

**OFFICER DELEGATION SCHEME  
RECORD OF OPERATIONAL DECISION**

**TO BE UPLOADED TO THE E-MEETINGS MANAGER**

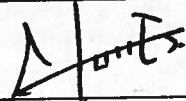
<b>Date:</b> 15 August 2012	<b>Ref No:</b> Mark Prestwich, Development Officer
<b>File Number:</b> EDU/148	<b>Legal Fees:</b> £250 purchaser to bear. <b>Surveyors Fees:</b> £100 purchaser to bear.
<p><b>Title/Subject matter: Easement of land adjoining Blue Coat, Egerton Street / Higginshaw Road (St. Marys)</b></p> <p>The Blue Coat School are redeveloping their Technology Centre and, as part of the proposals need increased power supplies and fibre optic cabling introduced in order to improve the communications in the teaching block.</p> <p>In order to facilitate this, new services need to be introduced via the Shaw Street end of the campus. Whilst the majority of the cabling would be installed on land already held by Blue Coat, it is necessary for a small section of the cabling to cross land held by the Council (as shown edged red on the attached plan under Asset 2077).</p> <p>In July 2012, Cabinet acknowledged that, longer-term, it is proposed that the whole of the Council owned land in this area would be transferred to the School and therefore, the easement is intended to formalise the occupation in the short-term, whilst details of the long-term transfer are resolved.</p> <p>Whilst the easement is likely to become redundant in future years, its is planned that the easement would be drafted on the following main terms and conditions;</p> <ol style="list-style-type: none"> <li>1. The Council to provide an easement over the land shown edged red on the attached plan. This includes a 3-metre area of working space either side of the cabling line.</li> <li>2. The easement would be for a term of 99-years and would be subject to a peppercorn rental without review.</li> <li>3. The easement is to be used for the purposes of a low-voltage cable and communications apparatus only.</li> <li>4. In installing the cabling, Blue Coat would reinstate the land to a condition similar to that enjoyed prior to site entry. In the event that any repair work need to be undertaken during the course of the easement agreement, Blue Coat would be expected to similarly reinstate the land.</li> <li>5. In the event that the Council wish to redevelop the site, at any time after the tenth year of the term, the Authority would be able to serve an advance six-month period of notice to terminate the agreement and would not be under an obligation to either pay compensation or re-site the cabling.</li> <li>6. Blue Coat would pay the Council's reasonable legal and surveyors fees of £250 (two hundred and fifty pounds) and £100 (one hundred pounds) respectively.</li> </ol>	
<b>Budget/Strategy/Policy/Compliance - Is the decision:</b>	
(i) within an Approved Budget	N/A
(ii) in conflict with Council Policy	No
(iii) raising new issues of Policy	No

<b>Equality Impact Assessment</b> [Does this decision change policy, procedure or working practice or negatively impact on a group of people? <b>If yes</b> - complete EIA and summarise issues identified and recommendations - forward EIA to Corporate HR]	No
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**Details of Operational Decision Taken [with reasons]:**

Accept the request for the Council to provide an easement in order to support the redevelopment proposals.

