

	<p align="center">ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER May 2017</p>
<p align="right">Title</p>	<p>Approval of Council Granting a Lease for Telecommunications Equipment at Burnt Oak Leisure Centre, HA8 0NP</p>
<p align="right">Report of</p>	<p>Anisa Darr – Director of Resources</p>
<p align="right">Wards</p>	<p>Burnt Oak</p>
<p align="right">Status</p>	<p>Public</p>
<p align="right">Enclosures</p>	<p>Heads of Terms of Agreement Draft Lease Agreement Plans</p>
<p align="right">Officer Contact Details</p>	<p>Michael Gillespie – Lead Surveyor Michael.gillespie@barnet.gov.uk</p>

Summary

The Council has in principle, reached an agreement with Shared Access, a Mobile Telecoms site provider, and will, Subject to Contract, enter into a new lease of 20 years, to install and or facilitate the installation of electronic communications equipment at Burnt Oak Leisure Centre.

Decision

1. That the Council approve the entering into a new lease 20 year lease with Shared Access in accordance with the terms cited below.

1. WHY THIS REPORT IS NEEDED

- 1.1 This report is set out in accordance with Council policy of Management of Assets, requiring financial arrangements of over £25,000 to be documented by way of a Delegated Powers Report.

2. REASONS FOR DECISIONS

- 2.1 To approve the agreement between the parties and conclude legal formalities.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 Do nothing, this would result in zero income for the authority

4. POST DECISION IMPLEMENTATION

- 4.1 To complete the lease, which will have a commencement date yet to be confirmed and to receive the premiums as detailed in the attached Heads of Terms.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

The Corporate Plan 2013-16 has a strategic objective to "promote responsible growth, development and success across the Borough

The Council's Corporate Plan 2015-20 states that the Council, working with local, regional and national partners will strive to ensure that Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure.
- Where responsibility is shared, fairly.
- Where services are delivered efficiently to get value for money for the tax payer.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- The new lease will be granted at a pepper corn rent; however the Council will receive an initial premium of £40,000 for the first 10 years of the lease.

This agreement is conditional upon Shared Access Ltd completing a telecoms Agreement. Upon completion of the telecoms agreement, the lease of the site will complete and on completion of the lease, Shared Access will pay £40,000 as a first capital payment plus £25,739 for the sum to be paid to Camden Council.

- In the event that lease proceeds for a further 10 years and the Council does not determine the break clause, an additional £30,000 will be paid immediately thereafter.

- The second payment shall be subject to an increase calculated by reference to the CPI index from the date of lease commencement to the date prior to the lease break date as stated in the lease.
- A soft market exercise was conducted and Shared Access was the only provider who offered this deal as providers work to geographical areas.
- The London borough of Merton secured a similar deal of £70,000 for a 20 year term in 2016. This was secured for the Colliers Wood Recreational ground with a similar 15 meter pole.

5.3 Legal and Constitutional References

Council Constitution, "The Management of Asset, Property and Land Rules", Appendix 1 Table A – sets out the authorisation delegated powers thresholds. For Lease out for Rent or Consideration value of £25,000 to £100,000, the decision is delegated to the Director or Deputy Chief Operating Officer in consultation with Chairman of the appropriate Committee.

5.4 Risk Management

- Shared access have supplied a method statement and Health and safety plan, showing time scales and the process of construction that is being planned for the development of the Telecommunication tower.
- These documents have taken all the locational of operation issues surrounding this site, with minimal risk being attached to the works for the general public as well as themselves.
- Further we attach a copy of the statement of indemnity insurance that covers other issues of potential risk thereby mitigating the Councils exposure in this instance.

5.5 Equalities and Diversity

- Under the Equality Act 2010, the Council must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are; age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.
- The Council is committed to improving the quality of life for all and wider participation in the economic, educational, cultural, social, and community life in the Borough

- This agreement does not give rise to any issues under the Councils Equality Policy and does not compromise the Council in meeting its Statutory Equalities Duty.

5.6 Consultation and Engagement

- None.

6. BACKGROUND PAPERS

- 6.1 Heads of Terms for Agreement
- 6.2 Draft Lease Agreement
- 6.3 Plans detailing locations and planning approval.

7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

I authorise the following action

8.1

Signed



Date

12.10.2017

REPORT CLEARANCE CHECKLIST