

MUNICIPAL YEAR 2018/2019 REPORT NO. 94

MEETING TITLE AND DATE

Cabinet 17th October 2018

REPORT OF:

Commercial Director

Agenda – Part: 1

Item: 12

Subject: Mobile Telephone Masts and Transmitters on Civic Buildings: Review of Council Policy Decision

Wards: All

Key Decision No: 4685

Cabinet Members consulted: Cllr Brett, Cllr Oykenner, Cllr Lemonides

Contact officer and telephone number:

Peter Robinson – Assistant Head of Service – Commercial Development

0208 3791884

E mail: peter.robinson@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.0 The purpose of this report is to review and redefine the Council's current policy decision regarding the siting of mobile telephone masts and transmitters on civic buildings which has been in place since 2003.
- 1.1 Since 2003 there has been an improved understanding regarding the potential risks to public health of transmitting equipment.
- 1.2 There has also been a significant increase in the importance of internet and mobile communications to enable residents to fully access Council and other services.
- 1.3 There is a potential significant benefit to utilising council owned rooftop sites for transmitters providing broadband access for commercial business particularly in the East of the Borough where access is more restricted than other areas.

2. RECOMMENDATIONS

2.1 Members are asked to approve the following:-

- That with respect to transmitters providing gigabit broadband connectivity for businesses only the Council changes the policy decision from 2003,
- That new applications regarding the siting of transmitters providing gigabit broadband connectivity for businesses on Council owned buildings are considered on a case by case basis through the usual planning process.

3. BACKGROUND

- 3.1 Cabinet received a comprehensive report on all aspects of Telecommunications installations on 3rd July 2001. This was followed by a further report of the Quality of Life Scrutiny Panel of 13 March 2002.
- 3.2 At its meeting of 15 July 2003 Cabinet agreed a policy decision that new installations of telecommunication equipment on schools or close to residential areas will not be given landlords consent.
- 3.3 The London Plan and London Borough of Enfield's 2020 strategy both highlight areas of deprivation and significant industrial areas in the East of the borough that require social and economic regeneration. It is recommended in these strategies that investment in digital infrastructure is a fundamental pre-requisite to stimulate social, economic and business growth in these key areas.
- 3.4 The Council is exploring a number of options to improve digital infrastructure within the Borough including improvements to small cell coverage, increased utilisation of the Council's fibre and ducting assets and provision of wireless Gigabit broadband for business in the Borough.
- 3.5 The creation of world class digital infrastructure in well-connected neighbourhoods is a key pledge within our new Corporate Plan for 2018-2022 and our 'Digital Enfield' strategy currently under development. If successful in our approach we would be able to demonstrate positive outcomes to support our residents as well as create the potential for sustainable income streams to assist with future service delivery. Some of the main benefits we could expect to evidence would include:
 - Emphasise the attractiveness of Enfield as a place to invest by having digital infrastructure to meet future business need
 - Support existing businesses and encourage new ones to locate in the borough
 - Generate sustainable income streams for the local authority as a result of innovative use of existing assets
 - Make the highest quality digital services available to residents in some of our most deprived wards in East Enfield
 - Improve the functionality and sustainability of public buildings through better digital performance
 - Facilitate upskilling of the local workforce – raising aspiration and positive affecting income levels for local people
 - Be able to advance the quality of offer to local people through adult social care services as a result of better digital connectivity
 - Provide the digital infrastructure that can ensure all new housing

projects and estate refurbishments can include upgrading digital connectivity to local residents in their planned outcomes

- 3.6 The approach would also support the wider economic development and regeneration strategy of the Council in enabling improvements in business broadband connectivity with a consequent uplift in business retention and attracting new businesses to the Borough and supporting SME's and Micro businesses
- 3.7 To support this investment in the digital infrastructure within the Borough there will be a need to explore opportunities to improve broadband access to business through use of Gigabit wireless transmitters that can deliver connectivity in areas where there are no suitable fibre networks. This may require siting of transmitting equipment on Council owned buildings.

Soft Market Testing

- 3.8 A soft market testing exercise has been carried out on behalf of the Council by a specialist consultancy, who has reported that:
- There is emergence of new models and companies to manage and commercialise council owned assets including capitalisation of rooftop rentals, joint ventures and strategic commercial partnerships.
 - Real interest in working with the Council to deliver Gigabit broadband connectivity for businesses within the Borough (Business Parks).
 - Real interest in having access to council owned rooftops with a view to delivering Gigabit wireless business broadband services to businesses within the Borough.
- 3.9 The proposed approach to realise these benefits would be through direct engagement with the market and securing site by site leases to occupy specified rooftops on a non-exclusive basis.

Consultation

- 3.10 As potential sites are identified, the Council will, through the formal planning process, engage fully with the HRA and with residents prior to any installation. The consultation will ensure residents clearly understand the public health position and the benefits that will accrue to them as a result of hosting the apparatus, such as improved internet access and speed.
- 3.11 In addition there will be clear terms and conditions regarding access and maintenance arrangements to prevent any uncontrolled use or visits to Council properties.

4. ALTERNATIVE OPTIONS CONSIDERED

To continue with the existing policy – this would significantly limit the opportunities to increase social inclusion through technology.

