

TELECOMMUNICATIONS MASTS ON COUNCIL LAND

<u>Report of the:</u>	Chief Solicitor and Estates Manager
<u>Contact:</u>	Alex Williams/David Holloway/Trevor Smith
<i>If yes, reason urgent decision required:</i>	No
<i>If yes, reason urgent decision required:</i>	N/A
<u>Annexes/Appendices (attached):</u>	List of possible sites
<u>Other available papers (not attached):</u>	Plan indicating sensitive sites. Due to the size of this plan, it is available for inspection in the Members' Room (available for public inspection at the Town Hall upon request) and will be on display at the committee meeting. Report and Minutes of the Strategy and Resources Committee dated 15 November 2005

This report sets out the investigation of potential sites and exclusion areas for the erection of telecommunication masts on Council owned open space as a result of the Standing Order 4 Motion for debate moved at Council on 27 September 2005.

<u>RECOMMENDATION (S)</u>	<i>Notes</i>
<p>That the Committee:</p> <p>(1) Agrees that the areas within the Borough's parks and recreation grounds identified in Annexe 1 be excluded from any future telecommunications mast installation</p> <p>(2) Agrees that the Telecommunications Masts Sub Committee continue to consider applications on the suitability of Council owned land for the siting of telecommunications masts outside the exclusion areas</p> <p>(3) Recommends to the Council that the Council's policy on the siting of telecommunications masts on Council owned land be amended to reflect recommendations (1) and (2).</p>	

1 Implications for Community Strategy and Council's and Committee's Key Priorities

- 1.1 The Council has an obligation to ensure best value from all its assets including land.

- 1.2 The Community Strategy shows that the Borough's open spaces are greatly valued by local residents and therefore it is important to ensure that uses that take place within these open spaces are compatible with the public's needs

2 Introduction

- 2.1 The Committee will be aware of the approaches from mobile phone operators to erect telecoms masts on Council owned open space which have been rejected due to public protest (e.g. in Court Recreation Ground).
- 2.2 The Telecommunications Masts Sub-Committee was requested to consider the following Standing Order 4 Motion for Debate moved by Councillor Taylor and seconded by Councillor Lees at the meeting of the Council held on 27 September 2005:

“This Council is not willing to allow telecommunications masts in the Borough's parks and open spaces”

- 2.3 This Committee considered the recommendations of the Telecommunication Masts Sub-Committee at its meeting on 15 November 2005.
- 2.4 The Sub-Committee's recommendations reflected that it considered that there were parts of the Council's parks and recreation grounds which were more sensitive than others to the installation of telecommunication masts. However, at the same time it appreciated that a blanket ban could well force operators to site masts on non-Council owned land which might be more inappropriate.
- 2.5 It had been hoped to prepare and present a map to the Strategy and Resources Committee in order that the Committee could consider whether to allocate the areas defined upon it as excluded from any future telecommunication mast installations. It had not been possible to do so within the timescales available and the Committee therefore felt it was premature to express a view on the principle of exclusion zones.
- 2.6 Having discussed the criteria upon which officers were being requested to draw up the map, which the Chairman of the Telecommunication Masts Sub-Committee confirmed would be the same as those applied to telecommunication masts sited in the vicinity of schools, it was recommended to, and agreed, by Council on 13 December 2005 that the matter be deferred for further consideration at the next meeting of the Strategy and Resources Committee.

3 Proposals

- 3.1 As the vast majority of children's playgrounds are sited on Council open space land, an exercise has been undertaken placing a circle with a 250 metre radius around all the playgrounds on Council land to identify what areas are potentially ruled out as sites for telecoms masts.

