



To: Planning & Property Policy Board

On: 25 August 2015

Report by: Director of Finance & Resources

Heading: Telecommunications installations at Maxwellton Court, Paisley, Provost Close, Johnstone and Craigendhill, Erskine.

1. Summary

- 1.1 This report advises the Board on the provisional terms and conditions agreed for lease renewals of the telecommunications installations at Maxwellton Court, Paisley, Provost Close, Johnstone and Craigendhill, Erskine.
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2. Recommendations

It is recommended that the Board:-

- 2.1 Grant authority to the Head of Property Services and the Head of Corporate Governance to conclude lease renewals of the telecommunications installations at Maxwellton Court, Paisley, Provost Close, Johnstone and Craigendhill, Erskine on the basis of the main terms and conditions contained in this report.
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3. Background

- 3.1. The Council currently leases the roofspace at Maxwellton Court, Paisley, Provost Close, Johnstone and 100 square metres of ground at Craigendhill, Erskine to Orange Personal Communications Services Limited (OPCS) for the purposes of telecommunications installations. The original term of the leases at each site has expired, and the leases now run on a year to year basis. The current company structure of OPCS comprises EE Limited and Hutchison 3G UK Limited, and is more commonly known to trade under the name EE. The tenant has requested that lease renewals at these sites be concluded, rather than continuing the current year to year arrangement. In terms of the Telecommunications Act (1984), no person shall unreasonably be denied access to a telecommunications system, therefore once a particular telecommunications installation has been established the service being provided must be maintained. If a site provider wishes to remove an operator from their land or property, there is no obligation for the operator to vacate unless a suitable alternate site is found from which to maintain their service.
- 3.2. The Council's precautionary policy governing telecommunications installations prohibits the erection of any new telecommunications installations on residential properties as well as other public buildings and establishments. No new installations are proposed, only the renewal of existing leases.
- 3.3. Discussions have taken place with the tenant's agent Messrs GVA, and the following main terms and conditions of lease renewal have been provisionally agreed.

4. Proposed terms and conditions of lease renewal;

4.1 The existing leases shall be renounced at a mutually agreed date between both parties.

4.2 The renewed leases shall be for a period of 10 years and shall be on the basis of the Council's standard telecommunications style of lease, which is on a Full Repairing and Insuring basis. The tenants in each lease shall be EE Limited and Hutchison 3G UK Limited.

4.3 The initial annual rental for each rooftop site shall be £8,742 and shall be £4,663 for the ground lease site. Rental for all three sites shall be payable quarterly in advance.

4.4 The rent shall be reviewed to market value on a 5 yearly cycle, with the proviso that the reviewed rent shall be no lower than the existing passing rent.

4.5 Each rooftop installation shall comprise up to nine transmission units, in any combination of antenna and dishes. An equipment cabinet no larger than 30 cubic metres shall also be permitted in addition to all necessary cabling, support structures and ancillary equipment. The ground lease installation shall comprise up to 10 antennas or transmission dishes in total, plus a mast/tower, associated equipment cabins and ancillary cabling and equipment as necessary.

4.6 Any proposed sub-letting of each installation shall require the prior consent of the Council. If the Council does agree to a sub-lease, the Council shall be entitled to receive a 30% share of any gross sub-lease income received by the head tenant.

4.7 In the event that the Council propose to undertake any significant improvement or upgrade works to either of the rooftop sites, the tenant will be solely responsible for the cost of adapting or relocating any of the telecommunications equipment that may be affected by the works, limited however to once within any 5 year period.

4.8 Each party shall bear their own legal and professional expenses incurred in concluding the lease renewals.

4.9 Any other reasonable terms and conditions considered necessary by the Head of Corporate Governance and the Head of Property Services to protect the Council's interest.

Implications of the Report

1. **Financial** – Annual rental of £8,742 to be received at two sites, £4,663 at another.
2. **HR & Organisational Development** – None.
3. **Community Planning** – None.
4. **Legal** – Lease agreements to be concluded.
5. **Property/Assets** – As per this report.
6. **Information Technology** – none.
7. **Equality & Human Rights** -
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because no groups or individuals have any involvement currently at the property. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – none.

