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23 January 2013

S U M M O N S

MEETING: Economic Development Board
DATE: 31 January 2013
TIME: 6.00pm
PLACE: Council Chamber
Democratic Services contact: Chris Wrein

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Dickson) (ex officio)
Chairman of the Policy and Organisation Board
(Councillor Hook) (ex-officio)
Councillor Lane (Chairman)
Councillor Philpott (Vice Chairman)

Councillor Allen	Councillor Geddes
Councillor Chegwyn	Councillor Mrs Hook
Councillor Edgar	Councillor Langdon
Councillor Forder	Councillor Mrs Searle

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Councillors are requested to note that, if any Councillor who is not a Member of the Board wishes to speak at the Board meeting, then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

RECOMMENDED
MINUTE FORMAT

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 12 DECEMBER 2012

4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Tuesday 29 January 2013. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Tuesday 29 January 2013).

6. NEW LEASE TO CORNERSTONE TELECOMMUNICATIONS INFRASTRUCTURE LIMITED FOR PART OF THE TOWN HALL ROOF

PART II
Contact Officer:
Andrew Morton
Ext 5755

To seek approval to the grant of a lease of part of the Town Hall roof to Cornerstone Telecommunications Infrastructure Limited (CTIL) for the operation of a telecommunications station.

7. ANY OTHER ITEMS

-which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

AGENDA ITEM NO. 6

Board/Committee:	Economic Development Board
Date of Meeting:	31 st January 2013
Title:	New Lease to Cornerstone Telecommunications Infrastructure Limited for part of the Town Hall Roof
Author:	Community and Customer Services Manager
Status:	FOR DECISION

Purpose

This report seeks Board approval to the grant of a lease of part of the Town Hall roof to Cornerstone Telecommunications Infrastructure Limited (CTIL) for the operation of a telecommunications station.

Recommendation

That the Board approves the granting of a Lease to CTIL on the terms set out below and authorises the Borough Solicitor to enter into such legal documentation as is necessary to complete the lease.

1.0 Background

1.1 Vodafone had a Lease of the area in question but this has expired. They have a legal right to renew this, but have requested that a new Lease be granted instead to CTIL. Vodafone will therefore forgo their legal right to renew at the same time as any new Lease is completed and this too will require documenting.

2.0 Report

2.1 As the current lease with Vodafone has expired, the Council instructed its Chartered Surveying agent, Hellier Langston, to conduct negotiations to renew. The terms agreed will apply to the new tenant. The term to CTIL will be 15 years from the date of the new lease.

2.2 The current rent paid by Vodafone Limited is £5,600 per annum. The new rent to be paid by CTIL will be £6,300 per annum and this is considered best value for a piece of land for a communications base station, given the equipment and other rights to be granted.

2.3 The lease will include a break option allowing the landlord to determine the lease at any time after the first five years with 12 months written notice.

2.4 The annual rent will be reviewed on the open market basis of valuation on the 5th and 10th anniversaries (upwards only).

- 2.5 The new tenant will be responsible for paying all outgoing and charges on the use of the Town Hall roof premises and equipment thereon, including the paying of electricity consumed.
- 2.6 The tenant will have the right to repair and replace antennae but will require permission from the Council to install any additional equipment (subject to the Council's Structural Engineers assessment of load bearing and subsequent approval).
- 2.7 The new lease will contain all relevant other terms that are necessary for a lease of this type and which protects both landlord and tenant.
- 2.8 This lease has no bearing on any human rights matters.
- 2.9 This Lease has no bearing on any equality and diversity matters.
- 2.10 This Lease has no bearing on any crime and disorder matters.
- 2.11 The continued operation of a telecommunications base on the Town Hall Roof has no impact on sustainable development matters.

3.0 Risk Assessment

- 3.1 There are no legal implications if the Council refuses to grant a new lease as the proposed new lessee has no right to take a lease from the Council. However, as the existing lessee, Vodafone Limited, is in effect vacating, should the Council not proceed with the new lease then there would be a loss of income of £5,600 per annum, and of course the future proposed annual rent income of £6,300.

4.0 Conclusion

- 4.1 The new tenant would, in effect, be a direct replacement of the existing tenant and would take over the existing equipment and apparatus causing no additional interference or disturbance to the Council
- 4.2 The annual rent income of £6,300 would constitute a valuable rental stream, a £700 annual increase from the existing rent.

Financial Services comments:	As contained in the report
Legal Services comments:	The Council has the power to proceed with this Lease. The Borough Solicitor will also ensure that the rights of Vodafone to take a new lease are properly surrendered to the Council.
Crime and Disorder:	No impact
Equality and Diversity:	No impact

Service Improvement Plan implications:	None
Corporate Plan:	There is not a direct link to any Corporate Plan matter but the receipt of £6,300 annual revenue will contribute overall to the Council's ability to fund priority Corporate Plan objectives.
Risk Assessment:	Addressed at Para 3, should the new lease not be approved the Council will lose the current annual rent of £5,600 and lose the new annual rent of £6,300.
Background papers:	None
Appendices/Enclosures:	None
Report author/ Lead Officer:	Andrew Morton