- 3.2 In addition a 250 metre radius has been placed around schools and colleges in the vicinity of Council open space to see whether that circle encroaches upon any part of the Council open space to potentially rule it out as a site for telecoms masts. To make this exercise manageable and achievable it has not included other areas where young people may congregate such as private children's nurseries in the vicinity of Council public open spaces.
- 3.3 The plan referred to at Annexe 2 shows the potential exclusion zones around Council owned open space resulting from the exercise referred to in paragraphs 3.1 and 3.2.
- 3.4 This exercise was agreed by the Telecommunications Masts Sub-Committee because it was recognised that a blanket ban on masts on Council open space land could potentially mean operators being forced to site equipment even closer to residential areas. To this end it was agreed some less sensitive areas within Council open spaces could potentially be used by the operators to alleviate the situation.
- 3.5 As will be seen from this exercise, the Council open space areas highlighted in red on the plan are potentially within the exclusion zones as being near playgrounds or schools and thus being within the committee's definition of sensitive sites. This would rule out from consideration all the Council's formal parks and gardens.
- 3.6 The areas outlined in blue indicate areas that can potentially site equipment, being the larger open space areas, these include Epsom Common, Horton Country Park and the Hogsmill open space. It will be noted that there will be areas within these that would be ruled out because of their close proximity to schools.

4 Financial and Manpower Implications

- 4.1 By prohibiting telecoms masts in certain areas the Council would forego any potential income that may be generated by leasing the land. This income could range between £3,500 and £15,000 per mast per annum, depending on the type/size of equipment and its location.

5 Human Rights and Other Legal Implications

- 5.1 Mobile communications operators are obliged by law to provide equitable access to a wide range of competitive services. In pursuit of this goal sites are required to position transmission equipment.
- 5.2 It is government policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The government also has a responsibility for public health.

6 Social Well-being

- 6.1 Banning mobile telecommunications equipment in the areas highlighted may alleviate the fear of perceived harmful effects that some members of the public have.
- 6.2 However, preventing the equipment being sited on the Council's land may increase the chance of it being located on land owned by third parties which is possibly in closer proximity to "sensitive" sites such as schools and playgrounds.

7 Economic Well-being

- 7.1 Mobile telecommunications play a key part in the national economy and operators are obliged by central government to maintain and improve the networks now in place. As organisations increasingly promote the virtues of flexible working reliable state of the art mobile communications equipment is an essential tool.
- 7.2 It is important to promote economic prosperity within the Borough.

8 Environmental Well-being

- 8.1 The exclusion of masts from environmentally sensitive areas will preserve these areas in their current state.

9 Risk Assessment and Conclusions

- 9.1 The proposals to prevent masts being erected within 250 metres of the areas designated in the plan have several implications. The first and perhaps most significant is whether preventing their siting on land which is perceived to be sensitive may force the operators to move the equipment even closer to the public by needing more, smaller transmitters located at street level.
- 9.2 If imposed the exclusion zones will alleviate certain sections of the public's fears over the perceived danger of masts being sited close to schools and playgrounds.
- 9.3 Although not hugely significant the Council will forego the potential income that would be generated by the masts being sited on Council land.

WARD(S) AFFECTED: All

**Minutes of the Meeting of the STRATEGY & RESOURCES COMMITTEE
held on 4 April 2006**

PRESENT-

Councillor Clive Smitheram (in the Chair); Councillor Robert Leach (Acting Vice Chairman); Councillors Michael Arthur, Jonathan Lees, Keith Mann, Derek Phillips, Vince Romagnuolo and Charles Wood

Apologies for absence: Councillors Eber Kington and Natalie Rogers; Mr. Peter Arkell (Appointed Auditor, Audit Commission)

In attendance: Graham Dudley (representing the Scrutiny Committee); Paul Chambers and Rob Spooner (Audit Commission Relationships Manager and Audit Manager respectively); Ann Osborn and Kevin Gill (GO Consultants)

Officers present: Katrina Best (for the Best Value Review of Community Safety); Sara Childs (for the Best Value Review of Customer Contact); Irene Clarke; Fiona Cotter; Steve Davies; Andrew Drummond (for the Local Development Framework and Asset Management Plan); Mark Lumley (for the Best Value Review of Customer Contact); David Smith, Trevor Smith, John Turnbull and Alex Williams

