

ALDENHAM PARISH COUNCIL

Council Document	AGENDA item 9
To receive an update on the telecoms mast at The Radlett Centre.	Full Council Meeting 22nd March 2021

Background

In 2000 O2 installed a 'booster station' for its mobile phone network in the Radlett Centre (in the roof void of the Douglas Hicks room). The generator and other associated support equipment was located at the edge on the car park. Once the initial lease was granted Aldenham Parish Council (APC) resolved that the rent received would be passed to the RCT as the early negotiations with O2 had been instigated by the General Manager of the Radlett Centre.

Various leases have been renewed and the current lease expired in June 2020. The initial 'Heads of Terms' offered by the tenant, were discussed by APC in December 2020. These were deemed unacceptable to the council. Most notably, the reduction in rent, (£1000 was proposed), the clause that stated that the telecom company could reduce or remove a tree that is in the sight line of the radio waves, and that the telecom company can place any equipment on the premises with the council being unable to refuse. The Council Manager (CM) was asked to seek advice from the Council solicitors on these points and report back.

The council's solicitors stated that it would be advisable to employ a solicitor and surveyor with expertise in telecoms, which the CM subsequently has.

Recommendations

- a) That APC enter into a contract with Russell-Cooke Solicitors to act on behalf of APC in this matter.
- b) That APC enter into a contract with Arc Partners to carry out a survey regarding the potential rent for the mast.
- c) That as this is a new lease, and that APC have now agreed to pay RCT one payment per year, that any rent received remains the income for APC.

Reasons for recommendation

These solicitors and surveyors are experts in their field and are used to negotiating with telecoms companies. There is also provision within the 'Heads of Terms' for the tenant to pay towards these costs.

On item 'c' as the council have been involved in the negotiations, and there is a resolution to pay RCT a 'one off' grant per year of £137,500, forwarding the rent received would go against this principle.

Alternative options

To not employ any solicitors or surveyors and give the tenant notice to quit. However, under the new telecoms legislation this could be challenged as the government is keen to see mobile phone coverage increased, resulting in possible court action at APC expense.

Financial Implications

There is a provision in the proposed 'Heads of Terms' for a contribution of £1,500 each for the solicitor and surveyor from the tenant. Both companies will advise APC if they are approaching this limit.

As the new lease is still being agreed, the tenant is obliged to continue to pay the existing rent so APC received £5,000 on 31st December 2020.

Risk Management Implications

That the solicitors cannot address the concerns that have been raised by members in December, especially regarding the cedar tree and new equipment on the existing small car park. The solicitors are confident that with sufficient wording this can be mitigated by adding permission required as in a conservation area, and that trimming of the tree would be allowed subject to evidence to show why work needed to be carried out.

Members are asked to consider this report.

Peter Evans
Council Manager.