




**Philip Secombe
Police and Crime
Commissioner
for Warwickshire**

Decision Application WPCC20027

NEW BT WAYLEAVE AGREEMENT – ILLMINGTON POLICE MAST

Application Date:	6.7.17	Name of Applicant:	N. Hewison
Application Decision Reference: WPCC20027			
1. Summary of the application			
New BT Wayleave Agreement – Illmington Police Mast			
2. Background information:			
<p>The Police telecommunication site comprises of 2 transmitter masts (East and West tower). This decision will grant permission for British Telecommunications "the grantee" to install an underground jointing chamber and 15 metres of underground ducting and cabling for the benefits of EE/Hutchinson 3G UK Ltd on the West tower.</p> <p>The proposed work to be undertaken by BT is necessary to ensure network capability for EE/H3G to provide consistent and stable communications with Police, Fire and Ambulance services.</p>			
3. Whether additional information/report is attached to support this decision application			
YES			
List of additional information/report			
a) Place Partnership Report b) c)			
4. Expected benefits (non financial)			
The proposed work to be undertaken is necessary to ensure network capability and stable communications with Police, Fire and Ambulance – business critical services.			

<p>5. Impact of not approving the application</p> <p>Risk to emergency services communications systems – business critical.</p>
<p>6. Costs</p> <p>The costs of producing this agreement are not specified in the report provided by PPL. However, it is hoped that the reasonable legal costs and surveyors fees may be recovered from EE/H3G. However, since the communications are primarily to benefit the emergency services these costs may not be recoverable.</p> <p>Revenue:</p> <p>Capital: Nil</p>
<p>7. Savings:</p> <p>Nil</p>
<p>8. Equality and Diversity Implications:</p> <p>N/A</p>
<p>9. Treasurer's comments</p> <p>Nil</p>
<p>10. Legal/Monitoring Officer comments</p> <p>Please refer to the PPL report which has been agreed by Annette Thomas WLS on behalf of PCC.</p>
<p>Decision of the Police and Crime Commissioner</p> <p>Agreed.</p>
<p>PCC Signature:</p> 
<p>Date of Decision: 6 July 2017</p>



To: Richard Elkin – Director of Enabling Services, Warwickshire Police & West Mercia Police
Heather Costello – Director of Finance, Warwickshire Police & West Mercia Police
Office of Police and Crime Commissioner for Warwickshire Police Authority

From: David Squires-Clark – Associate Director, Place Partnership Ltd

Tel: (07710) 716665

Date: 21 June 2017

Subject: NEW BT WAYLEAVE AGREEMENT- ILMINGTON POLICE MAST:
The Police Telecommunications Site, Campden Hill, Ilmington, Shipston on Stour Warwickshire, CV36 4JG

Summary

This memorandum sets out details of the proposed agreement on terms and conditions considered acceptable to the Office of the Police and Crime Commissioner "the Grantor".

Introduction

The Police telecommunication site comprises two transmitter masts (East Tower – 24102 and West Tower – 93314). This proposal is to grant permission to British Telecommunications PLC "the Grantee" to install an underground jointing chamber and 15 metres of underground duct and cabling for the benefit of EE / Hutchinson 3G UK Ltd (H3G) on the West Tower.

The proposed equipment schedule is shown on Map Ref: SP195426.

Background

The West Tower structure is occupied by EE / H3G to provide telecommunications for the Emergency Services Network and the public under a licence which expired in 2013. You may recall that a Memorandum of Approval was signed off by Warwickshire OPCC to enter into a new ten year lease with EE / H3G, subject to payment of back dated rent for the period of continued occupation since 2013. Completion of the lease enables EE / H3G's upgrading work to tie in with the work proposed by BT.

Under the terms of the wayleave a right of access will be given to enable BT to install the equipment consisting of a communications link and fibre optic cable and to carry out subsequent maintenance or other permitted works, subject to the necessary and compulsory site security clearance. 48 hours' notice is required save for emergencies where as much notice as is reasonably possible will be given which the Grantor can amend at its sole discretion, for contractors and staff of BT attending, including access supervision.



The Grantee is responsible for insuring the equipment and indemnifying the Landlord against all loss, claims, costs, proceedings and damages arising out of use of the Apparatus.

If the Grantor wishes to develop the property, the Grantee agrees to move its equipment at its own expense subject to been given not less than three month written notice and provision of a suitable alternative location within the property.

The Grantee will take all reasonable steps to ensure its equipment does not interfere with any Warwickshire Constabulary equipment with all parties co-operating to use reasonable endeavours to achieve a technical solution.

The Grantor reserves the right to terminate the agreement on expiry of the tenant's lease or if the Grantee loses its public telecommunications operator licence.

It is hoped that the Grantor's reasonable Legal costs and Surveyor's fees (or a proportion of the same) may be recovered from the Grantee or EE/H3G. Since the communications are primarily to benefit emergency services, this may not be possible.

Present Position

The proposed work to be undertaken by BT Telecommunications PLC (BT) is necessary to ensure network capability for EE / H3G to provide consistent and stable communications with the Police, Fire and Ambulance Emergency Services.

Recommendation

That subject to contract, the wayleave take place on terms and conditions acceptable to the Police and Crime Commissioner.

This memorandum has been approved by Annette Thomas of Warwickshire Legal Services on behalf of the blended Legal Service for and on behalf of Warwickshire Police and West Mercia Police.

Authorisation

Place Partnership Ltd recommend the proposed wayleave as outlined above (subject to Heads of Terms being agreed in accordance with the advice given by Warwickshire Legal Services), and would be grateful if you could please indicate your authorisation to this transaction by signing and returning a copy of this report.

Kind regards,

A handwritten signature in black ink, appearing to read 'David Squires-Clark'.

David Squires-Clark



Associate Director, Property Management, Place Partnership Ltd

Signed - Richard Elkin, Director of Enabling Services,
Warwickshire Police & West Mercia Police

Dated

Handwritten signature of Richard Elkin.

27/6/17

Signed - Heather Costello, Director of Finance,
Warwickshire Police & West Mercia Police

Dated

Handwritten signature of Heather Costello.

6/7/2017 ^{Fee}

Signed - Office of Police and Crime Commissioner for Warwickshire Police Dated

Handwritten signature of Phil Jones.

6/7/2017

INSTALL BT BOX AND FIM
DUCT CONTAINING CABLES



GR 4 09309, 2+2302



LOCATION: MBNL MOBILE SITE ML502938
ILMINGTON TOWER,
ILMINGTON,
SHIPSTON ON SOUR,
WARWICKSHIRE, CV36 4JG
MAP REF: SP195426

SA210405

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