- 47** ACTING VICE CHAIRMAN. The Acting Chairman proposed, and the Committee agreed, that Councillor Robert Leach act as Vice Chairman for the meeting.
- 48** MINUTES. The Minutes of the Meeting of the Strategy and Resources Committee held on 31 January 2006 were agreed as a true record and signed by the Chairman.
- 49** ANNUAL AUDIT LETTER – AUDIT 2004/05. The Committee received the Annual Audit letter for the 2004/05 Audit, which included, for the first time, the CPA Direction of Travel Report and the CPA Use of Resources Score Feedback. It was introduced by Mr. Paul Chambers, the Audit Commission’s Relationships Manager and Mr. Rob Spooner, the Audit Manager. In particular, they highlighted that an unqualified opinion had been issued on the Council’s 2005/06 Best Value Performance Plan and accounts. The Committee further noted that the Council had scored well on its Use of Resources Assessment.

Councillors then questioned the auditors and officers on a number of areas – how value for money could be quantified, the amount of the Audit Commission’s fees, the number of planning appeals against the Council, customer satisfaction with the Council and affordable housing.

- 50** BEST VALUE REVIEW OF COMMUNITY SAFETY. The Committee received and discussed a report which highlighted the results of the Best Value Review of Community Safety. The actions identified in the Improvement Plan included a range of initiatives to tackle negative perceptions and to reduce the fear of crime. It also contained proposals to improve the internal leadership and management of community safety in the Council and to ensure that the Council had a full and effective role in partnership working within the Borough, the Division and the County.

Having sought clarification on a number of points, the Committee was generally supportive of all the proposals in the Improvement Plan and agreed to adopt it. The Chairman commended all concerned for their effort on this review.

- 51** BEST VALUE REVIEW OF CUSTOMER CONTACT. The Committee received and discussed a report which highlighted the results of the Best Value Review of Customer Contact.

Having discussed the pros and cons of extending Contact Centre hours or providing an out of hours answer phone service, the Committee agreed to adopt the Improvement Plan and approved the Customer Service Strategy, Customer Service Standards and the Comments, Compliments and Complaints procedure. The Chairman, on behalf of the Committee, thanked all those officers and councillors who had contributed to the review.

- 52** IMPROVEMENT PLAN UPDATE: CUTTING BUREAUCRACY AND IMPROVING COST EFFECTIVENESS. The Committee was informed of changes to the Best Value Improvement Plan for Cutting Bureaucracy and Improving Cost Effectiveness.

The Committee noted progress made in the implementation of the Improvement Plan and agreed that action number 7 (IP Telephony) was no longer applicable.

- 53** LOCAL DEVELOPMENT FRAMEWORK – ADOPTION OF STATEMENT OF COMMUNITY INVOLVEMENT. The Committee received and considered a report which sought the adoption of the Statement of Community Involvement in accordance with the Council's Local Development Scheme.

The Statement had been prepared in accordance with statutory requirements in three stages. Following its submission to the Government Office for the South East in June 2005, it had been made available for comment during a six-week consultation period. The representations received had been considered by the Inspector who provided the Council with an opportunity to comment prior to issuing a Binding Report. The Committee noted that if the amendments to the Statement proposed in the Binding Report were agreed, the Statement would be ready for adoption. Accordingly, the Committee agreed that the said amendments should be made to the Statement of Community Involvement and that the Statement, as amended should be adopted in line with the Council's Local Development Scheme.

The Chairman informed the Committee that Andrew Drummond, the Planning Policy Officer, would very shortly be leaving the Council to travel in New Zealand. On behalf of the Committee, the Chairman thanked Mr. Drummond for his work and wished him well.

- 54** ASSET MANAGEMENT PLAN. A report was presented to the Committee which sought approval of a revised Asset Management Plan.

A verbal submission was received from a local resident on paragraph 1.4.5 (how the Plan proposed to support the Community Strategy in regards to transportation and congestion with particular reference to a planning application for a supermarket in Upper High Street). The Committee was reminded that the disposal of property and the planning process were two separate issues but that this Plan had been drafted so as not to commit the Council to a particular course of action prior to any decision on a planning application.

