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|  <b>GUILDFORD<br/>BOROUGH</b>   | <b>RECORD OF EXECUTIVE DECISION<br/>TAKEN BY AN OFFICER UNDER<br/>DELEGATED AUTHORITY</b>   |
| <b>SUBJECT:</b>  | Urgent decision on the Grant of Protected Lease of Land at Midleton Industrial Estate to UKPN for a sub-station.  |
| <b>KEY DECISION* Yes/No</b>  | No  |
| <b>Ward(s) affected:</b>   | Onslow  |
| <b>NAME AND DESIGNATION OF<br/>OFFICER TAKING DECISION:</b>  | James Whiteman<br>Managing Director   |
| <b>SOURCE OF AUTHORITY TO TAKE<br/>DECISION:</b><br><br>Either: Executive Decision (please<br>include date of meeting)<br><br>Or: Scheme of Delegation to<br>Officers                                  | Council's 05/01/2021 Constitution Part 3, Page 3-44, Para 2, the Managing Director<br><br>"In consultation with the Leader where practicable and the Monitoring Officer, to act in an emergency or in relation to matters of urgency in relation to any functions of the Council, subject to the use of this power being reported to the next meeting of the Council, Executive or committee concerned".  |
| <b>CONSULTATIONS:</b><br><br><b>(a) Relevant Lead Councillor(s):<br/>Comments:</b><br><br><b>(b) Local Ward Councillor(s):<br/>Comments**:</b><br><br><b>(c) Officers (state names):<br/>Comments:</b> | (a) Leader – Joss Bigmore – Email 25/03/2021 at 15:37 agrees with proposal with no further comments being made.<br><br>(b) Cllrs Jon Askew, David Goodwin and Will Salmon – informed of decision on 25/03/2021.<br><br>(c) Monitoring Officer – Diane Owens – Email 25/03/2021 at 14:57 agrees with proposal with no further comments being made.   |
| <b>DETAILS OF DECISION:</b><br><b>(attach additional sheets if required)</b>   | To accept terms for the grant of a new lease of land at Midleton Industrial Estate for UKPN to install an electricity sub-station at the request of the Council (i.e. not the utility company).<br><br>A new lease of land at the Midleton Industrial Estate is to be granted to UKPN to allow them to install and maintain a substation on behalf of the Council, which is required for the Council's new redevelopment. The substation has been requested and its' installation paid for by the Council at a cost of £132,000 and the supply will be only for the benefit of the Council's development and the industrial units that are being constructed. |

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|   | <p>Lease terms:</p> <ul style="list-style-type: none"> <li>- Lease length = 99 years</li> <li>- Rent = Peppercorn</li> <li>- Right of access from the substation site to the nearest public highway.</li> <li>- UKPN shall provide reasonable prior notice of its intentions to carry out works, except in case of emergency, and shall cause no unnecessary damage or disturbance in exercise of the rights and make good any damage that may be caused to your reasonable satisfaction.</li> </ul> <p>The whole redevelopment hinges on having the additional power supply from the substation</p> <p>Urgent approval is sought for this decision for two major reasons:</p> <p>1) By virtue of s123 of the Local Government Act 1972, the Council is empowered to dispose of land provided it obtains the best consideration reasonably obtainable. In this case, UKPN will not enter into a lease for a rental or premium. The Council as landlord is installing the substation for its own use and the terms of the lease will restrict the use only as a substation. It could be argued that this agreement has nil value. However, by virtue of the fact that UKPN is renting the land, it does stand to reason that the 99 year lease has some value. Therefore, the lease is considered to fall within the requirement for approval by the Executive to be granted at less than best consideration and falls outside of any delegated powers to officers.</p> <p>2) However, there is an immediate need to agree terms for the substation asap as UKPN has a 34 week lead in time for and will only progress the installation once the lease has been signed. Every week that we delay the signing of the lease this has a knock-on effect on the development programme and in turn will lead to rising development costs</p> <p>Therefore, to expedite the matter, the Managing Director is requested to approve this using his powers to act in an emergency or in relation to matters of urgency, with his decision being reported to the next meeting of the Executive (20 April 2021).</p> |
| <b>Reasons for Decision:</b>  | To grant a lease to UKPN for the section of land at Midleton Industrial Estate to install a sub-station and thereby secure a timely development and increasing future income for the Council.  |
| <b>Details of any alternative options considered and rejected when making the decision:</b> | No alternative options available.  |

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| <b>Details of any conflict of interest declared by any executive councillor who is consulted in relation to this decision:</b> | None  |
| <b>Contact Officer:</b><br><b>Service:</b><br><br><b>Direct Line:</b><br><b>File Ref:</b>                                      | Simon Goldsworthy<br>Asset Management<br><br>01483 444593<br>A134.2.001 |

I hereby take the decision referred to above, for the reason(s) stated.

Signed: James Whiteman

Job title of decision maker: Managing Director

Date decision taken: 26 March 2021

Date decision may be implemented, subject to call-in provisions\*\*\*: 5 days after the DA is signed.

**IMPORTANT NOTES (PLEASE READ):**

**ACCESS TO INFORMATION PROCEDURE RULES**

Unless the details of this decision or any accompanying report or background paper contain confidential or exempt information (see note below), you MUST ensure that, as soon as reasonably practicable after making this decision,

- (1) send a copy of this record of decision, together with any relevant report or background paper referred to therein, to Committee Services so that it may be uploaded to the website; and
- (2) make a copy of this record of decision, together with any relevant report or background paper referred to therein, available for inspection by the public at the Council offices.

This record, together with any relevant report or background paper, must be retained for six years following the date of the decision.

**\*KEY DECISION**

a "key decision" is an *executive* decision which is likely to:

- (i) result in significant expenditure or savings (of at least £200,000) having regard to the budget for the service or function to which the decision relates; or
- (ii) have a significant impact on two or more wards within the Borough.

Please note that before a key decision can be taken lawfully, public notice of intention to make it must appear in the published Forward Plan for at least 28 days before the date on which the key decision is proposed to be made. If the decision is more urgent, it will become subject to urgency provisions, in which case please contact Committee Services.

**\*\*CONSULTATION WITH LOCAL WARD COUNCILLORS**

Where a decision affects a particular area or locality, the scheme of delegation requires officers to undertake routine notification, and consultation where appropriate, of local ward councillors.

**\*\*\*CALL-IN**

Any executive decision made by an officer under delegated authority may only be implemented on the expiry of five working days after the day of publication of the decision. During this time, the decision may be called in by councillors for review by the Overview and Scrutiny Committee. You will be informed by Committee Services if this happens.

**CONFIDENTIAL / EXEMPT INFORMATION<sup>1</sup>**

If this record or any document (or part of a document) referred to herein contains confidential or exempt information, the requirement to make this record or any such document available on the website or for inspection by the public at the Council offices is removed. In such circumstances, you must still retain the record for six years for audit trail purposes, and send a copy of this record, together with any relevant report or background paper referred to therein, to Committee Services, who will circulate it to all councillors.

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<sup>1</sup> If you are unsure as to what constitutes confidential or exempt information, please see Guidance or contact Committee Services