



<b>Subject:</b>	Asset Management:  i) Unit Letting at Smithfield Market ii) Parkgate Avenue Car Park, Belfast – Licence Agreement iii) Little Victoria Street, Belfast – Licence Agreement iv) Knockbreda Cemetery - Grant of Easement and Land Transfer v) St Mary Magdalene Parish Church, Donegall Pass - Grant of Right of Way to Trustees
<b>Date:</b>	21 <sup>st</sup> September 2018
<b>Reporting Officer:</b>	Gerry Millar, Director of Property & Projects
<b>Contact Officer:</b>	Pamela Davison & Celine Dunlop, Estates Team Leaders

<b>Restricted Reports</b>	
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"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The purpose of this report is to seek approval from Members to asset related disposal, acquisition and lease matters and to note the recent lettings at Smithfield Market
<b>2.0</b>	<b>Recommendations</b>

2.1	<p>The Committee is asked to grant approval to the following, subject to detailed terms to be agreed by the Estates Team Leader and Town Solicitor and note the lettings approved by the Director of Property &amp; Projects:</p> <p><b>i) Unit Letting at Smithfield Market</b></p> <p>Functional responsibility for dealing with property issues in relation to the letting of Units at Smithfield Market rests with the Director of Property and Projects. Approval of the letting terms for the Units are to be undertaken by the Director under the scheme of delegation, on the basis that the terms are reported retrospectively to the Strategic Policy and Resources Committee.</p> <p><b>ii) Parkgate Avenue Car Park – Licence Agreement</b></p> <p>The grant of a licence to Peter Boyle and Ciara Denvir for a right to pass and repass across Parkgate Avenue Car Park on the terms outlined below.</p> <p><b>iii) Little Victoria Street – Licence Agreement</b></p> <p>The grant of a licence to Clear Channel NI Ltd at Little Victoria Street Car Park for an advertising site on the terms outlined below.</p> <p><b>iv) Knockbreda Cemetery, 17 Saintfield Road - Grant of Easement and Land Transfer</b></p> <p>Mutual Grants of Easement and an exchange of land with the owner of a private dwelling within the grounds of Knockbreda Cemetery to regularise a situation, which has existed for more than 20 years.</p> <p><b>v) St Mary Magdalene Parish Church, Donegall Pass - Grant of Right of Way to Trustees</b></p> <p>The grant of a Right of Way to the Trustees of St Mary Magdalene Parish Church, to secure an emergency exit through the Rev Robert Bradford Memorial Park.</p>
3.0	<b>Main report</b>
3.1	<p><b>i) Unit Letting at Smithfield Market</b></p> <p><b><u>Key Issues</u></b></p> <p>The Committee is asked to note the letting of Units in Smithfield Market as agreed under the delegated authority granted to the Director of Property &amp; Projects.</p>

3.2	The Scheme of Delegation provides for retrospective reporting of lettings at Smithfield Market.
3.3	<p><b>Unit 3 Smithfield Market</b></p> <p>Tenant – Christina Mulvenna</p> <p>Unit size – 136 sq ft</p> <p>Use - Florist</p> <p>Rent - £170 per month plus rates</p> <p>Term – Tenancy Agreement for six months and monthly thereafter commencing 13<sup>th</sup> June 2016. Tenancy Agreement terminated after six months.</p>
3.4	<p><b>Unit 3 Smithfield Market</b></p> <p>Tenant – Brenda Cleary</p> <p>Unit size – 136 sq ft</p> <p>Use - Sale of Religious Item</p> <p>Rent - £175 per month plus rates</p> <p>Term – Tenancy Agreement for six months and monthly thereafter commencing 6<sup>th</sup> July 2017. Tenancy Agreement terminated after six months.</p>
3.5	<p><b>Unit 7 Smithfield Market</b></p> <p>Tenant – Veronica Benasa and Rhea Benasa</p> <p>Unit size – 462 sq ft</p> <p>Use - Filipino Grocer Store</p> <p>Rent - £460 per month plus rates</p> <p>Term – Tenancy Agreement for six months and monthly thereafter commencing 16<sup>th</sup> March 2017</p>
3.6	<p><b>Unit 16 Smithfield Market</b></p> <p>Tenant – Alan Taylor</p> <p>Unit size – 462 sq ft</p> <p>Use - Sale of Comic books, novels, pop culture memorabilia and beverages</p> <p>Rent - £500 per month plus rates</p>

Term – Tenancy Agreement for six months and monthly thereafter commencing 8<sup>th</sup> May 2017. Tenancy Agreement terminated after 12 months as Mr Taylor relocated to Unit 17/18 in order to expand his business. See point 3.8

3.7 **Unit 16 Smithfield Market**

Tenant – Shona McLaughlin

Unit size – 462 sq ft

Rent - £500 per month plus rates

Use - Children's Clothing & Clothing Accessories

Term – Tenancy Agreement for six months and monthly thereafter commencing 17<sup>th</sup> July 2018

3.8 **Unit 17/18 Smithfield Market**

Tenant – Alan Taylor

Unit size – 996 sq ft

Use – Sale of Comic books, novels, pop culture memorabilia and beverages

Rent - £850 per month plus rates

Term – Tenancy Agreement for six months and monthly thereafter commencing 14<sup>th</sup> May 2018

3.9 **Unit 19 Smithfield Market – Sale and fitting of hair extensions**

Tenant – lihem Sandi

Unit size – 150 sq ft

Rent - £180 per month plus rates

Term – Tenancy Agreement for six months and monthly thereafter commencing 30<sup>th</sup> January 2017

