

REPORT TO: Council

DATE: 16th December 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
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**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek Council's authority to amend the Constitution to enable the Area Committees to decide and authorise the use of Council land for the siting of telephone transmission masts within their Wards.

REASON WHY DECISION REQUIRED:

On 28th October, Cabinet resolved that the revised protocol be approved and that decision-making should be devolved to the Area Committees and that a report be submitted to Council to amend the constitution to permit the Area Committees to take the decision to authorise the use of Council land for the siting of telephone transmission masts.

RECOMMENDATION(S):

That Council: -

1. Note the Cabinet resolution and the revised protocol and;
2. Approve the amendment of Part 3 of the Council Constitution (Responsibility for Functions) by the inclusion of the following text:

“AREA COMMITTEES – Specific Delegations

Environmental and Technical Services

1. Determination of applications for permission to site mobile phone masts on Council owned land within the Wards covered by the Area Committee in accordance with the Council's protocol.”

KEY DECISION Yes

FORWARD PLAN: Yes

IMPLEMENTATION DATE: Following the Council Meeting

ALTERNATIVE OPTIONS: It has been consistently reported that there are options to apply different parameters to the protocol, but to extend and complicate the process significantly could deter applications through the protocol because the requirements could become too onerous or the process become too time consuming. Ultimately, this would defeat the original intention of the protocol 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

FD 570 – The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report
 LD 0002/10 - the Acting Head of Corporate Legal Services has been consulted and his comments have been incorporated into 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

Revised Protocol for the Evaluation of Requests to lift the Moratorium on the Siting of Mobile Phone Masts on Council Land; Cabinet report dated 28th October 2010

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 at its meeting on 28th October

RESOLVED: that

1. approval be given to the revised protocol set out in the report and to the delegation of decision making on the use of Council land for the siting of telephone transmission masts to the relevant Area Committee; and
2. The Council be recommended to amend Part 3 of the Council Constitution (Responsibility for Functions) by the inclusion of the following text:

“AREA COMMITTEES – Specific Delegations

Environmental and Technical Services

1. Determination of applications for permission to site mobile phone masts on Council owned land within the Wards covered by the Area Committee, in accordance with the Council’s protocol.”

2.0 Revision to the Masts Protocol

- 2.1 The protocol document has been revised to enable the Area Committees to participate at an early stage in the site selection and consultation procedure and decide any application within their Wards.

3.0 Changes to Council Constitution

- 3.1 Council is requested to consider and approve the specific revision to Part 3 of the Council Constitution (Responsibility for Functions) to enable the Area Committees to take the decision to permit telephone transmission masts to be sited on Council owned land as follows:

“AREA COMMITTEES – Specific Delegations

Environmental and Technical Services

1. "Determination of applications for permission to site mobile phone masts on Council owned land within the Wards covered by the Area Committee, in accordance with the Council's protocol."

4.0 Recommendation

4.1 If Council agrees to the proposed amendment to the Constitution then the protocol can be implemented with immediate effect.