

Land at Cobtree Manor Estate

Final Decision-Maker	Cobtree Manor Estate Charity Committee
Lead Head of Service	Georgia Hawkes
Lead Officer and Report Author	Lucy Stroud
Classification	Public
Wards affected	Boxley

Executive Summary

Since 1998 the Council, as the long leaseholder, has leased land at Cobtree Manor Estate for a telecommunications mast. Cornerstone Telecommunications Infrastructure Limited wish to enter into a new agreement for 10 years.

This report makes the following recommendations to this Committee:

1. That an ECC Code Agreement be granted to Cornerstone Telecommunications Limited.
2. That Mid Kent Legal Services prepare the relevant legal documents and complete the transaction.

Timetable

Meeting	Date
Cobtree Manor Estate Charity Committee	20 th January 2020

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> • <i>Embracing Growth and Enabling Infrastructure</i> • <i>Safe, Clean and Green</i> • <i>Homes and Communities</i> • <i>A Thriving Place</i> <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 4 [preferred alternative].</p>	Georgia Hawkes
Risk Management	There are no risks associated with the recommendations.	Georgia Hawkes
Financial	Paragraph 3.1 describes the financial implications.	Section 151 Officer & Finance Team
Staffing	There are no staffing implications associated with the recommendations.	Georgia Hawkes
Legal	<p>Electronic communication companies have statutory rights to install and operate electronic communications apparatus under the Communications Act 2003 (as amended) which they can invoke should agreement with landowners not prove possible.</p> <p>Mid Kent Legal Services will prepare the relevant documents and complete the transaction.</p>	Barbara Graham (Senior Property Lawyer), MKLS
Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact	Equalities and Corporate Policy Officer

	assessment.	
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 There is a telecoms mast already located by the Cobtree Golf Course, and it is this equipment that Cornerstone wish to enter into a new agreement for.
- 2.2 Under the Communications Act 2003 Code Operators such as Cornerstone have rights to install and maintain electronic communications equipment. If an agreement cannot be reached with the landowner of the chosen location, there are statutory powers that can be used to allow the Code Operator to acquire rights with the consent of the landowner.
- 2.3 Cornerstone have approached the Council to request a new agreement under the Electronic Communications Code and utility agent GW Finn has negotiated the terms set out below.

3. AVAILABLE OPTIONS

- 3.1 There are two options available to the Council, the first is to grant the agreement for a term of ten years, at an annual rent of £240, plus £3,000 one-off payment towards the Council's fees, and a premium of £5,600. This unfortunately represents a reduction in annual rent of £5,100, but with the new powers granted to operators there is nothing that can be done to protect the current income.
- 3.2 The second option is to refuse to enter into the agreement and have the operator use their statutory powers to install the equipment.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is to grant the agreement and allow Cornerstone to continue use of the site for telecoms equipment, under the terms outlined above. The agreement allows the operator to install and maintain communications equipment within the current location.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The Legal Team have been provided with a standard draft agreement under the Electronic Communications Code, and this will be agreed with Cornerstone.

6. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Site plan