



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

# Officer Delegated Decision

27<sup>th</sup> January 2023



## New Lease at Kerrs Crescent, Marston

To grant authority for a new lease for a substation located at Kerrs Crescent, Marston to Western Power for a term of 99 years.

<b>Decision made by:</b>	Craig Spence – Acting Director of Housing
<b>Decision:</b>	To grant authority for a new lease for a substation located at Kerrs Crescent, Marston.
<b>Date:</b>	27 January 2023
<b>Public or Exempt:</b>	This report is not exempt from publication; however, the appendix is exempt from publication
<b>Reasons for exemption:</b>	The Appendix is exempt from publication, <i>under paragraph 3 part 1 of Schedule 12A of the Local Government Act 1972 as amended because</i> it contains information relating to the financial or business affairs of the Council and the proposed lessee. The public interest in maintaining the exemption in both the appendix outweighs the public interest in disclosing the information because they contain financial information relating to confidential negotiations with a third party and the Council must be able to undertake such negotiations without thereby putting confidential in the public domain if it is to maintain the confidence of third parties in undertaking dealings with the Council.
<b>Conflicts of interest:</b>	No
<b>Policy compliant:</b>	Yes – In line with the Asset Management Plan 2014, which is in the process of being reviewed and updated.
<b>Details of delegation:</b>	The Acting Director of Housing is authorised under Part 3, Officer Scheme of Delegation, Part 3 (c) Responsibility for Functions, Delegated Powers to Officers - 15 Housing (m) to authorise disposal of small parcels of land held for the purposes of Housing Revenue Account land (not exceeding 0.25 acres)

which is no longer required for use by the Council provided such disposals are in accordance with established policy

## Contact

Craig Spence

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## **1 The Purpose of the Report**

- 1.1 To seek authority for the Council to enter into a new lease with Western Power Distribution Ltd (WPD) for land located on Kerrs Crescent, Marston, as detailed in ***Exempt Appendix 1 – Draft Lease***.

## **2 Comments of Consultees**

- 2.1 Not applicable in this instance.

## **3 Available Options Considered**

- 3.1 Option 1) To not proceed with the lease. This would have a negative impact on the power supply to the residents within the vicinity. Due to the size and location of the land, there would be no other uses for the land.
- 3.2 Option 2) To grant the lease. This will enable WPD to continue providing a power supply and bring a small income to SKDC.

## **4 Preferred Option**

- 4.1 Option 2) To grant the lease. This will enable WPD to continue providing a power supply and bring a small income to SKDC.

## **5 Reasons for the Decision (s)**

- 5.1 The land is currently surplus grassed area surrounded by HRA properties. See ***Appendix 2 – The Location Plan***.
- 5.2 The pertinent lease covenants include to keep the property in good and substantial repair and not to assign underlet or part with the property without the prior written consent from the Landlord.
- 5.3 The lease is required to protect the power supply in Marston. The land has no future planned use to the Council.

A new lease is required to permit the substation to remain on the Council's land. The land is not required for any other purposes. Upon entering into a new lease agreement, for the existing substation, the Council will receive a commuted sum of upon completion. The lease is proposed to be on the same basis as the existing lease as detailed in ***Exempt Appendix 1 – Draft Lease***.

## **Financial Implications**

- 5.4 There are no financial implications arising from this report.

**Financial Implications reviewed by: Richard Wyles Chief Finance Officer**

## **6 Legal and Governance Implications**

- 6.1 The substation is required to accommodate nearby properties and ensure an adequate electrical supply. Western Power require a 99-year lease, which is regarded as standard for this type of undertaking. The Council has the power under the General consents granted by the Secretary of State pursuant to Section 32 of the Housing Act 1985 and under s1 of the Localism Act 2011 to enter into the proposed lease with Western power.

**Legal Implications reviewed by: Mandy Braithwaite, Legal Executive.**

## **7 Equality and Safeguarding implications**

There is not equality implication as part of this lease renewal.

## **8 How will the recommendations support South Kesteven District Council's declaration of a 'climate' emergency?**

There are no climate change benefits for entering into a new lease.

## **9 Appendices**

9.1 Exempt Appendix 1 – Draft Lease

9.2 Appendix 2 – The Location Plan

**Signed by:**

**Craig Spence**

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*27<sup>th</sup> January 2023*

**Date:**

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