9. **Procurement** – none.
10. **Risk** – none.
11. **Privacy Impact** – none.

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Maxwellton Court, Paisley

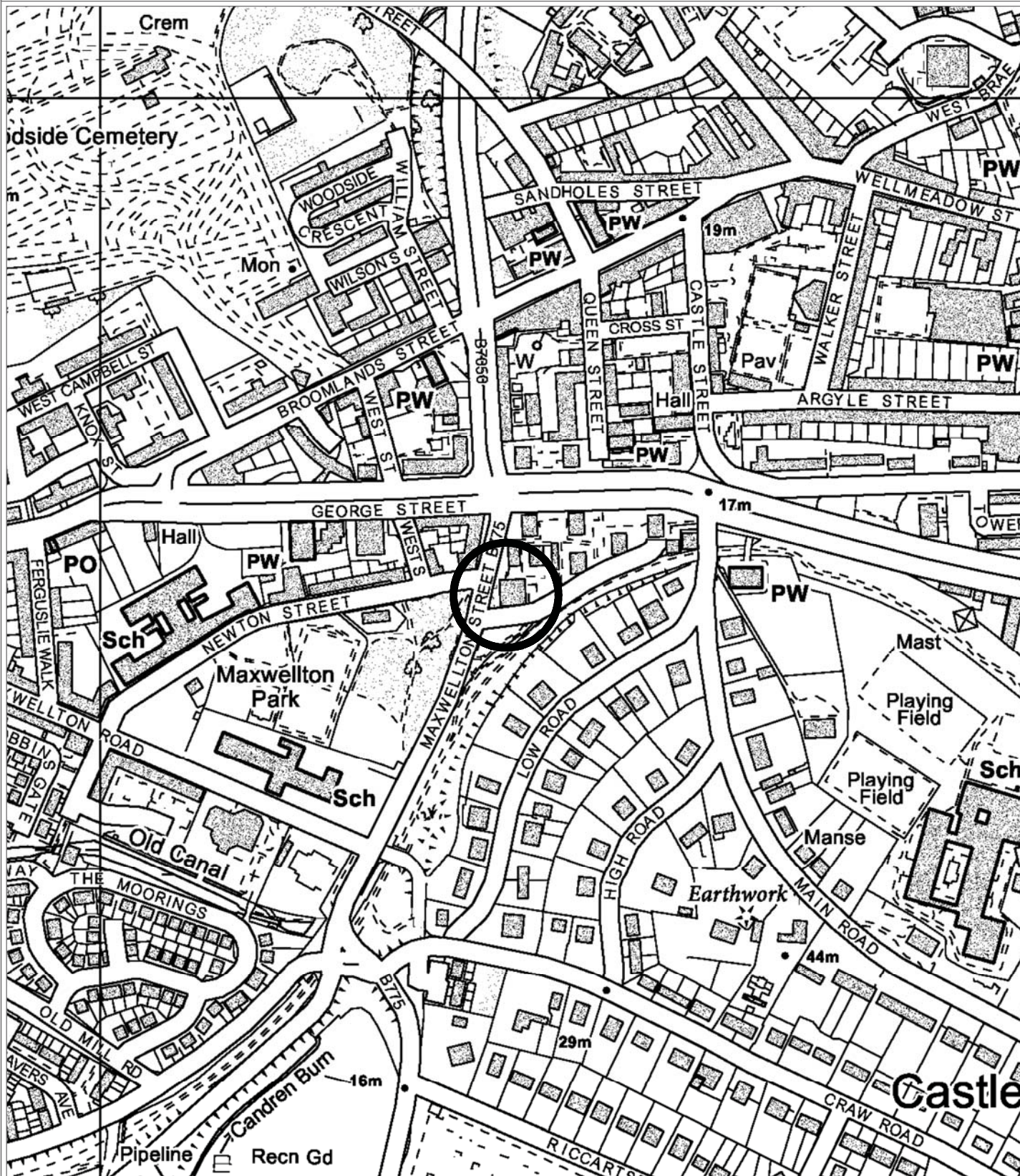
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Provost Close, Johnstone