The Committee also discussed the Asset Management Plan's relationship to other strategies and noted that its purpose was to deal with the Council's own assets and resources and those aspects of other strategies which had an impact on these. Subject to a minor amendment to refer to the

Kiln Lane link as a possibility rather than a certainty, the Committee approved the revised Asset Management Plan attached as an Annexe to the report.

- 55 BACKLOG MAINTENANCE PROGRAMME 2006/07. The Committee received and considered a report detailing the backlog maintenance programme for 2006/07.

The Committee approved the programme of works for 2006/07 as set out in the report and agreed the carry forward of unspent provision from the property maintenance reserve to complete works approved in the 2005/06 programme.

- 56 TELECOMMUNICATIONS MASTS ON COUNCIL LAND. A report was presented to the Committee following the investigation of potential sites and exclusion areas for the erection of telecommunication masts on Council owned open space carried out as a result of the Standing Order 4 Motion for debate moved at Council on 27 September 2005.

The exercise had been agreed by the Telecommunications Masts Sub-Committee because it was recognised that a blanket ban on masts on Council open space could potentially result in operators being forced to site equipment in even more unpopular locations. The Committee noted that, if imposed, the exclusion zones would alleviate certain sections of the public's fears over the perceived danger of masts but rule out their location in all of the Council's formal parks and open spaces. The Chairman of the Telecommunication Masts Sub Committee was therefore concerned that the proposals would hamstring consideration of the most appropriate location for such facilities.

Nevertheless, the Committee **decided to recommend** that the

- (1) Areas within the Borough's parks and recreation grounds identified in Annexe 1 to the report should be excluded from any future telecommunications mast installation;
- (2) Telecommunications Masts Sub-Committee should continue to consider applications on the suitability of Council owned land for the siting of telecommunications masts outside exclusion areas;
- (3) Council's policy on the siting of telecommunications masts on Council owned land should be amended to reflect this.

- 57 TREASURY MANAGEMENT STRATEGY. In accordance with the requirement to review this strategy annually, the Committee considered and agreed the document attached as an Annexe to the report. Essentially this proposed the continuation of current policy, which had been working effectively.

- 58 OUTSTANDING REFERENCES. The Committee noted the references to officers outstanding as at 27 March 2006, in particular that whilst the planning application in relation to Upper High Street was likely to be reported to the Planning Committee on 18 May 2006, any disposal of land would need to be considered by this Committee.

- 59 EXCLUSION OF PRESS AND PUBLIC. The Committee resolved to exclude the press and public for Minute no. 60 (Redevelopment of Hollymoor Lane Shops) on the grounds that the business involved the likely disclosure of exempt "information relating to the financial or business affairs of any particular person (including the authority holding that information)" as defined in paragraph 3 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 and

pursuant to paragraph 10 of the said Schedule 12 (A) the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

- 60** REDEVELOPMENT OF HOLLYMOOR LANE SHOPS. The Committee received a report which sought confirmation of the intention to develop the premises on the Longmead Estate, owned by the Council, and known as Hollymoor Lane Shops.

Having considered the officers' report, the Committee agreed in principle to the said redevelopment. To this end, the Committee further agreed that the Chief Executive and the Corporate Property Officer should be authorised to continue negotiations with the various interested parties, including the Old Cottage Hospital Doctors, Rosebery Housing Association, Surrey County Council, the tenants of the retail units and the Sefton Arms and report back the full financial implications to the Committee in June 2006.

- 61** VOTE OF THANKS. A vote of thanks was passed to the Chairman, in his absence, the Vice Chairman and Officers for their stewardship of, and work on behalf of, the Committee during a difficult year.

The meeting ended at 9.29 p.m.

