

Minutes

RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE

15 November 2011



Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW

	<p>Committee Members Present: Councillors Michael Markham (Chairman) Susan O'Brien (Vice-Chairman) Jazz Dhillon Shirley Harper-O'Neill Kuldeep Lakhmana David Payne Michael White David Yarrow</p> <p>Witnesses Present: Councillor John Hensley, Chairman of Central and South Planning Committee Councillor Eddie Lavery, Chairman of North Planning Committee James Rodger, Head of Planning, Consumer Protection, Sport & Green Spaces Boe Williams-Obasi, Senior Manager, Corporate Landlord</p> <p>LBH Officers Present: Nadia Williams, Democratic Services</p>	
27.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Councillors Judy Kelly and June Nelson. Councillors Michael White and Kuldeep Lakhmana attended in their place.</p>	
28.	<p>DECLARATION OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interests notified.</p>	
29.	<p>TO CONFIRM THAT ALL ITEMS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT ANY ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items on the agenda were marked as Part 1 and would be considered in public.</p>	
30.	<p>TO AGREE THE MINUTES OF THE MEETING HELD ON 6 OCTOBER 2011 (<i>Agenda Item 4</i>)</p> <p>The minutes of the meeting held on 6 October 2011 were agreed as an accurate record of the meeting and signed by the Chairman.</p>	

31.	<p>REVIEW 1 - WITNESS SESSION 3 (<i>Agenda Item 5</i>)</p> <p>The Chairman welcomed the following Councillors (Cllr) and Officers:</p> <ul style="list-style-type: none"> • Cllr John Hensley • Cllr Eddie Lavery • James Rodger, Head of Planning, Consumer Protection, Sport & Green Spaces • Boe Williams-Obasi, Senior Manager, Corporate Landlord <p>Cllr Markham explained that the aim of this witness session was to focus on the Planning aspects relating to Telecommunications masts and equipment.</p> <p>Members asked the witnesses what they believed the issues were with respect to Planning, and what might be the solutions.</p> <p>Cllr Lavery advised that alleged health issues had no influence on planning decisions relating to telecommunication masts. He suggested that one of the growing concerns of residents was the fact that the equipments were getting larger and bulkier resulting in visual intrusion and clutter. The cabinets at 2metres wide and 6ft tall and adding more than one on the pavement was becoming a growing concern, as these were appearing on pavements where residents were already struggling to walk on.</p> <p>Cllr Lavery said that currently there was little evidence on applications to show that alternative sites had been investigated and that such evidence would be welcomed to demonstrate that other sites were being investigated. Evidence to show that more mast share as well as the sharing of cabinet space would also be welcomed; otherwise there would be an increase in the pavements continuing to be cluttered. Many of the cabinets appeared to be green and large and out of character on some high streets and suggested that it would be good to see cabinets that reflected and in keeping with the area. Cllr Lavery expressed concerns about the continual increase in the size of the new cabinets.</p> <p><i>Members asked whether choosing the design of the cabinet was something that the Planning Committees would consider.</i></p> <p>Cllr Lavery said that there was a range of alternative designs in the pre-application process where operators could be guided and it would be helpful if there was a good range of alternative designs. However, the present position was that submitted applications must be either accepted or turned down. There was currently no variation regardless of the point at which decisions on the applications were made.</p> <p>Cllr John Hensley stated that there was a noticeable variance between the locations of telecommunications mast applications submitted to the Planning Committees. Applications to Central & South Planning Committee tended to be for location at the top of buildings (as the south of the borough was more built up compared to the North of the borough). To take account of this, often conditions to prevent antennas</p>	<p>Action by</p> <p>James Rodger</p>
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being placed on buildings were required to be imposed, as consideration of the skyline was equally as important as the street scene.

James Rodger advised that an application rejected at the pre-application stage was responded to positively by the operator who had suggested that other sites would be looked at (Vodafone).

The Committee requested clarification from officers, as to what the recommended width should be on the pavement.

James explained that officers from the Highway Team would be better placed to respond to this issue and advised that all telecommunications applications were required to go through Highways before a decision could be made.

Cllr Hensley suggested that the Planning Department would need to give some guidelines, as at present, conditions were being imposed for when technology was no longer required to be removed, but there was currently no indication as to when it could be decided that it was no longer required. The meeting was advised that there should be a drive to get companies to work with other outlets to utilise already available equipments. Adding that the Planning Committees could do nothing with applications submitted with bad designs, Cllr Hensley agreed that it would be helpful to have a choice of designs.

The Committee asked whether the Planning Committee had any input or say in design issues.

Cllr Lavery considered that if Hillingdon was to take a radical stand, it would lead to appeals. However, if other local authorities were to be involved in taking a Pan-London approach, there would be a greater chance of success.

James Rodger advised that the Planning Department could produce guidelines that were more prescriptive, however, the new draft National Planning Framework provided zero guidance, resulting in a vacuum. Cllr Hensley said that one of the points that should be included in the guidelines was the recommendation that the Council would expect operators to give reasons why in their opinion, site coverage in suggested areas were not acceptable.

Boe Williams-Obasi explained that the Corporate Landlord was tasked with managing the land, properties and assets owned by Council, which were managed as a corporate resource. This was achieved with expertise from architects, and surveyors. It was noted that the process for reviewing assets was through the property governance meeting held once a month with the Leader, Cllr Ray Puddifoot, and Cllr Jonathan Bianco, the Cabinet Member for Finance, Property and Business Services. The idea of what to put forward to be reported to Cabinet was established at these meetings.

The Committee noted that operators may request to place masts on Council owned land and on top of Council owned properties for a rental

Nadia Williams,
Democratic Services

fee.

