

Mobile Operators' response to the Deloitte & Touche Implementation Review recommendations



15 July 2003

4. Detailed Findings for Each Commitment

Overall Recommendation

The overall recommendation is that a concerted effort is required to ensure that the Commitments and especially the planning commitments are applied fully. As part of this effort it may be worth reviewing the Commitments and the guidelines to implementation themselves to ensure that they are what the various stakeholders really want.

Accepted, the operators are committed to delivering improved communication and consultation with local authorities and the public. They will reinforce to their site acquisition agents the need to apply best practice in their consultation with local planning authorities and communities. The Ten Commitments' planning and consultation aspects are now contained in the Code of Best Practice on Mobile Phone Network Development published by the Office of the Deputy Prime Minister (ODPM) in November 2002 ("Code of Best Practice"). The Code of Best Practice and its operation are to be reviewed by a working group established by the ODPM and the operators will have regard to this in reviewing the Ten Commitments against the requirements of the various stakeholder groups.

4.1.1 Stage 1 - Area Wide LPA Consultation (Annual and Pre-roll out)

Recommendations:

- *Consider sending maps of sites to the LPAs which are not marked "commercial in confidence" to allow Planning Officers to assist in identifying potential site share opportunities within their area*

Accepted, and already implemented. Those maps issued to LPAs in October 2002 are in the public domain.

- *Continue to offer Annual Review meetings with the LPA and consider offering joint Operator meetings to facilitate Local Planning Officers'*

understanding of the potential impact of the Operators' plans in their areas.

Accepted, the operators will continue to offer meetings on their annual rollout plans which are sent to all local planning authorities each autumn. In 2001 approximately 15% of planners accepted the offer of a meeting and in 2002 approximately 10%. The operators will encourage ODPM and LPAs to work to ensure higher take up by Planning Officers.

- *Request feedback from Local Planning Officers on the annual and pre-roll out Consultations and address their concerns regarding effectiveness and usefulness of the information provided.*

Accepted, the operators will continue to ask for feedback on their annual rollout plans which are sent to all local planning authorities each autumn. The operators will also seek to agree, in conjunction with the LGA, improvements to the format (e.g. e-copy) in which the information is provided to LPAs.

- *Tie individual applications in to the annual/pre-roll out consultation information to allow Local Planning Officers to understand their context. (The reader is referred to the Code of Best Practice Appendix F, Section 2).*

Accepted, already implemented in the Code of Best Practice and the operators will remind site acquisition agents that they should refer Local Planning Officers to annual roll out plans or pre-roll out plans.

- *Consider working with Local Planning Officers to address their concerns regarding their lack of technical expertise which prevents them from understanding the information provided to them as part of the annual and pre-roll out consultation process.*

Accepted, the operators are willing to assist planners to improve their technical expertise at either technical workshops (Commitment 4) or on a case-by-case basis. This is best achieved when the LPA has a dedicated Telecommunications officer.

2.A.1 Information Gathering and Site Identification

'Number of potential sites identified in search areas'

Recommendations:

- *Reiterate to Agents the need to maintain clear records of the potential sites identified in the search area and the reasons for choosing and proceeding with particular sites especially where they have been allocated a Red or Amber Traffic Light Rating.*

Accepted, the operators will reiterate to their site acquisition agents the importance of keeping good records for all the stages of the site selection and pre-application consultation process.

- *Consider providing clear explanations (both technical and non-technical) for proceeding with alternative and/or suggested sites in planning applications.*

Accepted, the operators will reinforce to their site acquisition agents that they must provide planners with clear explanations (both technical and non-technical) as to why alternative sites are not proceeded with. The Code of Best Practice Supplementary Information Template has a section dealing with alternative sites.

‘Allocate Initial Traffic Light Model Rating’

Recommendations:

- *Reinforce the use of the MOA standard Traffic Light Model for all potential sites to ensure all sites are consulted on using the consistent criteria.*

Accepted, the operators will reinforce to their site acquisition agents that they must use the MOA standard Traffic Light Model for all potential sites. This is already contained in their contractual conditions of engagement. The MOA website now contains all the latest versions of the documents.

