

**POLICY REVIEW FOR TELECOMMUNICATIONS EQUIPMENT HOSTING ON COUNTY COUNCIL LAND AND BUILDINGS**

**To:** Assets and Investment Committee

**Meeting Date:** 31<sup>st</sup> March 2017

**From:** Chris Malyon, Deputy Chief Executive

**Electoral division(s):** All

**Key Decision:** No

**Purpose:** To propose a revised policy for hosting mobile telecommunications equipment on Council owned land and buildings, excluding school properties.

**Recommendation:** The Assets and Investment Committee are recommended to:

- 1) Approve the revision of the Councils policy to allow mobile telecommunications equipment to be hosted on County Council owned land and buildings in order to facilitate improved mobile voice and data coverage across Cambridgeshire and to provide a rental income stream to the Council.
- 2) Delegate responsibility to the Chief Finance Officer in consultation with the Chair of Assets & Investment Committee for the wording of the revised telecommunications hosting equipment policy in a manner which balances the risks and opportunities in relation to increased mobile coverage and income generation for the Council.
- 3) Direct the Chief Finance Officer to undertake negotiations and enter into rental agreements for equipment hosting with mobile telecommunications operators or their representatives on behalf of the Council in line with Health and Safety Executive and the International Commission on Non-Ionizing Radiation Protection guidelines.

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## 1. **BACKGROUND**

Over the last decade there has been an exponential growth of digital technology, which now underpins almost all aspects of modern living in every sphere across work, travel, leisure and health; and increasingly it impacts on the economic strength, sustainability and quality of life of all parts of the UK and beyond. As a consequence Internet access is now widely viewed as “the 4<sup>th</sup> utility” and mobile voice and data coverage is deemed essential.

Having a world class digital connectivity infrastructure is an essential component which supports and underpins key economic growth projects for the whole of Cambridgeshire, including the City Deal Programme and Wisbech 2020 amongst others. The “Digital Infrastructure Blueprint” (included at Appendix One) with associated coverage targets and plans to 2020, was approved by the Council’s Economy and Environment Committee in March 2017.

In contrast with the fixed broadband infrastructure rollout, over recent years mobile coverage has not significantly improved in Cambridgeshire and it currently lags behind surrounding counties. In surveys by the Chamber of Commerce and Cambridge Ahead mobile coverage has frequently been cited as a significant hindrance to businesses. Lack of reliable coverage also affects public service transformation programmes, including those supporting health and care integration.

Ofcom’s 2015 digital infrastructure report highlighted the fact that 2G mobile coverage in Cambridgeshire stood at 84% against the national average of 97%, and the situation regarding 4G coverage was even worse at less than 20% against the national average of 46%. Although inevitably more rural counties present greater challenges to providing mobile coverage, the fact that Cambridgeshire has noticeably poorer mobile coverage than many surrounding counties – including Hertfordshire, Essex and Northamptonshire, puts the county at a disadvantage.

Furthermore as the next generation of mobile services (known as “5G”) are developed and implementation is planned across the UK, it is important for the future prosperity of Cambridgeshire to be in the vanguard.

Although all of the mobile operators have stepped up their upgrade programmes in relation to new service commitments for 2017, this is not happening as far or fast enough to close the gap in Cambridgeshire. The government led national Mobile Infrastructure Project (MIP) that began in 2013 with the objective of delivering additional masts for mobile connectivity in “not spots” was wound up at the beginning of 2016, having failed to deliver all but a handful of additional masts across the country, with just a single new mast deployed in Cambridgeshire.

Mobile telecommunications operators have indicated that planning issues, difficulties in locating suitable land and buildings to locate masts, together with market challenges faced by mobile operators have all contributed to the current situation in Cambridgeshire.

## **2. MAIN ISSUES**

- 2.1 The current Telecommunications Masts Policy (included at Appendix 2) which prohibits the siting of equipment on Council property, including schools, dates back to around 2002. In keeping with the uncertainties of the time, it adopts a risk-averse position in order to minimise health and safety concerns amongst the general public. It also reflects estate management concerns that Mobile operators could effectively become “sitting tenants” on Council buildings, with a consequent impact on the value of the property portfolio and/or significant legal bills to remove them.
- 2.2 In the intervening period health and safety concerns have largely dissipated as take-up of mobile phones has become near universal. Meanwhile the Electronic Communications Code has recently been reviewed to strengthen the National policy in support of better mobile coverage, but also to attempt to minimise the incidence and impact of property disputes in relation to the hosting of telecommunications equipment.
- 2.3 Councils in other areas have taken a different view about hosting telecommunications equipment and the Council has recently commissioned a specialist report to review the current situation. The investigation was undertaken by property management specialists Lambert Smith Hampton (LSH), and the full report is included at Appendix 3.

