

Report to: Policy and Review (Oversight) Panel.
6 March 2008.

Report from: Senior Local Democracy Officer.

Report by: Jane Di Dino, Scrutiny Support Officer.

MONITORING THE OUTCOMES FROM SCRUTINY REVIEWS.

REVIEW OF THE COUNCIL'S POLICY ON MOBILE PHONE BASE STATIONS ON COUNCIL LAND AND BUILDINGS.

1. Purpose.

This report provides an opportunity for the Panel to receive an update on the progress made with the recommendations arising from the Review of the Council's policy on mobile phone base stations on Council land and buildings.

2. Recommendations.

The Panel is asked to consider whether it wishes to make any further comments regarding the progress made with the implementation of the recommendations arising from this review.

3. Background.

- 3.1 At its meeting on 12 July 2006, the Panel agreed that relevant Executive Members should be invited to meetings on a rolling basis to provide an update on the progress made with implementing recommendations arising from completed scrutiny reviews. On 25 November 2008 under the new arrangements, the Council agreed that the Scrutiny Management Panel should continue with this role.
- 3.2 The review of the Council's policy on mobile phone base stations on council land and buildings was undertaken by Topic Panel A between August 2005 and March 2006.
- 3.3 On 18 January 2005, a Notice of Motion regarding the Council's policy on mobile phone base stations on council land and buildings was referred to Topic Panel A.
- 3.4 At its meeting on 7 April 2005, the Policy & Review (Oversight) Panel agreed the scope of the review and allocated it to Topic Panel A.
- 3.5 Subsequently, at its meeting on 3 August 2005, the Topic Panel A agreed the following objectives: to understand the Council's existing policy on the siting of mobile phone base stations on Council land and buildings, including the role of the Council as a landlord; to understand the Government's guidelines on the siting of mobile phone base stations; to consider the outcomes from the Stewart report and the Swerdlow report on the health effects of base stations; to consider other local authorities' policy on siting mobile phone base stations on council land and buildings and to recommend any changes to the Council's policy on the siting of mobile phone base stations on Council land and buildings.

3.6 The Panel took evidence from a number of witnesses including representatives from Vodafone, the Health Protection Agency, the Portsmouth City NHS Teaching Primary Care Trust, councillors and key officers.

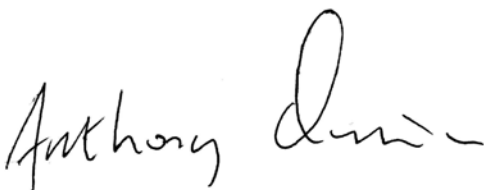
3.7 The Panel's principal recommendations were that:

- i When contracts related to base station / masts on Council owned land or property are agreed or renewed, they contain the provision to terminate the contract if adverse health effects relating to masts are confirmed by future Government backed research.
- ii The applicant undertakes to carry out an annual radiation safety check and safety audit through an independent body and to ensure that the installed equipment functions at the lowest practicable power level.
- iii That independent checks are made to confirm that the actual installation of telecommunications equipment conforms to the original specification supplied and the costs of these met by the applicant.
- iv That a further comprehensive review of the City Council's policy on the siting of mobile phone base stations on Council land and buildings be undertaken after three years, or earlier if adverse health effects relating to masts are confirmed by future Government backed research.

A full list of the recommendations from this review is attached as *appendix one*.

3.8 The report was presented to the Executive on 5 June 2006, which decided that contrary to the panel's recommendations further mobile phone base stations should not be permitted on City Council land and buildings. This decision was referred to the City Council for consideration on 20 June 2006 where the Executive's decisions were overturned and all the Panel's recommendations were agreed in full.

3.9 In February 2009 the Asset Management Service confirmed that there had been no new applications since this scrutiny review was published but there were three leases that were due for renewal shortly. When negotiating these renewals, officers will try to introduce the clause regarding the Council's right to terminate the contract if adverse health affects relating to masts are confirmed by future Government-backed research. However, the applicants are not obliged to accept this additional clause as the leases are protected under the Landlord & Tenant Act.



Senior Local Democracy Officer.

Review of the Council’s Policy on Mobile Phone Base Stations on Council Land and Buildings.

Recommendation	Action by	Policy Framework	Resource Implications
<p>1a) That the Council’s current policy be amended to ensure that:</p> <p>When contracts related to base station/ masts on Council owned land or property are agreed or renewed, they contain the provision to terminate the contract if adverse health effects relating to masts are confirmed by future Government backed research.</p>	<p>Executive Member for Environment.</p>	<p>This would lie outside of the existing framework.</p>	<p>No significant resource implications.</p>
<p>b) When an application for the siting of a base station on council land and buildings is received, a programme of consultation is carried out by the City Council to include the following minimum requirements:</p> <p>(i) The placing of an advertisement in the local press stating that an application has been received in an area and further details may be obtained by contacting the council.</p>	<p>Executive Member for Environment.</p>	<p>This would lie outside of the existing framework.</p>	<p>Some resource implications to cover the cost of advertisement.</p>

<p>(ii) The provision of information regarding the proposal to all Ward Councillors and to the chair of the neighbourhood forum and the residents' association of the area concerned.</p>	<p>Executive Member for Environment.</p>	<p>This would lie outside of the existing framework.</p>	<p>No significant resource implication.</p>
<p>(iii) Leaflet notification of the proposal to all properties within 100 metres of the location of the base station.</p>	<p>Executive Member for Environment.</p>	<p>This would lie outside of the existing framework.</p>	<p>The cost could be offset by a charge to the operator.</p>
<p>(iv) If requested by the chair of the neighbourhood forum or residents' association on the proposal to be made at a meeting. Any such presentation is to include representation from the operator.</p>	<p>Executive Member for Environment.</p>	<p>Within existing operator's lease conditions.</p>	<p>No significant resource implication.</p>
<p>c) The applicant undertakes to carry out an annual radiation safety check and safety audit through an independent body and to ensure that the installed equipment functions at the lowest practicable power level.</p>	<p>Executive Member for Environment.</p>	<p>Within existing operator's lease conditions.</p>	<p>No significant resource implication.</p>

d) The applicant undertakes to notify the City Council of any renewals of equipment.	No action needed.	Within existing operator's lease.	No resource implication.
e) The applicant be prepared to indemnify the Council in respect of any claims, which may arise in respect of the installation of the apparatus and its subsequent use.	No action needed.	Within existing operator's lease.	No resource implications.
f) That independent checks are made to confirm that the actual installation of telecommunications equipment conforms to the original specification supplied and the costs of these met by the applicant.	Executive Member for Environment.	This would lie outside of the existing framework.	No resource implications.
g) That a further comprehensive review of the City Council's policy on the siting of mobile phone base stations on Council land and buildings be undertaken after three years, or earlier if adverse health effects relating to masts are confirmed by future Government backed research.	Executive Member for Environment.	This would lie outside of the existing framework.	Significant resource implication to set up a review panel.