Medway Street depot is no longer required by Cleansing Services for operational purposes.</p>
3.12	<p>It is accordingly proposed that the Medway St depot is appropriated to the Corporate Landbank held by the Strategic Policy & Resources Committee and managed by the Estates Unit.</p>
3.13	<p>The site comprises a rectangular area of 0.27 acres with a main depot and 2 stores and adjoins a Council owned playground and a housing development. A further report will be brought back to this Committee in due course with future development and/or disposal options.</p>

3.14	<p><u>Financial & Resource Implications</u></p> <p>There will be some minimal costs to holding the site in the short term including vacant rates. Approval of expenditure of up to £480,000 was granted in 2015 for the upgrade of Prince Regent Road Depot with a view that any future potential disposal proceeds from Medway Street could be set against these costs.</p> <p>iv) Licence renewals for off street car parks located at Bankmore Street and Cromac Street</p> <p><u>Key Issues</u></p>
3.15	<p>The off street car parks located at Bankmore Street and Cromac Street transferred to BCC from DRD under the Transfer of Off Street car parking function on 1 April 2015. These car parks are owned by NIHE and are held by the Council under separate Licences from 1 April 2016 to 31 March 2017 subject to the payment of an annual licence fee of £26,400 for Bankmore Street and £ 47,400 for Cromac Street. The licences were due for renewal from 1 April 2017.</p>
3.16	<p>Land and Property Services has assessed the revised annual licence fee commencing 1 April 2017 for the Bankmore Street car park at £28,100 and £49,000 for the Cromac Street car park.</p> <p><u>Financial & Resource Implications</u></p>
3.17	<p>The revised licence fees will be met from the City & Neighbourhoods Department who have responsibility for off street car parking. The licence fees are based on the car park income figures.</p> <p>vi) Avoniel Play Centre - Proposed temporary relocation</p> <p><u>Key Issues</u></p>
3.18	<p>At its meeting on 18 November 2016 the SP&R Committee noted that terms were agreed for the disposal of Avoniel Play Centre site to the Education Authority. The disposal</p>

completed on 31 March 2017 with the Council permitted to remain in occupation until 30 June, following which the Education Authority's primary school development begins.

- 3.19 Whilst proposals are being developed for the long term replacement of the Play Centre there is a requirement for premises in the interim period to accommodate the Summer Scheme and the After Schools Club services. Following community and political engagement and a site options appraisal, Exchange Church is now the recommended temporary location for the Summer Scheme. The Council will accordingly need to enter into a Licence Agreement with Exchange Church for use of the premises. Avoneil Leisure Centre is the preferred location for provision of the After Schools Club although Exchange Church was identified as a potential second option if the leisure centre option didn't proceed. In order to provide flexibility however, it is recommended that Committee approval in relation to the licence with Exchange Church covers both services, if required, in the event that Avoneil Leisure Centre is not to be used.

Financial & Resource Implications

- 3.20 A licence fee of £395 per week has been agreed with the Church for the Summer Scheme. Should it be required for the After Schools Club this will be on an equivalent rate per hourly use. Costs will be met from the capital receipt from the Play Centre site, as agreed by Committee in November 2016.

v) Request for Use of Giant's Park, North Foreshore for NI Children's Hospice Sparkle Dash run.

Key Issues

- 3.21 NI Hospice has requested the use of facilities at the Council's Giant's Park, North Foreshore on 6 August 2017 to undertake a fundraising 5k 'Sparkle Dash' run. This is the second year NI Hospice has held a fundraising Colour Dash and the first time it has been held in Belfast. The route at Giant's Park will be restricted to that part of the road network which presently does not form access to any developed sites. A short portion of the route will take participants off road to the highest point on the site and loop back again onto the road. The site will also be used for car parking and potentially food and other vendors and entertainers.

3.22 NI Hospice will carry out any necessary preparatory works on the site to make the surfaces safe for participants. The number of participants will be limited to 2000, the entry fee levied by NI Hospice last year was £30 per participant. Access would be granted subject to NI Hospice resolving the following issues: -

- NI Hospice to resolve all operational issues to the Council's satisfaction including the provision of suitable numbers of personnel with relevant training.
- NI Hospice to meet all statutory requirements, to provide public liability insurance, to submit a risk assessment and take responsibility for health and safety.
- NI Hospice to enter into an appropriate legal agreement to be prepared by the Town Solicitor, subject to the Town Solicitor's further advice.
- NI Hospice to consult with relevant public bodies, local communities and traders as necessary.
- NI Hospice to submit an Event Management Plan to the Council in a timely manner prior to the event and undertake relevant notifications.
- NI Hospice to work closely with Council personnel

3.23 Financial & Resource Implications

The request is for free use of Giant's Park for this charity fundraising event, with all set-up, removal and operating costs to be met by the NI Hospice. Any Council presence on the site at the event will be met from within existing budgets.

vi) Park Road – Substation and Cable Easement and Right of Way

Key Issues

3.24 To facilitate the electricity demands of the Park Road Recycling Centre, NIE have installed a new electricity sub-station at the entrance to the site from Park Road. As well as a lease for the substation area NIE also require an easement to facilitate the associated electricity cables and a right of way to provide access for maintenance. A 99-year lease, cable easement and right of way have now been agreed with NIE at a nominal ground rent. The sub-station site is shown outlined red on the map attached as Appendix 1 and the easement and right of way located are shown highlighted yellow.

3.25	<p data-bbox="272 206 719 237"><u>Financial & Resource Implications</u></p> <p data-bbox="272 306 1393 338">The site will be leased for 99 years subject to a nominal rent of £1.00pa, if demanded.</p>
4.0	<p data-bbox="272 427 770 459">Appendices – Documents Attached</p>
	<p data-bbox="272 528 1442 611">Appendix 1 – Map showing sub-station site location at Park Road outlined red along with associated easement and right of way shaded yellow.</p>