### **2.4 Lambert Smith Hampton (LSH) Report Recommendations**

The main findings from main findings from the investigation undertaken by LSH were that:

- All four mobile operators are looking to expand their coverage nationally over the next 12-18 months and there is potential demand for access to Council sites if the council moves quickly to revise existing policy and negotiate terms.
- The provision of additional mast sites will help to support improved mobile coverage across the County.
- Having undertaken a “desktop” evaluation of the Councils land and property portfolio and conducted exploratory discussions with operators, LSH estimate that if the Council is able to attract greater use of assets to host telecommunications equipment it could generate an initial income of between £25-60k within the first year, rising to £130k-£321k per annum within five years.
- LSH conclude that the risks of impacting the property portfolio value by inadvertently granting “sitting tenants” rights to operators or their representatives can be mitigated by careful planning and by granting short term access where developments plans are known. This is outlined in further detail in Section 5 of the LSH report, at Appendix 3.

- LSH conclude that health and safety concerns can be minimised by ensuring that all sites are designed within the ICNIRP (International Commission on Non-Ionizing Radiation Protection) Guidelines and that the requisite certification is obtained on completion of any new mast deployments. This is outlined in Section 6 of the LSH report, Appendix 3.

- 2.5 Notwithstanding the guidelines it will still be challenging to site masts in the vicinity of schools and therefore this proposed policy amendment pertains only to non-school land and buildings.
- 2.6 The benefits of revising the policy for the Council would be improved mobile coverage across the County and a potential new source of revenue.
- 2.7 If Members approve the revision of the Council's policy the next steps would be to appoint an adviser using existing Framework arrangements to assist in identifying sites and negotiating terms with providers.

### **3. ALIGNMENT WITH CORPORATE PRIORITIES**

#### **3.1 Developing the local economy for the benefit of all:**

The report above sets out the implications for this priority in Section 1 above

#### **3.2 Helping people live healthy and independent lives:**

The implications of mobile coverage for this priority are outlined in the "Digital Infrastructure Blueprint" included at Appendix 1.

#### **3.3 Supporting and protecting vulnerable people**

There are no significant implications for this priority

### **4. SIGNIFICANT IMPLICATIONS**

#### **4.1 Resource Implications**

The financial implications have been outlined in Paragraph 2.4 above.

#### **4.2 Statutory, Risk and Legal Implications**

Risk mitigations have been outlined in Paragraph 2.4 above.

#### **4.3 Equality and Diversity Implications**

There are no significant implications within this category

#### **4.4 Engagement and Consultation Implications**

There are no significant implications within this category

#### 4.5 **Localism and Local Member Involvement**

Mobile coverage impacts across all areas of the County.

#### 4.6 **Public Health Implications**

Risk mitigation in relation to Health and Safety have been outlined in Paragraph 2.4 above.

<b>Implications</b>	<b>Officer Clearance</b>
<b>Have the resource implications been cleared by Finance?</b>	Yes Name of Financial Officer: Chris Malyon
<b>Has the impact on Statutory, Legal and Risk implications been cleared by LGSS Law?</b>	Yes Name of Legal Officer: Fiona McMillan
<b>Are there any Equality and Diversity implications?</b>	No Name of Officer: Tamar Oviatt-Ham
<b>Have any engagement and communication implications been cleared by Communications?</b>	Yes Name of Officer: Jane Sneesby
<b>Are there any Localism and Local Member involvement issues?</b>	No Name of Officer: Tamar Oviatt-Ham
<b>Have any Public Health implications been cleared by Public Health</b>	Yes or No Name of Officer: Tess Campbell needs to consult with Iain Green – on leave

<b>Source Documents</b>	<b>Location</b>
N/A	

# Cambridgeshire and Peterborough Digital Connectivity Blueprint for 21ST CENTURY INFRASTRUCTURE

An up-to-date and future-facing Digital Connectivity Infrastructure is essential for Cambridgeshire to maintain its position as a leading digital county



## **Appendix 2**

### **POLICY ON THE INSTALLATION OF TELECOMMUNICATION MASTS AT COUNTY COUNCIL EDUCATIONAL PREMISES- adopted for all CCC buildings in 2002**

Some schools and colleges in the County have been approached by companies offering financial inducements to permit cellphone companies to install telecommunication masts on their premises.

