



# THE IVERS

## PARISH COUNCIL

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| <b>Agenda Item</b>  | <b>13</b>  |
| <b>Meeting Date</b>   | <b>Full Council – 16 December 2024</b>   |
| <b>Report Title</b>   | <b>Mud Wharf (River Colne Crossing)</b>  |
| <b>Recommendation/s</b>   | <p>1. To consider signing the proposed easement with JSM Group for the laying of electric lines and cables</p> <p>If the above recommendation is adopted, to also consider the following recommendations:</p> <p>2. To instruct Surrey Hills Solicitors to act on the Council's behalf to complete the legal process for the easement (fees to be paid by the grantee)</p> <p>3. To agree to place the £192,000 in contributions, into an 'Open Spaces Improvements &amp; Projects' earmarked reserve</p> <p>4. To delegate to the Clerk &amp; RFO and Deputy Clerk – OSH, to commit expenditure from the above earmarked reserve, this is subject to monthly reporting and usual tender processes</p> |
| <b>Appendices to Report</b>   | <b>N/A</b>   |
| <b>Prepared By</b>  | <b>Shaun Fishenden PSLCC – Clerk &amp; Responsible Financial Officer</b>   |
| <b>Detailed Information</b>   |  |
| <p>The Council has previously considered a draft agreement from JSM Group for the proposed grant of easement for using Council-owned land at Mud Wharf to lay electric lines and cables. The Open Spaces &amp; Highways Committee considered this proposal on the 12<sup>th</sup> June 2024 and decided to reject the proposal in it's entirety.</p> <p>The six-month rule ceased on 12<sup>th</sup> Dec 2024 and it is therefore possible for the Council to consider this decision again. The JSM Group have now submitted a revised proposal with an increased level of documentation to support it.</p> <p>They have now revised their financial settlement offer from circa £30k to £192,000. In addition to this, they would cover the costs of legal fees incurred by the Council.</p> |  |

The Clerk makes no recommendation as to how the Council should proceed. In the event that the Council is minded to proceed, the Clerk does however provide three recommendations.

### **Recommendation 2: Instruction of Solicitor**

The Council needs to appoint a solicitor to act on it's behalf in the signing of the easement, it is recommended Kate Jackson at Surrey Hills Solicitors is instructed to act on behalf of the Council.

The grantee (the utility company) would be responsible for covering the legal costs involved in the process.

### **Recommendation 3: Earmarking of Received Funds**

In order to ensure maximum benefit is received from the contribution from the utility company, it is recommended that the funds are placed into an earmarked reserve 'Open Spaces Improvements & Projects'. This reserve would solely be used for making capital improvements to the open spaces within the ownership of the Council.

There would be no ability for the funds to be used for salaries or administrative expenditure.

### **Recommendation 4: Delegation to Spend**

Given the elections are upcoming in May 2024, and therefore councillors will be subject to the pre-election period (purdah) from 18 March 2025 until 1<sup>st</sup> May 2025.

During the pre-election period, council officers are able to continue working on projects, subject to the communications around these not being beneficial/biased to any one individual candidate standing in the local election.

Therefore, our recommendation is that officers are given delegated authority so that they can get on with committing expenditure from the reserve. Where a project falls within the scope of needing a tender process due to the contract value, this will of course be referred to the Council or Open Spaces & Highways Committee for further resolutions.

For decisions taken under delegated authority to incur expenditure from this reserve, a Delegated Decisions log will be completed and reported to Council on a monthly basis until the reserve is fully committed.

### **Key Implications**

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| <b>Financial</b>              | There would be no financial implications to the Council as this would be a new income for it, and the legal costs would be covered by the grantee themselves |
| <b>Legislative and Policy</b> | The recommendations are compliant with the Council's Standing Orders and Financial Regulations.  |
| <b>Equality Assessment</b>    | Equality assessments will be carried out for individual projects.  |
| <b>Net Zero</b>               | Net Zero implications will be considered for individual projects.  |

