

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted: None

SERVICE DIRECTORATE: Enterprise

1. **DECISION TAKEN**

Agreement of the base rent for the Telecom mast in Offley for rent reviews outstanding from 2009, 2014, 2019, and 2024 as per the report from Lambert Smith Hampton attached to the Part 2 report.

2. **DECISION TAKER**

Philip Doggett, Principal Estates Surveyor

3. **DATE DECISION TAKEN:**

20th February 2025.

4. **REASON FOR DECISION**

There are outstanding rent reviews which had not been actioned, and specialist advice was needed to deal with these. Harry Goldsmid, Director of Telecoms at Lambert Smith Hampton's Bristol office was appointed to provide a report on the mast and then instructed to undertake the rent reviews going back to 2009.

5. **ALTERNATIVE OPTIONS CONSIDERED**

The alternative would have been not to trigger the rent reviews, but this would have meant that the Council would not receive an uplift on the base rent, and it was, therefore, rejected.

6. **CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)**

No duty to consult. Executive member for Enterprise and Arts has been briefed.

7. **FORWARD PLAN**

7.1 This decision is not a key Executive decision and has, therefore, not been referred to in the Forward Plan.

8. **BACKGROUND/ RELEVANT CONSIDERATIONS**

8.1 The current tenant of this mast is On Tower UK Ltd with the lease dated 10th June 1985 originally granted for 50 years from 1st October 1984 with rent reviews at 5 yearly intervals. A report on the rent reviews undertaken by Lambert Smith Hampton with comparable evidence and recommendations is attached to the Part 2 report.

9. LEGAL IMPLICATIONS

- 9.1 This delegation is made under section 14.6.2(c) of the Scheme of delegation to officers set out in the Council's Constitution. The Scheme and the delegation operate in accordance with Section 9E of the Local Government Act 2000 and Section 101 of the Local Government Act 1972 and all other enabling powers applicable to the Council.
- 9.2 The Service Director for Enterprise has sub-delegated the following powers to the Principal Estates Surveyor: The Granting, negotiating and settling terms of leases, licences, easements, wayleaves, rent reviews, assignment of leases, the appointment of arbitrators / experts, consents, guarantees and all other minor land matters where the initial annual rent (after the expiry of any rent free period) does not exceed £25,000 or the calculation of the premium is based on an annual rent not exceeding £25,000.
- 9.3 The settlement of this review should not have any other legal implications arising from the decision and will not have a bearing on any future rent reviews that need to be agreed.

10. FINANCIAL IMPLICATIONS

- 10.1. The agreement of past rent reviews going back to 2009 will enable the Council to receive additional revenue as advised in the Part 2 report.
- 10.2. The agreement of an increased base rent will enable this investment asset to be valued at a higher figure as at 31st March 2025.

11. RISK IMPLICATIONS

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decision, risks and opportunities must be considered.
- 11.2. It is intended to sign the rent review memorandum on behalf of the Council and invoice for the back rent due, and the only perceived risk to the Council is in the tenant not making payment to the Council as requested, but this is considered unlikely as the tenant has already signed the rent review memorandum.

12. EQUALITIES IMPLICATIONS

- 12.1 There are no equalities implications.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations in the report relate to a contract below £100,000 the "go local" policy has not been applied for the following reason: It was necessary to appoint an agent specialising in dealing with rent reviews and lease renewals of Telecom masts.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 No human resource implications.

16. BACKGROUND PAPERS

16.1 None.

17. APPENDICES

17.1 Report of Lambert Smith Hampton attached as Appendix A (Part 2 Report only)

NOTIFICATION DATE

21st February 2025

Signature of Executive Member ConsultedN/A.....

Date

Signature of Decision Taker



Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS