



Essex Police, Fire and Crime Commissioner Fire and Rescue Authority

Decision Report

Report reference number: 010-24

Government security classification: Not protectively marked

Title of report: Loughton Fire Station – Phone Mast

Area of county / stakeholders affected: Epping Forest District

Report by: Karl Edwards, Director of Corporate Services

Date of report: 7 February 2024

Enquiries to: Karl Edwards, Director of Corporate Services

1. Purpose of the report

The purpose of this report is to arrange execution (sealing as a deed) of a deed of surrender which the Essex County Fire and Rescue Service is proposing to enter into with a mobile phone company ([REDACTED]) relating to the phone mast in situ at Loughton Fire Station.

2. Recommendations

That the PFCC seals the deed of surrender appended to this decision report.

3. Benefits of the proposal

As a result of the introduction of the Electronic Communications Code, all the mobile phone companies now have statutory powers to demand new leases of their mobile phone masts when their existing lease expires.

[REDACTED] is an OFCOM registered Code operator. It has a mast in situ at Loughton fire station under an expired lease. The company has now commenced the renewal process and a new lease (called a Code Agreement nowadays) has been agreed in principle via solicitors. The new lease has not yet been completed because [REDACTED] wants simultaneously to sign a surrender deed for the existing lease.

Legally, we are advised by our solicitors that there is no need for a surrender deed, but [REDACTED] is insisting on it. The recommendation is that we therefore execute the deed of surrender to avoid [REDACTED] from formally pushing ahead with their statutory powers to renew, resulting in further costs.

[REDACTED]
[REDACTED]
[REDACTED]

4. Background and proposal

As detailed elsewhere in this report.

5. Alternative options considered and rejected.

The only alternative is to refuse [REDACTED]'s request for a deed of surrender. [REDACTED] may then not be prepared to proceed on the terms agreed with them and initiate the renewal process through the Court, which will have cost implications and potentially result in worse terms. This option is not therefore recommended.

6. Strategic priorities

This proposal aligns with the priority in the Fire and Rescue Plan to make best use of our resources.

7. Operational implications

Not applicable,

8. Financial implications

[REDACTED].

9. Legal implications

As explained above, [REDACTED] existing lease has ended (albeit the company is holding over in occupation currently) and we are in the process of granting them a renewal lease. On completion, the surrender deed will also be completed. The deed of surrender simply releases both parties (i.e. [REDACTED] and the Essex County Fire and Rescue Service) from any future obligations under the existing lease but preserves any pre-existing liabilities. The surrender deed is in a standard form and there are no other legal obligations. It has no benefit to the Essex County Fire and Rescue Service but also has no adverse consequences.

10. Staffing implications

Not applicable.

11. Equality and Diversity implications

The actions being taken will not have a disproportionate impact on individuals with protected characteristics (as defined within the Equality Act 2010), when compared to all other individuals and will not disadvantage people with protected characteristics.

Race	N	Religion or belief	N
Sex	N	Gender reassignment	N
Age	N	Pregnancy & maternity	N
Disability	N	Marriage and Civil Partnership	N
Sexual orientation	N		

The Core Code of Ethics Fire Standard has been fully considered and incorporated into the proposals outlined in this paper.

12. Risks

None identified.

13. Governance Boards

The proposal has been endorsed by the Service Leadership Team (SLT)

14. Background papers

A copy of the surrender deed is attached.

Decision Process

Step 1A - Chief Fire Officer Comments

(The Chief Fire Officer is asked in their capacity as the Head of Paid Service to comment on the proposal.)

.....I support the recommendation.....

Sign: 

Date:.....08/02/2024.....

Step 1B – Consultation with representative bodies

(The Chief Fire Officer is to set out the consultation that has been undertaken with the representative bodies)

.....N/A.....

Step 2 - Statutory Officer Review

The report will be reviewed by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority’s (“the Commissioner’s”) Monitoring Officer and Chief Finance Officer prior to review and sign off by the Commissioner or their Deputy.

Monitoring Officer

Sign:



Print: P. Brent-Isherwood

Date: 1 March 2024

Chief Finance Officer

Sign: 

Print:Neil Cross.....

Date: .. 07/02/2024

Step 3 – Publication

Is the report for publication? YES

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'none' if applicable)

Subject to redaction, as set out below

If the report is not for publication, the Monitoring Officer will decide if and how the public can be informed of the decision.

Step 4 - Redaction

If the report is for publication, is redaction required:

- | | | |
|----------|--------------------------|----------------------------------|
| 1 | Of Decision Sheet | Yes |
| 2 | Of Appendix | Yes (not for publication) |

If 'YES', please provide details of required redaction:

Commercially sensitive information

Date redaction carried out:

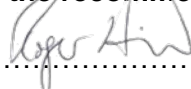
If redaction is required, the Chief Finance Officer or the Monitoring Officer are to sign off that redaction has been completed.

Sign: Print:

Date signed:

Step 5 - Decision by the Police, Fire and Crime Commissioner or Deputy Police, Fire and Crime Commissioner

I agree the recommendations to this report:

Sign:  (PFCC)

Print: **Roger Hirst** Date signed: **04/03/2024**