- *Clarify that the Traffic Light Model does not apply to temporary sites.*

Accepted, the Traffic Light Model does not apply to temporary sites. This is the understanding of the operators, but it is accepted that it was not stated within the Model. This will be rectified.

- *Consider performing sensitivity tests on the Traffic Light Model’s scoring system to help in refining the guidelines for rating sites. The current Traffic Light Model guidelines are subjective can be interpreted in a variety of ways, which may result in sites being “under-rated”.*

Accepted, the operators introduced the Traffic Light Model to add objectivity to the consultation process but recognise that the system is inherently subjective. However, the process should involve input from LPAs in order to make it more objective. The operators will perform sensitivity tests on a sample of sites over the next year to see if the current Traffic Light Model guidelines can be refined.

2.A.2 LPA Consultation and Opinion

Recommendation:

- *Require Agents to formally document discussions with Planning Officers regarding Consultation Strategy. The agreed Consultation Strategy should be formally recorded and its implementation documented on file.*

Accepted, the operators will remind their site acquisition agents of the need for good record keeping of the consultation strategy discussions and the consultation strategy adopted. Annex F, Section 2 of the Code of Best Practice provides for a record to be made of consultation carried out, with or without LPA agreement, and submitted with each planning application/notification.

- *Clarify the wording of the Site Selection and Planning Model as not all consultation strategies will be agreed by all stakeholders.*

Accepted, the operators will clarify the wording of the Site Selection and Planning Model accordingly.

2.A.2 and 2.A.4 Offer a pre-application meeting

‘Pre-application Meetings and LPA responses’

Recommendations:

- *Continue to offer Local Planning Officers pre-application meetings for all sites, regardless of the history of response from specific LPAs.*

Accepted, Annex F, Section 2 of the Code of Best Practice requires this to be recorded. The operators will remind their site acquisition agents that they should continue to ask for meetings even if the planning authority has refused such discussions in the past. Operators recognise that planners have many demands on their time but regard the advice that they can give to agents at this pre-application stage as essential.

- *Contact Planning Officers by telephone, email, fax or correspondence as alternatives to pre-application meetings to allow their feedback and participation in the pre-application consultation process –perhaps agree preferred mechanism with individual officers.*

Accepted, the operators will direct their site acquisition agents to be flexible in the format of such discussions.

- *Reiterate to Agents the need for all information on any pre-application consultation, which has taken place, on potential site share options and/or within the relevant search areas to be forwarded to the relevant Outgoing site share Agent.*

Accepted, the new site sharing arrangements which the operators put in place in 2001/2 include information transfer where both outgoing and incoming agents act in the stages of pre-application work.

- *Consider providing Planning Officers with drawings of the potential sites at an early stage to facilitate the Planning Officers' assessment of the potential impact of a site in an area.*

Accepted, the operators will encourage their site acquisition agents to provide drawings for any pre-application discussions with planners.

- *Ensure that sufficient time is provided to the Planning Officers to review these drawings. The definition of "sufficient time" should be agreed between the Operators and the Planning Officers.*

Accepted, the operators currently allocate two weeks for Planning Officers to review and respond to drawings. The operators will encourage their site acquisition agents to discuss with Planning Officers on a case-by-case basis what time is needed, within the Government's best practice targets.

'Record the LPA Case Officers' views in Consultation Plans'

Recommendation:

- *Reiterate the use of the Consultation Plan to record the views of the Planning Officers during the pre-application consultation stage.*

Accepted, the operators will reiterate to their site acquisition agents the need for good record keeping of the views of Planning Officers. The Supplementary Information Template to be submitted with each application has a section to record the outcome of discussions with the LPA.

2.A.3 Site Selection

'Re-appraise Traffic Light Rating'

Recommendation:

- *Re-iterate to Agents the need to record the TLM rating and re-appraise it for all potential sites until the preferred option is identified. Agents should be encouraged to retain all documentation relating to the potential options and TLM ratings of sites.*

Accepted, the operators will reinforce to their site acquisition agents the need for good record keeping of potential sites considered – (Annex F, Section 6 of the Code of Best Practice refers.)