The Committee was concerned that Corporate Landlord might agree to lease land and place masts on Council owned properties without planning consideration.

Boe advised that she was aware only of two current mast agreements on Council owned sites and suggested that a tighter procedure could be put in place. It was noted that currently, any request would result in the Corporate Landlord investigating who owned the land and establishing what the future plans were for that land. The Corporate Landlord would want to protect the Council's interest by not allowing masts to be installed on land that the Council may wish to sell or develop later.

The meeting was informed that leases had a security of tenure and once agreed, tended to stay. One of the biggest issues highlighted was that under the Council Policy, the leases issued to providers were inside the Landlord and Tenants Act and therefore had security of tenure. It was explained that there was the option for the Council to change its policy and chose to issue these leases outside of the act. However, it was pointed out that the operators had statutory power in their own right and it would be very difficult to get them off Council land once they had been issued with a lease of any kind.

From the point of view of the Corporate Landlord, it was noted that the main point of assessment would be in focusing on the future potential for that piece of land in question. It would be difficult to establish an appropriate value to charge the mast providers, as this was a closed market and the rents charged were therefore not sufficiently transparent. The meeting heard that any decision to allow operators to operate from Council owned land would need to be one that would give value for money. In theory, the operator would need an agreement in principle to lease a land from the Council in order to be able to operate.

James Rodger suggested that the Corporate Landlord would have the opportunity to engage with operators at the Annual Roll-out meeting with the Planning Department, where operators discussed advanced plans and areas where they had siting problems. At the meeting (usually held in January), operators would ask the Council for an indication as to how their proposed sites were likely to be 'traffic lighted' and asked officers to give them an idea of possible suitable sites.

It was noted that BT did not attend this meeting in respect of their Broadband cabinet sites.

Boe advised that it was worth considering what message the Council would wish to send out, as in her opinion, it would be better not to have masts on Council sites, as more revenue could be gained from developments as opposed to masts. It was suggested therefore, that it may be better for there to be no Corporate Landlord representative at the Roll-out meetings.

	<p>The Committee noted that the main issue was that relating to the cabinets and these did not fall under Corporate Landlord. Also established was that the cabinets required planning permission only if they were sited in a conservation area.</p> <p><i>Members asked whether there was any way that location of cabinets could be controlled.</i></p> <p>James Rodger advised that the Draft National Policy Framework had only a brief reference to telecommunication.</p> <p>During discussion the following points were made:</p> <ul style="list-style-type: none"> • The Planning Committees could not impose height restrictions on future developments, as this would be up to the operators. • That the Planning Committees would welcome the cabinets being smaller and compact in terms of the visual impact on the street scene. • The standard cabinets from BT should also be look at • The Planning Committees considered each application on its merits. • Officers could include conditions as a standard item to allow for removal graffiti on cabinets. • Cabinets could be made more secure by covering them in plastic seals. • Cable boxes as opposed to telecommunication boxes were usually prone to vandalism. • Noted that operators were aware of the need for sharing equipments but that this was all dependent on financial implications. • Only one appeal against a refusal had been made to date. • Only approximately 6 applications a year had been received from operators to operate on Council land. • Highlighted that if the Council was to publicise the availability of Council land, there would be an increased interest. • Only two masts operating on Council land had leases generating £10,000 per annum. • That it would be helpful to have a documented process for the number of telephones masts and cabinets in the conservation areas, as well as outside of the Conservation Areas. <p>The Committee acknowledged that the Council should develop its own Policy to fill the gaps from the Draft National Policy Framework.</p> <p>The Chairman thanked the witnesses for attending the meeting and for providing valuable evidence for the Committee’s review.</p>	
32.	<p>ANNUAL SAFETY AT SPORTS GROUND REPORT - COMMITTEE UPDATE (<i>Agenda Item 6</i>)</p> <p>The Committee noted the Annual Safety at Sports Grounds update report.</p>	Action by

	Resolved – That the Annual Safety at Sports Grounds update report be noted.	
33.	<p>FORWARD PLAN (<i>Agenda Item 7</i>)</p> <p>Members asked to see the following reports scheduled for February 2012 in the Cabinet Forward Plan:</p> <ul style="list-style-type: none"> • Responsible Retailer Pilot – Decision to be made by Cabinet on 16 February 2012 • London Cycle Network Schemes and Cycling Initiative Schemes – Decision to be made by the Cabinet Member for Planning, Transportation and Recycling. <p>Resolved</p> <p>The Committee agreed the Forward Plan.</p>	<p>Action by</p> <p>Nadia Williams, Democratic Services</p>
34.	<p>WORK PROGRAMME 2011/12 (<i>Agenda Item 8</i>)</p> <p>Resolved</p> <p>The Committee agreed the Work Programme for 2011/12.</p>	
35.	<p>ANY OTHER BUSINESS (<i>Agenda Item</i>)</p> <p>The Chairman welcomed and thanked Councillors George and Judith Cooper for attending the meeting in respect of the report from the town twinning working party, which was due to be considered by Cabinet on 24 November 2011. The report had been circulated for information to Committee Members prior to the meeting, as RESPOC had initiated the original review into town twinning.</p> <p>It was noted that RESPOC was happy with the report requested that the Committee’s appreciation of the diligence and hard work of the working party be conveyed to Cabinet.</p> <p>Councillor George Cooper responded that the working party was grateful to RESPOC for giving them the opportunity to gather the views of various witnesses and feedback from representatives of the twinned authorities involved.</p> <p>Resolved – That RESPOC thanks the working party for their diligence in preparing this report and wholeheartedly support the recommendations made.</p>	
	The meeting, which commenced at 5.30 pm, closed at 6.40 pm.	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nadia Williams on 01895 277 488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.