

Decision No: CS6 – 23/02/2009

Forward Plan No: N/A

This record relates to Agenda Item 53 on the agenda for the Decision-Making

RECORD OF CABINET MEMBER DECISION

DECISION-MAKER: COUNCILLOR AYAS FALLON-KHAN

PORTFOLIO AREA: CENTRAL SERVICES

SUBJECT: CELLULAR PHONE MAST NEAR 3
BRANGWYN WAY, PATCHAM

AUTHOR: RICHARD BUTLER

THE DECISION

1. That the position as set out in the report surrounding the cellular mast near 3 Brangwyn Way be noted.
2. That it be agreed that the council seeks to re-open dialogue with T-Mobile.
3. That local residents be advised of the limitations faced by the council under the telecommunications legislation

REASON FOR THE DECISION

1. The options are very limited with the choice reduced to continuing efforts to re-open dialogue with T – Mobile to assess the scope to adjust the position of the mast to try to meet local concerns. At the same time officers and Councillors can make clear to local residents the reasons why the council is unable to force the relocation of the mast and the ability of the operator to seek another location within the immediate vicinity.
2. If efforts are not made to impress upon local residents the reality of the situation they are likely to continue to approach Councillors and officers in a situation where the council has little, if any, control and likelihood of success.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. Do nothing.
2. Accept the status quo and seek to grant a lease to T- Mobile to retain the mast.
3. Open dialogue with T- Mobile with a view to getting the mast removed or relocated.
4. Re-open litigation with a view to seeking a Court Order for the removal of the mast and seek to pursue a case for removal on health or visual amenity grounds. This route does not represent value for money to the council as according to expert advice the prospect of success is doubtful.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

The decision-maker did not declare a personal or prejudicial interest in the matters set out in the report.

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision

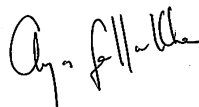
Date:

23 February 2009

Decision Maker:

Councillor Ayas Fallon-Khan
Cabinet Member for Central Services

Signed:



Proper Officer:

23 February 2009

Mark Wall, Head of Democratic Services

Signed:



SCRUTINY

Note: This decision will come into force at the expiry of 5 working days from the date of the meeting at which the decision was taken subject to any requirement for earlier implementation of the decision.

Call-In Period

24 February – 2 March 2009

Date of Call-in (*if applicable*) (*this suspends implementation*)

Call-in Procedure completed (*if applicable*)

Call-in heard by (*if applicable*)

Results of Call-in (*if applicable*)