1. **Purpose**

1.1 For Members to give consideration to the principle of the erection of new telecommunications equipment on the roof of Lower Union Lane Multi-storey Car Park, Torquay, along with the granting of a 20-year lease to a telecommunications Company, Hutchinson 3G (UK) Ltd.

1.2 For Members to consider the views of the Tormohun Ward Partnership in relation to the erection of the new telecommunications flagpole and equipment.

2. **Relationship to Corporate Priorities**

2.1 Delivering on our Core Values – The efficient and effective management of the Council’s land-holding is a fundamental part of the Authority’s operation.

2.2 Community – To increase the telecommunications networks’ coverage for their mobile phone users. Also, by enhancing safer communities with the use of mobile phone texting to inform members of the public of police incidents

3. **Recommendation(s)**

3.1 That the principle of the installation of the new telecommunications equipment, be approved and that the Director of Law and Support, in consultation with the Director of Financial Services and the Mayor of Torbay be authorised, to grant a 20-year lease, for the land edged red, and appropriate rights to place 3 antenna on top of the stair tower, as shown on plan number EM 1520 at Appendix 1 of this report, on acceptable terms.

4. **Reason for Recommendation(s)**

4.1 To enable Hutchinson 3G (UK) Ltd to increase their coverage of their communications network for their mobile phone users, and to increase generation of income to the Council.

4.2 The Government’s general policy with regard to telecommunications, set out in Policy Planning Guidance 8, is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum.

5. **Key Risks associated with the Recommendation(s)**

5.1 Once the lease is granted the Council will not be able to use the land for any other purpose during period of the lease.
The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

### 6. Alternative Options (if any)

6.1 To not approve the erection of the mast and equipment would mean that Hutchinson 3G (UK) Ltd would need to find another site, probably not in the Council’s ownership, in order to enhance their coverage and the Council would not generate additional income from this proposal.

### 7. Background

7.1 All requests for masts and telecommunications equipment to the Council as landowner have first got to gain planning consent.

7.2 The Mobile telecommunications Company Hutchinson 3G (UK) Ltd gained planning consent (General Permitted Development) on 21st July 2005 for the installation of a 8 metre stub tower with 3 telecommunications antennae and a 0.3 metre diameter dish, with cabinet equipment, on the roof of the Lower Union Lane Multi-Storey Car Park, Torquay. Detailed plan (Em 152) is shown at Appendix 1. Members have also been circulated with a larger plan.

7.3 Policies of the Torbay Local Plan 1995-2011 adopted in April 2004 include Policies INS Infrastructure Strategy and IN3 Telecommunications. Policy INS requires infrastructure for a new development to be implemented in a sustainable manner to safeguard the environment.

7.4 A sequential test is applied to planning whereby the applicant is required to prove the merits of each particular application but not the principle of the installation of the telecommunication mast.

7.5 Hutchinson 3G (UK) Ltd approached the Council as landowner for the site to request a 20 year lease for the site, and to place the equipment mentioned in paragraph 7.2 on the site.

7.6 There will be an annual income to the Council. Exempt financial information relating to the proposed lease terms is contained in Appendix 2.

7.7 There are other telecommunications companies, namely O2 and Orange, with equipment on the roof of this car park. Hutchinson 3G (UK) Ltd has confirmed that the cumulative emissions from the proposed telecommunications equipment and the existing equipment within close proximity to the site are within International Commission on Non-Ionising Radiation Protection (ICNIRP) and the National Radiological Protection Board (NRPB) Guidelines.
7.8 At the meeting of the Cabinet held on 15th November 2005, the Mayor deferred consideration of this proposal to enable the Tormohun Ward Partnership to give further consideration to the proposal and give their views.

8. **Legal Implications**

8.1 The title is subject to certain convenants and stipulations, however, there is nothing which would prevent the proposed letting.

**Richard Thorpe**  
**Director of Financial Services**

Contact Officer: Karen Howe  
Telephone no. 207918  
Email: karen.howe@torbay.gov.uk
IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources, Estates and Property and Procurement.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Implications</th>
<th>Responsible Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal</td>
<td>Yes – These are set out in paragraph 8.</td>
<td>Dee Brookwell</td>
</tr>
<tr>
<td>Financial – Revenue</td>
<td>Yes - Additional income as stated in Exempt Appendix 2 of this report.</td>
<td>Ian Hartley</td>
</tr>
<tr>
<td>Financial – Capital Plan</td>
<td>No</td>
<td>Lynette Royce</td>
</tr>
<tr>
<td>Human resources</td>
<td>No</td>
<td>Geoff Williams</td>
</tr>
<tr>
<td>Property</td>
<td>Yes – These are set out in the report.</td>
<td>Sam Partridge</td>
</tr>
<tr>
<td>Procurement and Efficiency</td>
<td>No</td>
<td>Andy Mitchell</td>
</tr>
</tbody>
</table>

Part 2

The author of the report must complete these sections.

Could this proposal realistically be achieved in a manner that would more effectively:

<table>
<thead>
<tr>
<th>Question</th>
<th>Achievable</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) promote environmental sustainability?</td>
<td>No</td>
</tr>
<tr>
<td>(ii) reduce crime and disorder?</td>
<td>No</td>
</tr>
<tr>
<td>(iii) promote good community relations?</td>
<td>No</td>
</tr>
<tr>
<td>(iv) promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief?</td>
<td>No</td>
</tr>
<tr>
<td>(v) reduce (or eliminate) unlawful discrimination (including indirect discrimination)?</td>
<td>No</td>
</tr>
</tbody>
</table>

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

Part 3

The author of the report must complete this section.

<table>
<thead>
<tr>
<th>Question</th>
<th>Implications</th>
<th>If &quot;Yes&quot;, give details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the proposal have implications for any other Business Units?</td>
<td>Yes</td>
<td>Legal Services – Preparation of Lease. Car Parks- Yearly Income</td>
</tr>
</tbody>
</table>
### Part 4

<table>
<thead>
<tr>
<th>Is this proposal in accordance with (i.e. not contrary to) the Council’s budget or its Policy Framework?</th>
<th>delete as appropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

1. If “No” - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body.

2. If “Yes” - details and outcome of consultation, if appropriate.

Consultation was carried through the Planning process.

### Part 5

<table>
<thead>
<tr>
<th>Is the proposal a Key Decision?</th>
<th>delete as appropriate</th>
<th>If “Yes” - give Reference Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td>X36/2005</td>
</tr>
</tbody>
</table>

### Part 6

**Wards**

Tormohun Ward.

**Appendices**

- **Appendix 1**
  - Plan of site and equipment (Plan number EM 1520)
- **Appendix 2**

**Documents available in Members’ Room**

Results of consultations by Hutchinson 3G (UK) Ltd.

**Background Papers:**

The following documents/files were used to compile this report: T0487/01 – contains exempt information by virtue of paragraphs 7 & 9 of Part 1 of Schedule 12A of the Local Government Act 1972.