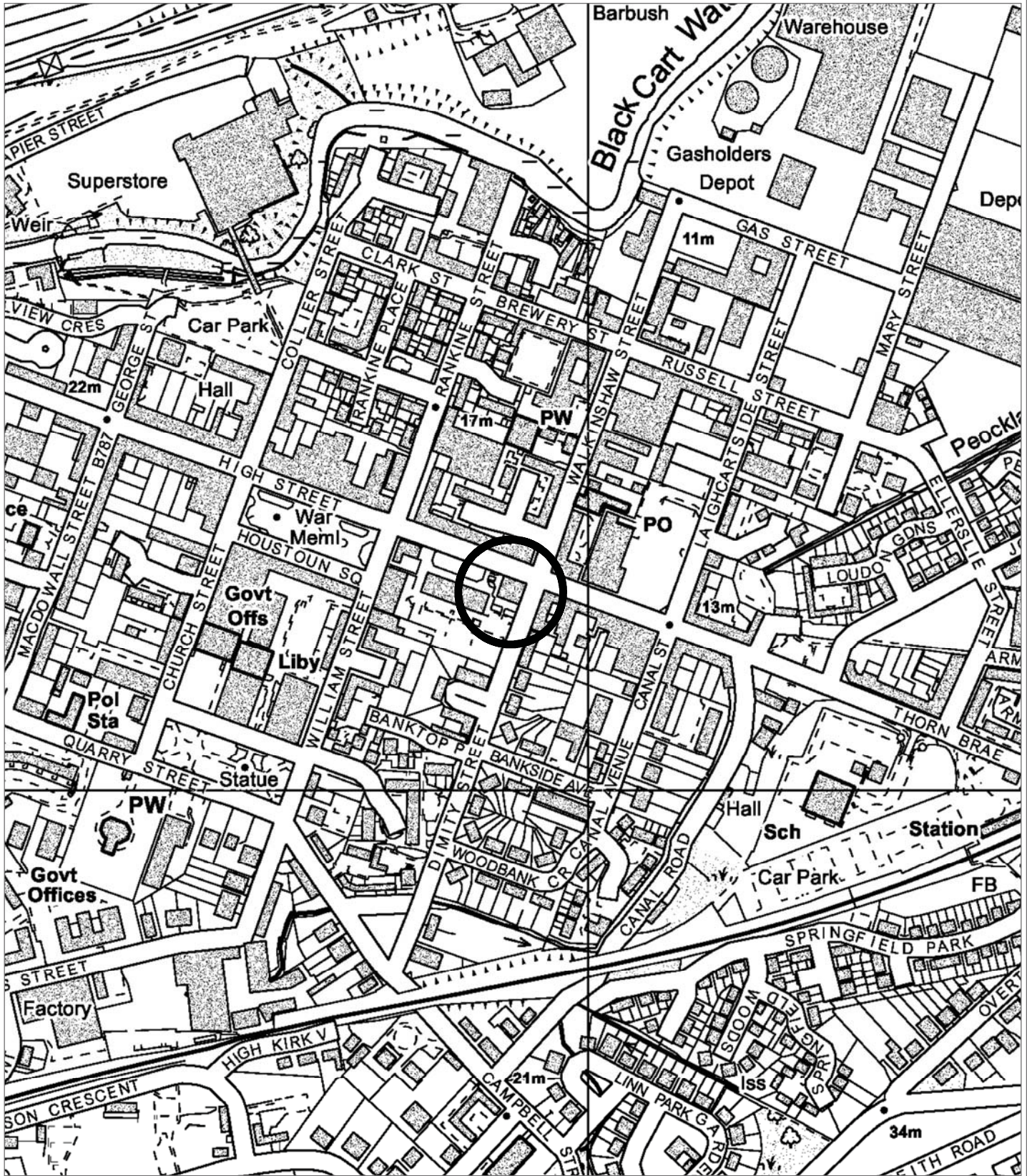
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Telecoms Mast - Craigend Hill, Erskine

