



### Belfast City Council

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| <b>Report to:</b>         | Strategic Policy and Resources                        |
| <b>Subject:</b>           | Lands at Hannahstown Hill                             |
| <b>Date:</b>              | 18 April 2008   |
| <b>Reporting Officer:</b> | Ciaran Quigley, Director of Legal Services (Ext 6038) |
| <b>Contact Officer:</b>   | John Walsh, Principal Solicitor (Ext 6042)            |

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| <b>Relevant Background Information</b>   |
| <p>The Council is the owner of lands (6.5 acres) at Hannahstown Hill which are the subject of a judicial review application by a former owner. Following a failed attempt to vest the lands, the then owner entered into an agreement for the sale of the lands to the Council in 1994. The land was not used for the purpose for which it was originally acquired and on the 30 June 2004, was re-appropriated to be held for the improvement, development or future development of the Council's district. The former owner contends that, under certain legal provisions applying to the acquisition and disposal of land, the site at Hannahstown is and has been surplus and that, as such, the Council is under an obligation to offer it back to him given that it was acquired under threat of vesting. Senior Counsel (Mr John O'Hara QC) has given strong advice to the effect that the Council has a significant level of vulnerability in relation to the legal proceedings issued by the former owner and has recommended that the Council should reach agreement with the him to achieve settlement. In light of Senior Counsel's advice, the Director of Legal Services (DLS) has come to the conclusion that the Council should agree to settlement terms on the basis that these are reasonable in all the circumstances and give due protection to the Council's legal and commercial interests.</p> |

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| <b>Key Issues</b>   |
| <p>More detailed explanation of the proposed settlement terms will be given to the Members at the meeting. While the DLS does have delegated authority to settle legal claims involving the Council's interests, he would ask the Committee to note the position and endorse the recommendation to enter into suitable terms of settlement.</p> |

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| <b>Resource Implications</b>  |
| <p><u>Financial</u><br/>Legal costs</p> <p><u>Human Resources</u><br/>None</p> <p><u>Asset and Other Implications</u><br/>6.5 acres of land at Hannahstown Hill</p> |

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| <b>Recommendations</b>                              |
| To note the contents of the report for information. |

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| <b>Documents Attached</b> |
| None                      |