#### County Council Policy

The County Council policy on installing telecommunication masts (whether freestanding or attached to a structure) is as follows:-

- **Permission will not be given by the Property and Procurement Division (PPD) for the installation of any new or additional masts on school premises.** The existing arrangements and agreements with the telecommunications company regarding maintenance and access will have to be reviewed by PPD.
- The Head of Property and Procurement may permit the installation of small microwave receivers for local County Council communications (eg microwave IT link to schools). Such proposals will be fully evaluated by PPD officers, and any work will be carried out by vetted contractors and with full agreement of establishment managers. Any such work will be subject to a full risk assessment for each site.

#### Health Hazards

The media have reported that the microwave radiation transmitted by telecommunication masts may create a health hazard, especially to young children. The appropriate body for the provision of advice on non-ionising radiation is the National Radiological Protection Board (NRPB), a statutory body created by the Radiological Protection Act 1970.

The current advice from the NRPB is that there is no firm evidence for the existence of a cancer hazard from exposure to electromagnetic fields in the electrical, electronic and telecommunications industries. Nor are they aware of any scientific data which establishes a link between microwave exposure and childhood leukaemia. Future research may clarify this issue further.

It is also important to consider that, although the NRPB provides advice on limiting exposure to electromagnetic radiation, it is the operating company's responsibility to ensure that their radiated signals are controlled and limited in compliance with NRPB guidelines. Only the operator of the base station has the technical data to establish the exact microwave levels produced by their station. **The County Council cannot be certain that these guidelines are being adhered to and consider it necessary to err on the side of caution**

## Other Potential Health and Safety Hazards

Apart from the risks associated with microwave transmissions there are a number of other health and safety issues to be considered when installing telecommunication masts. These are as follows:-

- The County Council will not be selecting nor setting standards for the contractors that install the masts, and will be unable to determine their quality of work or their level of health and safety competence in advance.
- There is a risk of falling objects during the installation work. This could have a significant impact on the day-to-day use of the school.
- The physical installation may affect the fabric of the structure on which it is fixed, and may lead to structural or other problems (such as roof leaks). The operating company may dispute its liability to repair any such damage.
- The part of the structure best suited for microwave reception, and therefore installing the mast, may not be able to withstand the additional weight of the mast assembly.
- The County Council has a statutory duty to provide a safe place of work and healthy working environment for all of its employees. In addition, similar duties are extended to visitors; to those persons for whom the Council and its employees provide services; and to persons who hire or otherwise make authorised use of Council facilities, (Statement of health, safety and welfare policy Section I 1.1). The County Council is responsible for ensuring that its buildings do not create risks to anyone. If regular access is required to a part of a roof (or other high structure) which is not normally used by the County Council, the installation of a mast will require that protection be put in place (eg a guard rail). Alternatively, the Council must ensure that the operating company assesses the risk of falls in the same way as Council contractors, and provide scaffolding or other means of access to reach the mast safely. Monitoring this requirement would create unacceptable additional expense and work for County Council employees.
- Additional cabling associated with the mast may have to be routed through the playground and other areas on the premises. The location of the cable will not only require trenches, but may require the trenches to be re-opened later if there is a failure in the system.
- To maintain the masts whenever they fail, the operating company will need 24 hour access to the County Council building and premises. It will be difficult to control this access, and the company employees or contractors may compromise the site security during and out-of-work hours. Maintenance of the masts may also require a call-out arrangement with a member of the school staff (caretaker/ site officer/Head Teacher).

## Insurance Liability

The Insurance and Risk Control Section is concerned that schools may be signing agreements with operating companies, without their legal responsibilities or those of the County Council being clearly defined. For example, if there is an accident at the school as a result of the installation, maintenance and use of a mast, it could be unclear where liability would rest. Although the County council is not the owner of the mast, it still has duties under the relevant Occupiers Liability legislation. It is also a requirement of the Insurance and Risk Control Section that schools seek advice from the Legal Division before entering into any form of agreement of this nature. **Agreements with telecom companies can only be legally signed by the Head of legal Services or Head Of Estates (PPD) and not by the establishment manager.**

The Insurance Section have also experienced several incidents during the summer where telecommunication masts were affected by electrical storms. Where lightning conductors are inadequate, some masts could attract lightning and as a result the electrical systems within schools and the fabric of the building could be severely affected.

The County Council feel that the above hazards far outweigh the financial benefits received by schools and colleges.