CLIVE SMITHERAM
In the Chair



EPSOM AND EWELL

Minutes of the Meeting of the COUNCIL of the BOROUGH OF EPSOM AND EWELL held at the Town Hall, The Parade, Epsom on 25 April 2006

PRESENT-

The Mayor (Councillor Jean Smith); The Deputy Mayor (Councillor Brian Angus); Councillors Michael Arthur, Lionel Blackman, Pamela Bradley, Sheila Carlson, Graham Dudley, Robert Foote, Paul Green, Christine Howells, Carol Jay, Eber Kington, Robert Leach, Jonathan Lees, Christine Long, Jan Mason, Nigel Pavey, Derek Phillips, Jonathon Reed, Mike Richardson, Vince Romagnuolo, Ruby Smith, Clive Smitheram, Jean Steer, John Sullivan, Colin Taylor, Alan Winkworth, Charles Wood and David Wood.

Apologies for absence: Councillors John Beckett, Alan Carlson, Simona Hartley, John Lucas, Keith Mann, Nigel Petrie and Natalie Rogers; Honorary Aldermen Mrs P.M. Ballard, W.R. Carpenter, Mrs D.B. Clark, H.W. Davison, B.J.R. Kibble, R.L. Lewis and R.A. Saviel; Honorary Freeman R.B. Richmond.

The Meeting was preceded by prayers led by the Mayor's Chaplain.

- 90** MINUTES. The Minutes of the Meeting of the Council held on 21 February 2006 were agreed as a true record and signed by the Mayor.
- 91** DEATH OF HONORARY ALDERMAN TED FAULKS. It was with sadness that the Mayor announced that Honorary Alderman Ted Faulks had passed away on 1 March 2006. His funeral had taken place at St. Mary's, Ewell. He had served as a Councillor between 1972 and 1995, as Mayor in 1986-87 and had been admitted as an Honorary Alderman in July 1995. He was remembered by Councillor Kington as a friend and advisor, for his commitment to the Residents' Association movement and his desire to make a difference to the community. He would be much missed.
- 92** MAYOR'S ANNOUNCEMENTS. a) Retirement of the Chairman of the Standards Committee: The Mayor announced the retirement of Mr Trevor Rains as the lay Chairman of the Standards Committee and wished, on behalf of the Council, to record thanks for his effective and impartial oversight of the Committee's work, a sentiment echoed by Councillor Michael Arthur who served on the Committee. b) Emergency Mobile Column Association: The Mayor reported that the Association valued the Council's support and the research carried out by museum staff on its behalf. c) Head of Committee Services: The Mayor passed on a message of thanks from Anne Macgregor for the Council's good wishes.

d) Well Being Award: The Mayor was pleased to announce that the Council had been highly commended for its work by the Public Sector People Managers Association, and acknowledged the contributions of the Lets get Active Co-ordinator, Shirley Piotrowski and the Human Resources team (Irene Clarke, Evelyn Dsane, Susie Fairhead and Shona Mason). e) BTEC student of the year award: The Mayor congratulated Ben Marshall (Benefits) on winning this award.

93 DECLARATIONS OF INTERESTS. Declarations of interest were made by Councillors in items on the agenda, as set out below each of the relevant items.

94 TOWN WARD BY-ELECTION. The Chief Executive reported the result of the election of a Councillor in Town Ward held on 30 March 2006 as follows:

<u>Name of Candidate</u>	<u>Description</u>	<u>Number of Votes</u>
<u>CHINN</u> Katherine Mary (commonly known as KATE)	The Labour Party Candidate	102
<u>DALLEN</u> Neil Andrew	Residents' Associations of Epsom & Ewell	373
<u>IRVINE</u> Anton Peter (commonly known as Antony)	Conservative Party	205
<u>MORRIS</u> Julie Anne	Liberal Democrat	438 (ELECTED)

Councillor Julie Morris had made her statutory declaration of acceptance of office on the night of the by-election, 30 March 2006.

95 STRATEGY AND RESOURCES COMMITTEE AND MOTION FOR DEBATE UNDER STANDING ORDER 4 – TELECOMMUNICATIONS MASTS ON COUNCIL LAND. Pursuant to the provisions of Standing Order 4, the Strategy and Resources Committee had considered the motion formally moved by Councillor Colin Taylor and seconded by Councillor Jonathan Lees at the meeting of the Council on 27 September 2005. The recommendation arising from the meeting of the Strategy and Resources Committee held on 4 April 2006 was accordingly received.