- *Clarify intent to all stakeholders regarding the purpose of the Traffic Light Rating. Community representatives and National Pressure Group, currently interpret Red/Amber ratings as meaning alternative sites should be found, however, the current wording of the model indicates that only more consultation is needed. (The reader is referred to the Code of Best Practice)*

Accepted, it is clear from the Ten Commitments and the Code of Best Practice that the Traffic Light Rating is designed to identify how much additional pre-application consultation is necessary for a proposed site.

2.B.1 Tour of Options (Optional)

Recommendation:

- *Consider providing Planning Officers with photomontages of the site options and preferred site as well as or as an alternative to the tour of options.*

Accepted, the operators will provide photomontages for viable site options if requested by planning officers.

Stage 3: Community Consultation

Recommendation:

- *Train Agents in consultation strategies and clarify when to initiate them. This training should reinforce that consultation is a two-way dialogue and that community response must be seen to be taken into consideration.*

Accepted, the operators will make it clear to their site acquisition agents and, where appropriate, to in-house community liaison staff the need for best practice in their consultation with communities and offer feedback on how the community response has been implemented.

Stage 3: Community Consultation

3.A.1 and 3.A.2 Letter to Ward Councillor, Letter to Parish Council Clerk (or appropriate National variations)

Recommendations:

- *Consider reviewing and linking to the implementation of the Ten Commitments the Agents' remuneration.*

Accepted, the operators' terms and conditions require site acquisition agents to follow the Ten Commitments. The operators will confirm this requirement to their site acquisition agents.

- *Reiterate the need for Ward Councils and Parish Council clerks to receive consultation letters for all Amber/Red sites unless otherwise advised by the LPA.*

Accepted, the operators will reiterate to their site acquisition agents the need to comply with the Essential steps of the Site Selection and Planning Model and, if the LPA requests no consultation, this should be recorded on file.

3.B.1 Consultation letter Mail Shots

Recommendations:

- *Provide clear guidelines to Agents as to whom is expected to be consulted for all sites.*

Accepted, the operators believe that the Site Selection and Planning Model gives clear guidelines on whom to consult.

- *Encourage Agents to obtain and use local contact details of community representatives where available.*

Accepted, the operators will reiterate to their site acquisition agents the need for best practice in their consultation with communities.

- *Ensure Agents employ consultation strategies that go beyond merely informing community representatives of intended plans and that when feedback is received it is reflected in future plans and activities.*

Accepted, the operators will remind their site acquisition agents of the need to consider feedback from community representatives in future plans and activities.

3.B.2 Erect Voluntary Site Notice

Recommendation:

- *Maintain evidence of any site notices erected in site files.*

Accepted, the operators will reinforce to their site acquisition agents the need for good record keeping of any additional optional consultation activities, including voluntary site notices.

3.B.3 Informal ‘Drop In’ Session

Recommendation:

- *Ensure all drop in sessions are published on a wider basis to allow communities to take advantage of them*

Accepted, the operators will remind their site acquisition agents of the need for best practice in their consultation with communities.

3.B.4 Key Stakeholder Briefing Session

Recommendation:

- *Ensure all stakeholder briefing session are publicised on a wider basis to allow interested stakeholders to participate in them.*

Accepted, the operators will reinforce to their site acquisition agents the need for best practice in their consultation with communities including the need to identify key stakeholders and target invitations to a full cross section of community representatives.

3.B.5 Leaflets

Recommendation:

- *Maintain evidence of any leaflets provided to communities on site files.*

Accepted, the operators will remind their site acquisition agents of the need for good record keeping of the leaflets they may have provided to communities.

3.B.6 Public Notice Placed in Local Press

Recommendation:

- *Consideration should be given to increasing the use of the local press as a method of communicating Operator site plans to local communities.*

Accepted, the operators will consider the merits of using the local press to a greater extent in consultation with site acquisition agents and local planning officers on a case-by-case basis.