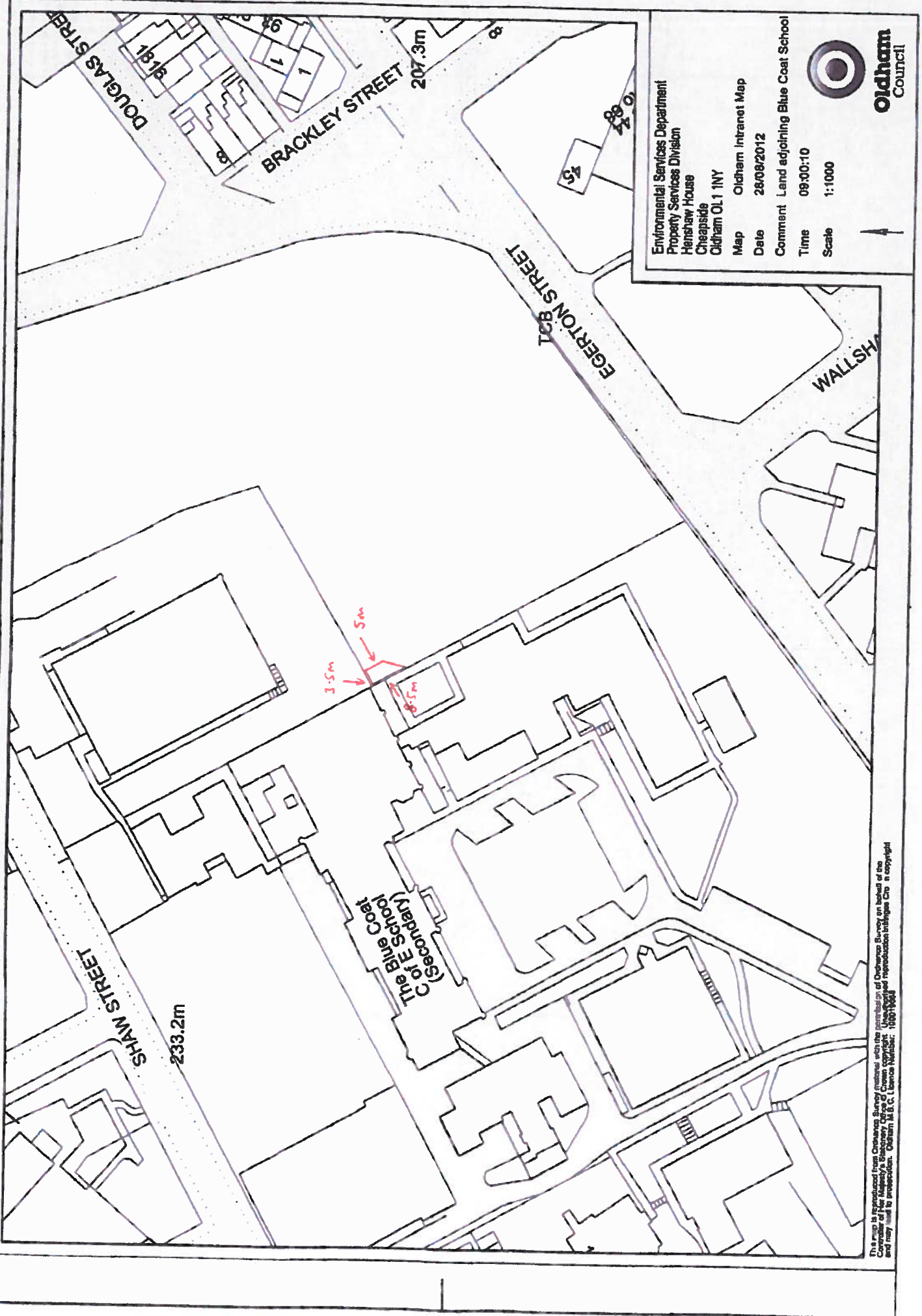
<b>Legal Comments</b> In order to accommodate the proposed redevelopment to the Technology Centre, it is considered prudent for the Council to use its statutory powers under Section 123 of the Local Government Act 1972 to grant a cable easement over the Council land. By virtue of Section 1 of the Localism Act 2011, Local Authorities have powers to do anything that individuals may do and includes power for the Local Authority to do such things in any way whatsoever including anywhere in the UK or elsewhere for a commercial purpose or otherwise for a charge or without and to do it for or otherwise than for the benefit of the authority its areas or persons resident or present in its area. The Councils Land and Property protocols have been observed. <div style="text-align: right;">[Peter Oliver]</div>	<b>Finance Comments</b> The proposal will have no financial implications, legal and surveyors fees will be funded by the school as part of the agreement. <div style="text-align: right;">[Karl Williams - Accountant]</div>
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<b>Decision taken by:</b>	<b>Signature:</b>	<b>Date:</b>
Assistant Executive Director (Strategic Projects & Property)		19.09.12

*Signed copies of the form to be sent to the following:*


> Borough Solicitor (Corporate Legal Team) Reference:	> Property Records Officer Reference:
> Borough Treasurer (Customer Accounts) Reference:	> Operational File No:
> Borough Treasurer (Insurance) Reference:	> Land Registry No:
Deed Packet Number(s):	> Client (if applicable) Reference:

Appendix One



Environmental Services Department  
 Property Services Division  
 Henshaw House  
 Cheapside  
 Oldham OL1 1NY

Map Oldham Intranet Map  
 Date 28/08/2012  
 Comment Land adjoining Blue Coat School  
 Time 09:00:10  
 Scale 1:1000



**Oldham**  
Council

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