3.10 **Unit 20 Smithfield Market**

Tenant – John Hinchey

Unit size – 150 sq ft  
Use - Sale and engraving of awards, trophies and medal  
Rent - £180 per month plus rates  
Term – Tenancy Agreement for six months and monthly thereafter commencing 1<sup>st</sup> February 2016

3.11 **Unit 22 Smithfield Market**

Tenant – Conor Gamble

Unit size – 150 sq ft  
Use - Buy, sell and swap shop for games and consoles  
Rent - £180 per month plus rates  
Term – Tenancy Agreement for six months and monthly thereafter commencing 1<sup>st</sup> September 2017

3.12 **Unit 23 Smithfield Market**

Tenant – Ritzigar Amini

Unit size – 150 sq ft  
Use – Barbers  
Rent - £235 per month plus rates  
Term – Tenancy Agreement for six months and monthly thereafter commencing 21<sup>st</sup> November 2016

3.13 **Unit 34 Smithfield Market**

Tenant – Choosylearner Limited

Unit size – 306 sq ft  
Use - Sale of baked goods and hot and cold drinks  
Rent - £480 per month plus rates  
Term – Tenancy Agreement for six months and monthly thereafter commencing 21<sup>st</sup> March 2016

Members are advised that there are currently two vacant units at Smithfield with interest shown.

**Financial & Resource Implications**

3.14 The current rental income for Smithfield equates to £150,240 per annum

**Equality or Good Relations Implications/Rural Needs Assessment**

3.15 None

**ii) Parkgate Avenue Car Park, Belfast – Licence Agreement**

3.16 **Key Issues**

The Parkgate Avenue Car Park transferred to the Council under Local Government Reform in April 2015 from the Department for Regional Development (DRD). Subsequent to this, Peter Boyle and Ciara Denvir the Directors of Argento Contemporary Jewellery Ltd purchased an adjoining piece of land which was formerly also owned DRD. They have since sought retrospective consent for the right for Argento staff and invitees to pass and repass over the Council's Car Park to access their site via a double vehicular gate and a pedestrian turnstile. Agreement has now been reached to offer the Directors a 12-month licence agreement with an annual fee of £3,000 per annum. The terms of the proposed licence protect the Council's interest in the car park, regularise the situation and obligate the Directors to indemnify the Council against any claims for injury, damage or loss of property relating to their use.

3.17 **Financial & Resource Implications**

The Council will receive an income of £3,000 per annum.

3.18 **Equality or Good Relations Implications/Rural Needs Assessment**

None

**iii) Little Victoria Street, Belfast – Licence Agreement**

3.19 **Key Issues**

The Little Victoria Street Car Park transferred to the Council under Local Government Reform in April 2015. Prior to transfer, the Department for Regional Development had entered into a Licence with Clear Channel NI Ltd for an advertising site at the Car Park. This Licence also transferred and was subsequently renewed directly with the Council in June 2015 at an annual rent of £1,600 per annum.

3.20 The current Licence has now expired and Clear Channel have recently replaced the original advertising hoarding with an advertising light box. New licence terms have now been agreed with Clear Channel to reflect this enhanced use. It has been agreed that a new 2 year licence will commence on 1 April 2018 at an initial rent of £5,000 per annum rising to £6,000 per annum from 1 April 2019.

3.21 **Financial & Resource Implications**

The Council will receive an income of £5,000 per annum from the 1 April 2018, which will rise to £6,000 per annum from 1 April 2019.

3.22 **Equality or Good Relations Implications/Rural Needs Assessment**

None

**iv) Knockbreda Cemetery**

3.23 **Key Issues**

At its meeting of 18<sup>th</sup> May 2018, Committee approved an exchange of land, as outlined in red on Appendix 1, with the owner of 17 Saintfield Road, a private dwelling within the grounds of Knockbreda Cemetery. This was subject to a consideration of £2,500 payable to the Council and the approval was ratified by Council at its meeting on 4<sup>th</sup> June 2018. It has since transpired that the householder is in a position to claim ownership of his plot, which is in his occupation but owned by the Council and if successful, it could necessitate re-routing a mains water supply serving cemetery workers accommodation. The Council would be liable for costs incurred but the householder has agreed to provide the Council with an easement to permit retention of the water supply in-situ subject to a 50% reduction of the previously agreed consideration of £2,500.

3.24	<p><b><u>Financial &amp; Resource Implications</u></b></p> <p>Each party will grant mutual easements and rectify land ownership subject to a consideration of £1,250 payable to the Council. Each party shall pay their own legal costs. Legal Services will act on the instructions of the Estates Management Unit</p>
3.25	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>None</p>
	<p><b>v) Right of Way - Rev. Robert Bradford Memorial Park</b></p>
3.26	<p><b><u>Key Issues</u></b></p> <p>The Rev. Robert Bradford Memorial Park contains a children’s play area which is due for refurbishment with LIF and Urban Villages funding. The adjoining St Mary Magdalene Parish Church has an emergency exit via a Right of Way through the park to Lindsay Street as shown in yellow on the attached plan (see appendix 2). This route will no longer exist once the refurbishment works are complete and the church has requested a realignment of their Right of Way to provide an emergency exit onto Apsley Street as shown in red on the plan. At it’s meeting on 4<sup>th</sup> September 2018, the People and Communities Committee approved a recommendation to grant this Right of Way.</p>
3.27	<p><b><u>Financial &amp; Resource Implications</u></b></p> <p>On the instructions of Estates Management, Legal Services shall draft an easement subject to a nominal consideration of £1.00.</p>
3.28	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>None</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<p>Appendix 1 – Lands at Knockbreda Cemetery</p> <p>Appendix 2 – Rev. Robert Bradford Memorial Park</p>