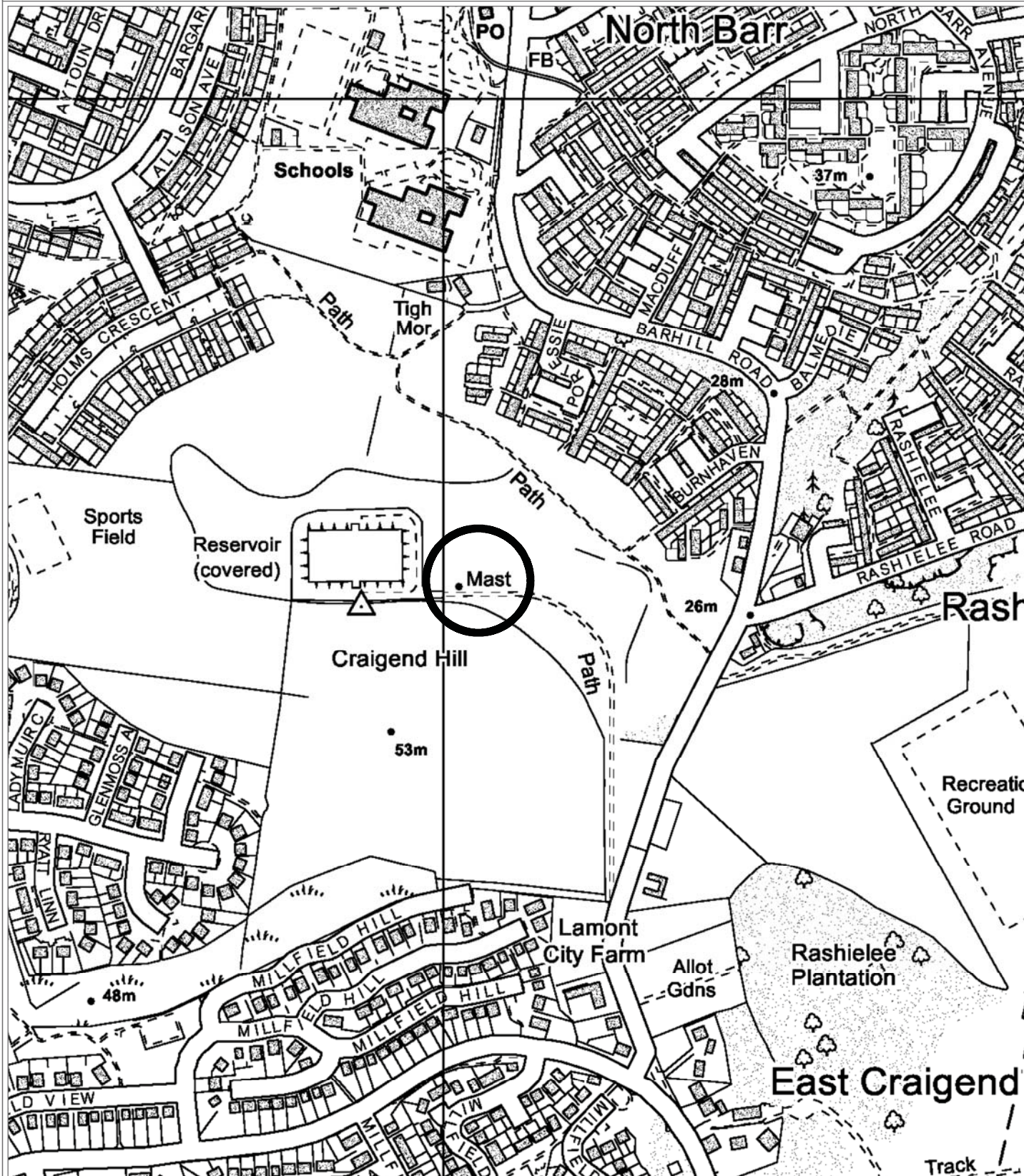
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