

**RECORD OF EXECUTIVE DECISION**

Date	Decision Maker	Decision	Reason(s) for Decision	Alternative Options Considered	Conflicts of Interest Declared <small>(and Dispensations granted by the Monitoring Officer)</small>	Consultation with relevant Ward Member(s)	Subject to Call-in?
31/08/2018	Cllr Guglielmi	Granting of New lease to Eastern Power Networks PLC for access to construct and maintain a new sub station at Lotus Way Jaywick to supply new housing.	To allow development of the site with Housing	None	None		Yes/No Yes

**URGENT DECISIONS ONLY (if non-urgent go to "Agreement to Decision" below):-**

<b>GENERAL EXCEPTION APPLIES?</b> <small>(Rule 14 Access to Information Procedure Rules)</small>	YES/NO	If yes, has at least 5 clear days notice been given to the Chairman of the relevant overview and scrutiny committee?	YES/NO
<b>SPECIAL URGENCY APPLIES?</b> <small>(Rule 15 Access to Information Procedure Rules)</small>	YES/NO	If yes, has the Chairman of the relevant overview and scrutiny committee's consent been obtained?	YES/NO
<b>EXEMPTION FROM CALL-IN APPLIES?</b> <small>(Rule 18i Overview and Scrutiny Procedure Rules)</small>	YES/NO	If yes, has the Chairman of the relevant overview and scrutiny committee's consent been obtained?	YES/NO
<b>URGENT &amp; OUTSIDE BUDGET OR POLICY FRAMEWORK?</b> <small>(Rule 6 Budget and Policy Framework Procedure Rules)</small>	YES/NO	If yes, why is it not practical to convene a quorate meeting of full Council?  If yes, has the Chairman of the relevant overview and scrutiny committee's consent been obtained?	YES/NO

**AGREEMENT TO DECISION:-**

Signed:  Date:- 17.09.2018 Delegated Power Reference (in Part 3 of the Constitution):-

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Decision Maker

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**Original signed copy to be retained by Service.  
Electronic copy to be sent to Ian Ford and Katie Sullivan (Committee Services) for publication.**

<b>Key Decision Required:</b>		<b>In the Forward Plan:</b>	
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**FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER**

**AUGUST 2018**

**REPORT OF CORPORATE DIRECTOR**

**A.1 Lease of Land for New Electric sub Station at Tamarisk Way, Jaywick Sands**  
 (Report prepared by Damian Williams and Barry Eldridge)

**PART 1 – KEY INFORMATION**

**PURPOSE OF THE REPORT**

To seek approval for a new lease in favour of Eastern Power Networks PLC to site and gain access to a new Electric sub Station serving new starter homes with capacity for future development around the site.

**EXECUTIVE SUMMARY / CURRENT POSITION**

Planning permission has been obtained for the erection of ten three storey starter homes on this low lying site at the junction of Lotus and Tamarisk Way Jaywick Sands. The existing infrastructure is of insufficient capacity to supply the new development, or any future developments, with electricity.

In order to address the lack of a suitable electrical supply, it is proposed to construct a new flood resilient sub-station of sufficient capacity to supply the current development and any future developments within the surrounding area.

The site for the new sub-station requires an access road from the public highway to allow its construction and for any future maintenance by the Statutory supplier, Eastern Power Networks PLC; the plan to be included in the lease, and therefore showing the area the Council intends to dispose of, is appended to this report. However, in order for UK Power Networks to be able to carry out it's maintenance work it is necessary to enter into a lease agreement with them.

Therefore it is proposed to grant a new lease to UK Power Networks for a term of 99 years for an initial premium of £1.00 and thereafter at a rent of a peppercorn per annum (if demanded). The details of the lease have been discussed and agreed by TDC Legal officers.

A lease of this nature is standard within the Industry and the rights granted and reserved only go so far as necessary to allow the electricity function to be provided on site for the term of the lease.

## RECOMMENDATION(S)

**That authority is given to enter into a lease agreement with Eastern Power Networks PLC to ensure the construction of a new Sub Station at Tamarisk Way, Jaywick Sands.**

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The Council's Corporate Plan,

### FINANCE, OTHER RESOURCES AND RISK

#### Finance and other resources

The Council are to receive £1/00

### LEGAL

Section 123 (1) of the Local Government Act 1972 allows the Council to dispose of land held by it in any manner it wishes provided all subsections of that section are complied with.

Section 123 (2) states that except with the consent of the Secretary of State, a Council shall not dispose of land under that section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

It is the writer's opinion that the consideration being paid by EPN, although nominal, is the best that can be obtained in the circumstances due to the type of transaction; EPN's Solicitor has also confirmed their client does not pay a premium for new connections as they are at the request of the Council.

However, there is no provision for these types of transactions in the Council's Constitution and the same requires that for any disposal of an interest in land, which includes a leasehold interest, the Property Dealing Procedure is followed.

The Property dealing Procedure requires that one full external professional valuation is obtained in these circumstances but this has not been done. Therefore the disposal is technically in breach of the Procedure but it is the Officers' opinion that obtaining a valuation would not be of benefit to the Council because it would be an expenditure that could not be recovered and would not alter the outcome of the transaction because EPN will not pay a premium for the lease and the lease is in the Council's interest for the development of the 10 starter homes and wider regeneration of Jaywick.

Additionally, if strictly complying with the Procedure, property matters are considered in two stages with an initial report to initiate the Procedure. In this case the matter is straightforward and the requirement for the disposal dictated by the desire to regenerate Jaywick, accordingly, taking in to account all of the circumstances of this case, the Head of Property Services agreed that the matter could be considered in one stage only in the interest of efficiency. The Portfolio Holder is therefore requested to agree in principle that a lease may be granted and then approve the terms of the same.

### OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

**Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected /**

**Consultation/Public Engagement.**

**Crime and Disorder** – No direct implications

**Equality and Diversity** – No direct implications

**Health Inequalities** – No direct implications

**Area or Ward affected** – *Golf Green*

**BACKGROUND PAPERS FOR THE DECISION**

None

**APPENDICES**

Appendix A – Lease Plan.





