Item 15

16th June 2022

Glasgow City Council

Contracts and Property Committee

Report by Executive Director of Neighbourhoods, Regeneration and Sustainability

Contact: George Gillespie Ext: 79106

Proposed leases (5 No.) to Cornerstone Telecommunications Infrastructure Limited.

Purpose of Report:

To outline the background and seek authority for Glasgow City Council (GCC) to grant leases of the 5 subjects as shown on the attached plans, to Cornerstone Telecommunications Infrastructure Limited (CTIL)

Recommendations:

That the Committee:

I. Notes the content of this report.

II. Grants authority for GCC to enter into a lease to CTIL for each of the 5 subject premises, on the basis of the terms outlined within this report and otherwise on terms satisfactory to the Director of Legal and Administration.

Ward No(s): Wards 1,3,11,13 & 14 Citywide:

Local member(s) advised: Yes √ No ☐ consulted: Yes √ No ☐

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1.0 Introduction

This report relates to the lease of 5 sites to CTIL to facilitate the installation of telecommunications equipment in line with the applicant's rights contained within the Electronic Communications Code as set out in Schedule 3A of the Communications Act 2003.

2.0 Background

2.1 CTIL approached GCC to take a lease of these 5 sites for the installation of communications equipment. The Communications Code affords telecoms communications providers rights to secure land for qualifying installations, and landowners are bound to agree terms in line with the code, unless a qualifying exception can be demonstrated by the landowner (e.g., Imminent development proposals).

2.2 GCC has formed a Telecoms unit which has been engaging with the telecoms industry to assist providers in upgrading telecoms equipment and ensuring improved connectivity for residents of Glasgow. The upgrading of the network to 5G is one of the main priorities.

2.3 To facilitate a more efficient application process on GCC owned land, the Telecoms unit has prepared lease templates, and pre-determined rental rates and compensation costs in line with the Electronic Communications Code, which are outlined in the Telecoms section of the GCC Website. The rates and compensation are reviewed on a case-by-case basis to ensure GCC does not lose out on any alternative use value which might apply or incur additional costs due to specific issues relating to a particular installation.

3.0 The Electronic Communications Code

3.1 The Electronic Communications Code (the Code) is set out in Schedule 3A of the Communications Act 2003. It is a set of rights that are designed to facilitate the installation and maintenance of electronic communications networks.

3.2 The Code confers statutory rights to providers of such networks and on providers of systems of infrastructure to install and maintain apparatus on, under and over land and results in considerably simplified planning procedures. A code right is a right to:

- install electronic communications apparatus on, under or over the land;
- keep installed apparatus which is on, under or over land;
- inspect, maintain, and operate apparatus;
- carry out any works on the land to enable apparatus to be installed and maintained;
- gain access to land to maintain or operate apparatus;
- connect to a power supply;

- interfere with or obstruct a means of access to or from the land (whether or not any electronic communications apparatus is on, under or over the land); and
- lop or cut back any tree or other vegetation that could interfere with apparatus.
- In connection with these rights, the Code allows persons to whom the Code applies to:
- construct and maintain electronic communications networks and infrastructure (such as ducts, cabinets and poles) on public highways without the need to obtain a street works license to undertake such works;
- construct communications infrastructure which is classified as 'permitted developments' under Town and Country Planning legislation (such as certain types of masts, poles and cabinets) without the need to apply for planning permission;
- in the event that agreement cannot be reached with the owner or occupier of private land, the Code allows an operator to apply to the Court to impose an agreement which confers the Code right being sought or for the Code right to bind the landowner or occupier; and
- claim compensation from a local authority in circumstances where that local authority has obstructed access to electronic communications apparatus in certain stipulated circumstances.

3.3 Ofcom has an enforcement role under s.110 of the Communications Act 2003 over compliance by Code operators with any requirement imposed by virtue of any restrictions or conditions under the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 as amended.

4.0 Subjects

4.1 The 5 subject sites are identified on the attached plans and are as follows:

1) Site at Crookston Road, Rosshall, Glasgow, G53 7TY, extending to 100 sqm – Plan J95876
2) Site at Maryhill Road, Firhill, Glasgow, G20 7TL, extending to 234 sqm – Plan J95986
3) Site at Duntreath Flyover, Old Drumchapel, G13 4LU, extending to 37 sqm – Plan J95999
4) Site at Rotherwood Avenue, High Knightswood, Glasgow, G13 2AT, extending to 64 sq. m. – Plan J96015
5) Site at Carmunnock Road, Glasgow, G45 9RF, extending to 31 sqm – Plan J95988

Whilst full areas have been identified on the plans, the final location of the equipment within the hatched areas will determine the size of the final area included within the lease document. Any adjustments will be to minimise the space taken and in no case will the required area exceed the area shown on plan.

5.0 Outline Terms

Each of the 5 sites will be leased on the following terms:

- **Landlord –** Glasgow City Council (GCC)

- **Tenant –** Cornerstone Telecommunications Infrastructure Limited (CTIL)

- **Subjects** – As outlined in 4.1 above.

- **Rent –** £1000 per annum per site

- **Term –** 10 Years

  a. **Review** – The rent can be reviewed on the 5th anniversary of the entry date to a level in accordance with the provisions contained in any legislation or code which applies at that time.

- **Date of Entry –** TBC. As soon as possible on completion of lease agreement.

- **Use** – Installation of 20m monopole telecommunications structure and associated equipment cabinets and works

- **Costs –** Cornerstone will pay £3000 compensation per site. This sum is to cover legal and surveyor fees associated with the lease. Further reasonably incurred fees can be claimed from Cornerstone, if required, to ensure no financial detriment to GCC.

- **Planning** – The Tenant is responsible for securing planning permission for the proposed installations.

6.0 Policy and Resource Implications

Resource Implications:

Financial:	No additional outgoings. Revenue will accrue.
Legal:	All transactions will be subject to review and conclusion by Glasgow City Council's Corporate and Property Law Section.
Personnel:	There are no direct personnel implications.
Procurement:	There are no relevant procurement issues.

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.	No specific equality related outcome.
What are the potential equality impacts as a result of this report?	No significant impact.
Please highlight if the policy/proposal will help address socio-economic disadvantage.	Greater connectivity to the internet will benefit the economy and will therefore assist in addressing socio-economic disadvantage.

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:	No significant Impact.
What are the potential climate impacts as a result of this proposal?	No significant Impact.
Will the proposal contribute to Glasgow's net zero carbon target?	No significant Impact.

Privacy and Data Protection Impacts:	No Privacy and Data Protection impacts identified.

7.0 Recommendations

That the Committee:

I Notes the content of this report.

II Grants authority for GCC to enter into a lease to CTIL for each of the 5 subject premises, on the basis of the terms outlined within this report and otherwise on terms satisfactory to the Director of Legal and Administration.