

REPORT TO: Cabinet

DATE: 30th September 2010

SUBJECT: Protocol for Lifting the Moratorium on the Siting of Mobile Phone Masts on Council Land

WARDS AFFECTED: All

REPORT OF: Peter Moore
Environment and Technical Services Director
Tel: 0151 934 4018

CONTACT OFFICER: David Street – Asset & Property Manager, Technical Services
Tel: 0151 934 2751

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To provide Cabinet with the comments made by the Overview and Scrutiny (Regeneration and Environmental Services) Committee and all Area Committees on the draft protocol to govern the lifting of the current moratorium on the siting of telephone transmission masts on Council owned land.

REASON WHY DECISION REQUIRED:

Full Council has requested that a protocol be developed to allow the consideration of mobile phone masts to be sited on council owned land on a case by case basis. Before endorsing the protocol, Cabinet wished to consider the views of the aforementioned Committees.

RECOMMENDATION(S):

That Cabinet: - Consider the reported comments and either endorse the protocol document appended to this report, or amend the protocol to reflect some or all of the changes requested.

KEY DECISION: Yes

FORWARD PLAN: Yes

IMPLEMENTATION DATE: After the call-in period

ALTERNATIVE OPTIONS: There are options to apply different parameters to the protocol, for example, a different exclusion zone and to expand the consultation process. However, it is suggested that to vary these parameters and the process significantly will deter applications because the requirements could become too onerous, operationally unacceptable sites might be put forward or the process becomes too time consuming. This would defeat the original intention which is to provide sites that are more suitable and acceptable than those which are available by right, i.e. on the highway.

IMPLICATIONS:

Budget/Policy Framework:

Financial: There are no direct financial implications arising out of this report. There will be some costs associated with evaluating proposals to site masts on Council owned land, but it is anticipated that these will be covered by any licence fees which will be charged to the mobile phone operators. The fees received will be used to cover the costs of implementing the protocol and evaluating specific requests therefore there should be no net cost to the Council.

Legal: The protocol as outlined in the report complies with legal requirements and recommended best practice.

Risk Assessment: The protocol incorporates risk assessments based on industry best practice

Asset Management: The proposals have been developed in accordance with good asset management practice.

CONSULTATION UNDERTAKEN/VIEWS

THE VIEWS OF PLANNING AND ENVIRONMENTAL PROTECTION AND THE HEAD OF CORPORATE LEGAL SERVICES HAVE BEEN TAKEN INTO ACCOUNT IN DRAFTING THIS REPORT.

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT
 Protocol for the Evaluation of Requests to lift the Moratorium on the Siting of Mobile Phone Masts on Council Land

1.0 Background

1. Full Council on 22 October 2009 in considering the moratorium on the siting of telephone masts on Council land:

RESOLVED: That:

- (1) the moratorium be revised so that it can be lifted by the Cabinet on a case by case basis; and
- (2) Officers develop a protocol for evaluating requests to lift the moratorium and site mobile phone masts on Council land and report this back to the Cabinet for approval.

2. Cabinet on 4th March 2010, in consideration of a draft protocol

RESOLVED:

That the protocol be submitted to the Overview and Scrutiny Committee (Regeneration and Environmental Services) and each Area Committee for consideration prior to approval at a future meeting of the Cabinet.

2.0 Comments provided on the Masts Protocol

- 2.1 The protocol document has been put before the Overview and Scrutiny (Regeneration and Environmental Services) Committee and All Area Committees.
- 2.2 The minuted comment from each committee is set out in the table below;

Committee	Date	Extract Committee Resolution (Comment)
Overview & Scrutiny	30/06/2010	Resolved: that (1) the report be received; and (2) the Cabinet and the Council's Area Committees be informed that this Committee supports the proposed protocol for dealing with applications on a case by case basis.
St Oswald, Netherton & Orrell Area Committee	01/07/2010	Resolved: that (1) the proposed protocol for Lifting the Moratorium on the Siting of Mobile Phone Masts on Council Land be noted; and (2) the Cabinet be informed that this Area Committee believes that all Area Committees should be given the power to make decisions at a local level regarding the siting of masts.
Crosby Area Committee	07/07/2010	Resolved: that (1) the proposed Protocol for Lifting the Moratorium on the Siting of Mobile Phone Masts on Council Land be noted; and (2) the Cabinet be informed that this Area Committee believes that all applications for the siting of masts should be submitted to the appropriate Area Committee before being considered by the Planning Committee
Litherland & Ford Area Committee	07/07/2010	Resolved: that (1) the Protocol for lifting the Moratorium on the Siting of Mobile Phone Masts on Council Land report be noted; and (2) the Committee's comments regarding its grave reservations regarding the Protocol's feasibility be noted.
Linacre & Derby Area Committee	12/07/2010	Resolved: that the Cabinet be informed that this Area Committee reiterates its previous decision that it is wholly opposed to the lifting of the current moratorium on the siting of mobile phone masts on Sefton Council land.
Formby Area Committee	15/07/2010	That the Cabinet be informed that this Area Committee has considered the protocol document and wishes to comment that any costs incurred should be charged not to the Council, but to the respective mobile phone companies
Sefton East Parishes Area Committee	15/07/2010	Resolved: that (1) the Protocol for Lifting the Moratorium on the Siting of Mobile Phone Masts on Council Land report be noted; and (2) the Cabinet be requested to note the Committee's comments regarding consultation with Area Committees as follows. "Councillors discussed the matter in detail and raised a number of queries with a representative of the Environmental and Technical Services Department. The Committee suggested that in addition to consultation with Individual Ward Councillors, Area Committees should also be formally consulted; as Area Committees represented an important layer of discussion and consultation".
Southport Area Committee	28/07/2010	Resolved: That (1) the protocol for lifting the moratorium on the siting of mobile phone masts on Council land be approved; and (2) Cabinet be recommended to include formal consultation with Ward Councillors and Area Committees at an early stage in the procedure for evaluation requests to site masts on Council land.

NB - IF CABINET IS MINDED TO GIVE THE AREA COMMITTEES LOCAL POWERS REGARDING THE SITING OF MASTS IT WILL BE NECESSARY TO REVERT TO COUNCIL TO SECURE AN AMENDMENT TO THE COUNCIL CONSTITUTION

- 2.3 The proposed protocol has not been amended pending further consideration by Cabinet.

3.0 Conclusion

- 3.1 Members are requested to consider the specific comments on the protocol and then to decide whether they wish to endorse the protocol as currently drafted or inform the Environmental & Technical Services Department of any changes they wish to see implemented.
- 3.2 Members should be aware that any changes to the protocol that significantly lengthen the time taken to process an interest in a Council owned site or that add further uncertainty to the outcome are likely to deter interest in using the protocol to secure a more favourable site on Council-owned land.