



## Belfast City Council

<b>Report to:</b>	Parks and Leisure Committee
<b>Subject:</b>	Wilmont House
<b>Date:</b>	14 June 2012
<b>Reporting Officer:</b>	Andrew Hassard, Director of Parks and Leisure Gerry Millar, Director of Property and Projects
<b>Contact Officer:</b>	Stephen Walker, Principal Parks and Leisure Portfolio Manager, Cathy Reynolds, Estates Manager, Property and Projects Department

1	Relevant Background Information
	<p>At its meeting on 14 May 2009 the Parks and Leisure Committee authorised that expressions of interest be sought for the development of Wilmont House and that a process be undertaken to enter discussions with the Dixon family to explore the relaxation of restrictions associated with use of the property.</p> <p>Wilmont House and some 134 acres of surrounding land was gifted (subject to the payment of death duties on the property) to the Council via the Will of the late Lady Edith Stewart Dixon with the property eventually being transferred to the Council under a Conveyance dated 5 December 1959. The Conveyance included a covenant which banned the sale of intoxicating liquor on the land and premises. However one of the main elements of the Conveyance was that the Council (then the Corporation) was to hold the land 'in trust' "To use the said house (Wilmont House) and lands for the greatest good of the Citizens of the City of Belfast".</p> <p>Since the 2009 Committee decision the Council has sought Counsel's Opinion on the key elements of the 1959 Conveyance and the current position may be stated as:</p> <p>i) In relation to the restriction on the sale of alcohol it is not clear</p>

	<p>which individual or individuals may be able to provide a release from this restriction and if relaxation of this covenant is required the best option may be to seek a preliminary authority from the Lands Tribunal to advertise the Council's desire to seek relaxation and thereafter to make a full application for relaxation of the covenant to the Lands Tribunal.</p> <p>ii) In view of the relative importance of the 134 acres of grounds at Sir Thomas and Lady Dixon Park, Wilmont House itself should not be regarded as essential to purposes of the Trust and that a disposal of Wilmont House itself, by way of medium term lease, or sale, should not take the Council outside of the terms of the Trust and that High Court approval is thus not required prior to such a disposal.</p> <p>iii) In view of the Trust status of the property it will be necessary to have the approval of the relevant Charities body before the Council could proceed with any disposal. With the establishment of the Charities Commission in Northern Ireland the regulatory functions presently carried out by DSD Charities Branch are soon to be transferred to the Charities Commission.</p> <p>iv) In view of the current condition of Wilmont House it could be argued that any scheme aimed at the refurbishment and regeneration of the house is a purpose which is for the greatest good of the Citizens of Belfast, or is certainly 'as near as possible' to the purposes contained in the Trust. This latter point has yet to be fully agreed by DSD Charities Branch/the Charities Commission.</p> <p>In order to gauge the level of interest from outside parties and in order to better understand the sorts of alternative feasible uses for Wilmont House, the Council sought Expressions of Interest through public advertisement in March 2012. A total of six proposals were received by the closing date in late April 2012. The proposals contained a variety of potential schemes, a synopsis of which is provided in Appendix 1 to this report. Some of the Expressions of Interest were of a more commercial nature and some were less so. Some sought lifting of the covenant related to the no sale of alcohol and some did not.</p>
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<b>2</b>	<b>Key Issues</b>
	<p>Wilmont House is a 'Listed Building' and continues to suffer the effects of continuing vacancy. It will remain as a liability for the Council and may incur increasing revenue expenditure to help keep it wind and weather proof. It is a very visible element of Sir Thomas and Lady Dixon Park and</p>

	<p>its continuing decline could detract from the general amenity of the Park.</p> <p>Members may wish to note that refurbishment of Wilmont House is an emerging project in the Council's City Investment Programme.</p> <p>A next step could be the issue of a more formal Development Brief, which, in accordance with good practice, would be publicly advertised and would seek more detailed information on proposed schemes. This would include further information on capital expenditure, funding arrangements, revenue projections, as well as any financial and operational implications.</p> <p>In view of the responses to the Expressions of Interest there appears to be a degree of interest from parties who would not require relaxation of the covenant on the sale of alcohol. In addition the legal position regarding the types of schemes which may be acceptable to DSD Charities Branch/the Charities Commission will not be finally put to rest until a formal approach can be made to the relevant Charities body for a particular selected scheme. The Council, through Legal Services are, and will, continue to pave the way for this by provision of copy documentation, such as Expressions of Interest, draft Development Brief, draft lease etc. to the relevant Charities body as appropriate. However it remains possible that more commercial schemes could find less favour with the relevant Charities body.</p>
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<b>3</b>	<b>Resource Implications</b>
	<p><u>Financial</u> No definitive financial implications at this time. Ultimately there will be a need to weigh the implications of proceeding with a particular scheme against the implications of maintaining the status quo</p> <p><u>Human Resources</u> Existing resources in Legal Services, Estates Management Unit and Parks and Leisure Department required at this stage.</p> <p><u>Asset and Other Implications</u> An appropriate regeneration, refurbishment and use of Wilmont House could be have a positive impact upon the surrounding Park and would generally improve the amenity and marketability of the city. The relaxation of the covenant on the sale of alcohol is not considered crucial to the success of the Development Brief exercise, although potential developers would be free to make their own proposals and judgements on whether they would wish to seek such relaxation.</p>

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<b>4</b>	<b>Equality and Good Relations Considerations</b>
	There are no equality or good relations issues at this stage.

<b>5</b>	<b>Recommendations</b>
	Committee is recommended to approve the preparation and public advertisement of a Development Brief for the regeneration and refurbishment of Wilmont House on the basis of the current restrictions on its use and to note the continuing efforts of officers to pave the way for potential development through continuing contact with the relevant Charities body(ies).

<b>6</b>	<b>Decision Tracking</b>
	Directors of Parks and Leisure and Property and Projects to ensure issue of Development Brief during the autumn of 2012.

<b>7</b>	<b>Key to Abbreviations</b>
	None.

<b>8</b>	<b>Documents Attached</b>
	Appendix 1 – Synopsis of responses to Expressions of Interest.