It was MOVED by Councillor Derek Phillips, SECONDED by Councillor Robert Leach and CARRIED without a division:

“That an additional recommendation be approved to review the exclusion policy after one year’s operation”

It was thereupon MOVED by Councillor Jan Mason and SECONDED by Councillor Robert Foote:

“That all areas within the Borough’s parks, open spaces and recreation grounds should be excluded from any future telecommunications mast installation”

Upon being put, Councillor Mason’s MOTION was LOST, there being 2 members in favour and the majority against.

Resolved

that recommendation 90A as amended be approved and adopted.

Note: Councillor Christine Long declared a personal and prejudicial interest in the item, by reason of her association with the telecommunications industry, withdrew from the Chamber and took no part in the debate on the matter.

- 96** STANDARDS COMMITTEE. The Minutes of the meeting of the Standards Committee held on 28 March 2006 were received and noted.
- 97** SCRUTINY COMMITTEE. The Minutes of the meeting of the Scrutiny Committee held on 12 April 2006 (including the Committee's Annual Report to the Council) were received and noted.
- 98** NOTICE OF MOTION – JUDICIAL REVIEW OF THE SECRETARY OF STATE'S DECISION REGARDING THE SITING OF A NEW CRITICAL CARE HOSPITAL. In pursuance of notice given under Standing Order 4, it was MOVED by Councillor Lionel Blackman and SECONDED by Councillor Jonathan Lees that:

“This Council notes that:

- The decision dated 19 December 2005 of the Secretary of State for Health to locate a new critical care hospital at the St Helier site (“The decision”) will lead to a reduction of important services at Epsom General Hospital.
- As a body representing the population of the Borough of Epsom and Ewell, this Council has legal standing to challenge the decision.
- Both Reigate and Banstead Borough Council and Surrey County Council are already taking steps towards a judicial review of the decision.
- Although a successful judicial review by the High Court of the decision would lead to the quashing of the decision, the Court would have no power to direct an alternative decision.
- Therefore a successful judicial review would give an opportunity to urge the Secretary of State to continue all present services at Epsom General Hospital.

Accordingly, this Council:

- Authorises the Chief Executive to obtain expert Counsel's opinion on the merits of judicial review of the decision. For this purpose it would be sufficient if the opinion is one that has already been obtained by Reigate and Banstead Borough Council or Surrey County Council.
- Unless the conclusion of the expert opinion is to advise against a judicial review, directs the Chief Executive to take every reasonable step to pursue a withdrawal of the decision, up to and including joining the Council as a party to legal proceedings for a judicial review of the decision.”

In accordance with Standing Order 4.5, the Mayor allowed debate upon the motion to take place immediately.

An amendment to the motion was thereupon MOVED by Councillor Robert Leach and SECONDED by Councillor Graham Dudley:

“That this Council:

- reaffirms its view that the critical care hospital should be sited in Epsom;
- does not support a judicial review against the decision by the Secretary of State that the hospital be sited at St Helier, as this will mean at best, that the hospital is sited in Sutton and does not allow for the case for Epsom to be made again;
- is not prepared to gamble council tax payers' money on the Liberal Democrat policy of keeping the critical care hospital in Sutton;
- notes the valuable contributions made by many individuals and groups in the community to fight for Epsom Hospital, and reaffirms its commitment to work with all such groups;
- will use all the legal and financially sound means at its disposal to ensure that key services are not removed from Epsom;
- will continue to fight for effective public consultation on all proposed changes to services and service levels; and
- believes that, in any event, maternity and Accident & Emergency facilities must be available within the borough.”

Upon being put, the AMENDMENT was APPROVED, there being 21 in favour and 8 against.

Resolved

That the amended motion, as set out above, be approved and adopted.

Note: Councillors Jean Smith and Clive Smitheram declared personal interests in this item. Councillor Jean Smith was a member of the Friends of Epsom Hospital and Councillor Clive Smitheram's daughter was a staff nurse at Epsom General Hospital.

The meeting ended at 8.53 p.m.

MAYOR