Other

Recommendation:

- *Reiterate to all parties the need to retain complete documentation on site files detailing all contact made, and the outcome of any contact, with LPAs and community groups. Without complete documentation on files it is not possible to ascertain a full picture of the consultation performed.*

Accepted, the operators agree that good record keeping is an essential part of the transparency of the network rollout process. While some information about the consultation carried out will be on the files of the operators' Community Liaison Officers (which were not reviewed by Deloitte & Touche), acquisition agents' files should have some record of these activities.

General recommendation for Stages 2 and 3:

- *Consider developing additional supporting training and tools to Agents to facilitate and support them in implementing the Ten Commitments.*

Accepted, the operators have introduced supporting training and tools and will consider developing additional supporting material for site acquisition agents to assist them in using best practice in community consultation.

Stage 4 Planning Submission

Recommendations:

- *Consider including the additional information detailed as the good practices for each planning type in the appropriate standard information provided for all applications.*

Accepted, the operators will continue to provide the additional material as required by the Code of Best Practice.

- *Provide Planning Officers with supporting information for Licence notifications submitted*

Accepted, the operators will provide the additional material as required by the Code of Best Practice.

4.2.1. Commitment 3: Publish clear, transparent and accountable criteria and cross industry agreement on site sharing, against which progress will be published regularly

Publish clear, transparent and accountable criteria

Recommendation:

- *It is recommended that criteria are published that will allow Local Planning Officers, Agents and interested stakeholders to understand the technical and commercial decision making criteria upon which sites can or cannot be shared.*

Accepted, the operators will include the information in the standard Supplementary Information Template supplied. Annex F, Section 6 of the Code of Best Practice provides for information to be submitted for all sites considered and not chosen.

Regularly publish progress against the site share transparent criteria:

Recommendations:

- *Consider publishing the site share information to a wider group of stakeholders rather than just the government bodies listed.*

Accepted, the operators will consult with third party site providers on this recommendation.

4.2.2. Commitment 4: Establish professional development workshops on technological developments within telecommunications for local authority and elected members

Recommendation:

- *Consideration should be given to assessing whether given changes in the market, perception of risk and/or in regulation renewed effort is required to change the agenda/contents or invitation list whether the key targets have attended across the four regions of the UK (Northern Ireland, Scotland, Wales and England).*

Accepted. Local Authorities have responded very positively to the programme of MOA workshops and there is continuing demand for them. A member of staff has been recruited to MOA to act as a Council Liaison Officer to facilitate and develop this successful Commitment. Operators also attend meetings with councils where the presentation content is tailored to suit local priorities.

4.2.3. Commitment 5: Deliver, with the government, a database of information available to the public on radio base stations

Recommendations:

Consideration should be given to:

- *Assessing the need for a validation process of the data (currently the Operators submit information and it is entered onto the database by the RadioCommunications Agency).*
- *Developing a feedback process so that when errors are found by users of the database they can be addressed.*
- *Addressing feedback we received that requests for information logged on the web site are not replied to by the Operators.*
- *Applying national grid reference locations to the sites so that local planning officers and other parties can relate the data to standardised GIS data.*
- *Using a nomenclature system for the sites that does not reset every three months when the database is updated (the National Grid Reference could be used for this).*

Accepted, the operators will bring these recommendations to the attention of the Radiocommunications Agency which owns and controls the database. The operators have regular liaison meetings with the RA to discuss the website. The information on sites is updated quarterly by the operators. A new nomenclature system has been introduced which does not reset each quarter and the operators' cell identification reference is used for this purpose.

4.2.5 Commitment 8: Provide specific staff resources to respond to complaints and enquiries about radio base stations, within ten working days

Recommendation:

- *Consider the need for the 'specific' requirement in the Ten Commitments as nominated specific staff resources does not appear to be how community representatives liaise with the Operators.*

All operators have appointed community liaison staff to deal with public complaints and enquiries. They will call on other resources within the operators and may, depending on the nature of the enquiry, ask specialist technical staff to respond directly to public enquiries. Each operator has a dedicated phone number and e-mail address for public enquiries and the appropriate community liaison officer will then respond to the enquirer.