

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	4028
Author:	Peter Taylor
Department:	Development and Growth
Contact:	Peter Taylor (Job Title: Senior Surveyor, Email: peter.taylor2@nottinghamcity.gov.uk, Phone: 8763017)
Subject:	NET Radio Masts - Loxley House and Southchurch Court
Total Value:	See Exempt Appendix (Type: Revenue)
Decision Being Taken:	To enter into two separate lease agreements for the radio masts at Loxley House, Nottingham and Southchurch Court, Clifton, in connection with the operation of the Nottingham tram network.
Reasons for the Decision(s)	These radio masts have been in operation since the commencement of tram lines Two and Three. However, the use of these sites for the masts has not been formalised through a lease, as this was intended to form part of the final contractual negotiations between the contractor (Alstom), the Council and the operator (Tramlink). It has now been agreed to commence payment for the usage of the sites for the masts without delay, on completion of the leases.
Briefing notes documents:	Loxley Plan.pdf, Southchurch Court roof specific plan.pdf
Other Options Considered:	1) To not formalise occupation by way of a lease and ask for the equipment to be removed unless back payment is paid. This option was rejected as this would create operational issues for the tram system, as there are few alternative locations for these radio masts sites on tall buildings in the city, and the agreement forms part of the settlement agreement between all parties.
Background Papers:	None
Published Works:	None

<b>Affected Wards:</b>	Castle, Clifton East
<b>Colleague / Councillor Interests:</b>	None
<b>Any Information Exempt from publication:</b>	Yes
<b>Exempt Information:</b>	
<b>Description of what is exempt:</b>	The rental terms of the leases.
	An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972
<b>3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>	The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the licence fee negotiated is commercially sensitive and the release of this information could prejudice other similar negotiations undertaken by the Council.
<b>Documents exempt from publication:</b>	Exempt appendix Loxley House and Southchurch court radio masts.docx
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	The continued provision of the communication system over the tram network helps to provide a safe service across the network.
<b>Equality:</b>	EIA not required. Reasons: This decision does not propose changes to a policy, service or function.
<b>Relates to Council Property Assets:</b>	Yes

<b>Relates to Building Services:</b>	<b>Yes</b>
<b>Decision Type:</b>	<b>Portfolio Holder</b>
<b>Subject to Call In:</b>	<b>Yes</b>
<b>Call In Expiry date:</b>	<b>02/11/2020</b>
<b>Advice Sought:</b>	<b>Legal, Finance, Property, Building Services</b>
<b>Legal Advice:</b>	<p><b>From the information provided in the report and following discussion with the author of the report, the proposed transaction does not appear to raise any substantive legal issues of concern. The proposed transaction will be subject to normal property legal due diligence and the drafting, agreement and completion of formal legal documentation between the parties.</b></p> <p><b>Advice provided by Mick Suggett (Solicitor - Conveyancing) on 13/07/2020.</b></p>
<b>Finance Advice:</b>	<p><b>The new licence agreements will increase the rental income for the Property budget and Housing Revenue Account.</b></p> <p><b>Advice provided by Mandy Bryce (Finance Analyst) on 09/07/2020.</b></p>
<b>Property Advice:</b>	<p><b>The proposal formalises the current arrangements for the location of the Radio Masts that support Nottingham Trams. As such, this proposal is supported and will provide income to the Council. The proposal is consistent with the Council's Corporate Asset Management approach, that seeks to optimise the benefits of the Council's estate whilst supporting important transport infrastructure.</b></p> <p><b>Advice provided by Tanya Najuk (Head of Strategic Asset Management) on 11/09/2020.</b></p>
<b>Building Services Advice:</b>	<p><b>This proposal is supported and provides income to the Council.</b></p> <p><b>Advice provided by Trevor Bone (Property Maintenance Manager) on 15/09/2020.</b></p>
<b>Signatures</b>	<p><b>David Mellen (Leader/ PH Regeneration, Schools, Communications)</b></p> <p><b>SIGNED and Dated: 23/10/2020</b></p> <p><b>Chris Henning (Corporate Director for Development and Growth)</b></p> <p><b>SIGNED and Dated: 18/10/2020</b></p>