5. REASONS FOR RECOMMENDATIONS

Exploiting these opportunities would provide the following benefits for the Council:

- Support the wider economic development and regeneration strategy of the Council in enabling improvements in business broadband connectivity with a consequent uplift in business retention and attracting new businesses to the Borough and supporting SME's and Micro Businesses.
- Attract further investment from wireless broadband operators into the London Borough of Enfield.
- Generate additional revenue from sectors of the telecom operators without the inherent risks of the new Telecom Code Powers.

6. COMMENTS OF OTHER DEPARTMENTS

6.1 Financial Implications

6.1.1 The change in policy should create opportunities to generate additional revenue and support the wider economic development of the borough.

6.1.2 As and when these opportunities materialise, further financial analysis will be undertaken and the related financial implications covered in any subsequent reports. The outcomes of which will be reported through the regular revenue monitoring and the Medium Term Financial Plan.

6.1.3 Soft market testing has estimated that rental values could be in the region of £20k per annum per site.

6.2 Legal Implications

6.2.1 Section 1 of the Localism Act 2011 provides the Council with the power to do anything an individual may do, subject to a number of limitations. This is referred to as the "general power of competence". A local authority may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others. This general power of competence provides sufficient power for the Council to enter into agreements to site mobile telephone masts and transmitters on civic buildings.

- 6.2.2 The Council must conscientiously consider the product of any public consultation undertaken.
- 6.2.3 The Council must comply with the Electronic Communications Code set out in Schedule 3a to the Communications Act 2003 (the “Code”) and accompanying Ofcom code of practice when considering applications and granting rights to place telecommunications equipment
- 6.2.4 Any property rights granted to third parties arising from the matters described in this report must be in accordance with the Council’s Property Procedure Rules.

6.3 Property Implications

- 6.3.1 To comply with the Council Property Procedure Rules (PPR’s) the opportunity, for each site, must be advertised in the open market.
- 6.3.2 A report will be required, signed off by a qualified chartered surveyor, confirming that the rent offered and proposed terms for each site/installation represents best value for the Council as set out within the Local Government Act 1972 and so as to comply with the PPR’s.
- 6.3.3 Any agreed lease terms need to include a provision to lift and shift the equipment of the provider on all sites to enable the Council the flexibility to undertake matters such as repairs to roofs; repairs to Council owned equipment etc.
- 6.3.4 Any agreement should include a requirement that separate electricity sub meters be installed; at the providers own expense, so that all usage for their equipment is paid direct to the electricity company.
- 6.3.5 Property services have been consulted before Heads of Terms are issued and before the award of any agreement, on all sites, in order to review the proposed lease terms and to ensure that they represent best value and that they comply with the Councils PPR’s.
- 6.3.6 All occupation must be formally documented in a suitable agreement approved by legal services

7. KEY RISKS

There is the potential for public concern surrounding the installation of transmitting equipment on or near residential properties. This would be

mitigated by ensuring full consultation and engagement with HRA leaseholders is undertaken prior to any installation.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Good homes in well-connected neighbourhoods

The proposal will Support the wider economic development and regeneration strategy of the Council

8.2 Sustain strong and healthy communities

The proposal will attract financial investment into the Borough

8.3 Build our local economy to create a thriving place

Improvements in business broadband connectivity will increase business retention, attracting new businesses to the Borough and support SME's and Micro Businesses.

9. EQUALITIES IMPACT IMPLICATIONS

Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment/analysis is not relevant or proportionate for the proposal.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

Lease terms and conditions including rental received will be managed through strategic property services in line with existing council assets

11. HEALTH AND SAFETY IMPLICATIONS

None

12. PUBLIC HEALTH IMPLICATIONS

12.1 In 2003 there was concern that radiation from mobile phone masts / mobile phones / transmitters might have a number of health effects ranging from nosebleeds and headaches to cancer. Since the early 2000's there has been a considerable increase in the use of mobile technology and the infrastructure required to support this usage. There have also been a number of studies exploring the association between for example, mobile phone use and cancer.

12.2 The International Agency for Research into Cancer (IARC), part of the World Health Organisation, convened 31 experts who in 2011 concluded that "radiofrequency electromagnetic fields" – the sort given off by mobile phones – belong to "Group 2B", which means that they

“possibly” cause cancer in humans. This is the same category as aloe vera, carpentry and talc-based body powders.

- 12.3 Further studies since then have found no effect of mobile phone use on tumour of the brain / spine and non-Central Nervous System cancers. Similarly epidemiological evidence is that whilst mobile phone use etc has risen exponentially in the past decade rates of brain cancer have not. It should also be noted that whilst causal mechanisms between tobacco, alcohol and asbestos have been established no such causal pathway has been robustly postulated. There is no dispute that mobile phones emit microwave radiation but it is millions of times less than an X-ray and not enough to damage DNA.
- 12.4 Healthcare is increasingly reliant on use of IT, mobile devices and the free-flow of electronic information. Supporting the infrastructure for such communication will be increasingly important as this reliance grows.
- 12.5 In addition to the discussion points above, anecdotal evidence of similar equipment sited on or near health authority buildings such as the Vodafone mast at Hackney Hospital, or O2 and Vodafone equipment at the QE2 hospital Welwyn Garden City, shows that health authorities are willing to host this equipment.

Background Papers

None