

Health, Social Services and Housing Panel Telephone Mast Review

MONDAY, 22nd JANUARY 2007

Panel:

Deputy A. Breckon of St. Saviour (Chairman)

Deputy C.H. Egré of St. Peter

Senator B.E. Shenton

Connétable M.K. Jackson of St. Brelade

Witnesses:

Mr. D. Smith (Chief Executive, Cable and Wireless)

Mr. R. Sharman (Cable and Wireless)

Deputy A. Breckon:

Right, 3.30 p.m., we are back in business. Welcome. What I will do is I will go through the procedure, you have been before to Scrutiny Panels in the past, you must be fairly popular if you keep getting invited back again, so this is a different Panel and a different subject. Anyway, you are welcome and I will just go through the procedure and then we will move on from there. I am Chairman of the Health, Social Security and Housing Scrutiny Panel and this sub-panel was set up under that Panel and the other members are Deputy Collin Egré, Connétable Mike Jackson and Senator Ben Shenton. We do have terms of reference and any information that we discuss today we will be able to give you if you do not have that. Also, there might be things that you might refer to, if need be, will have to come back to. So this is part of a process, not the end of the process. The Scrutiny Review is to look at telephone masts and the terms of reference are: "The sub-panel will consider the concerns of the public relating to perceived health implications as a result of the increase in applications for mobile phone mast installations following the recent expansion of the mobile telephone market. In undertaking this review the sub-panel will have regard to the advice provided by the Health Protection Department, international standards and best practice in respect of health precautions, health concerns raised by the public, and reporting its findings and recommendations to the States." That is the terms of reference. There is also another procedural issue, which I will ask Collin to remind you of. There are handouts on the desk. It is just the immunity that is given to you in giving evidence to this hearing. I will ask you, Collin, if you could do that.

The Deputy of St. Peter:

Excuse the formality of this stage, but it is something that we have to go through for legal reasons. It is important that you fully understand the conditions under which you are appearing at this hearing. You

will find a printed copy of the statement I am about to read to you on the table in front of you: “The proceedings of the Panel are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 and the States of Jersey (Powers, privileges and immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 2006 and witnesses are protected from being sued or prosecuted for anything said during hearings unless they say something that they know to be untrue. This protection is given to witnesses to ensure that they can speak freely and openly to the Panel when giving evidence without fear of legal action although the immunity should obviously not be abused by making unsubstantiated statements about third parties who have no right to reply. The Panel would like you to bear this in mind when answering those questions.” The proceeding are being recorded and transcriptions will be made available on the Scrutiny website. Please excuse me for talking up, because that what I am going to ask you to do as well. Obviously, to make satisfactory recordings, we have to project. This establishment is known for its ability to project and I hope you will be able to do the same. That is it from me.

Deputy A. Breckon:

Thank you for that, Collin. Just to go on, before I ask you to introduce yourselves for the benefit of the record, you have been supplied with a number of questions. That is a guide from where we might be, but obviously, things that you say could raise supplementaries to that, so it is not to be sort of taken as being done in stone, and also, at the end, there will be an opportunity for you to say whatever you want, something we might have missed or something you want to explain further. Just generally, you are not on trial for anything, so the idea is to have an exchange, relax, I hope you enjoy it and we can get some dialogue going. The thing that Collin mentioned, there is a transcript, and you probably know the procedure, we do have an express service, we are hoping this can be done fairly quickly, and what will happen then is you will be given a copy of that and you will be given the opportunity to correct anything that you have said that you may realise subsequently is incorrect. You might say “30” when it was “50”, so you are given that opportunity. Seven days after that, then it will become a matter of public record. So, again, it is a case of if you are not sure, as I say, you are not on trial for anything, so that is really where we are. So, what I propose, without further ado, is ask if you can introduce yourselves for the benefit of the record and then we will go into questions.

Mr. D. Smith (Chief Executive of Cable and Wireless Jersey):

Good afternoon, and thank you for the opportunity as well, Deputy. My name is David Smith; I am Chief Executive of Cable and Wireless Jersey.

Mr. R. Sharman:

Good afternoon. I am Russ Sharman, the Engineering Director for Cable and Wireless in the Channel Islands. A bit of background, I have worked in the industry for about 25 years, largely in radio and microwave engineering since the mid-1980s and have been involved with mobile telephony in Guernsey

since the inception in 1994-1995 and more recently in Jersey and soon to be The Isle of Mann.

Deputy A. Breckon:

With the questions, please feel free to either/or answer or whatever, it would not be necessarily directed at anyone, but obviously you know that the idea is to get a dialogue, so however you feel comfortable with that. Generally, I would like to open with the thing, if you could briefly describe to us the development of your company in Jersey over the past few years.

Mr. D. Smith:

Sure. Our goal here is to be the leading telecommunications provider in Jersey. We will meet that goal by providing better choice, greater value and innovation and service into the marketplace here. Since our inception in Jersey approximately 3 years ago we have launched corporate data products, fixed line services, mobile services and we intend to compete in the broadband market as well. Taking mobile services as an example, because that is probably the more relevant topic of today, we launched our service under the Sure brand name on 13th September this year and immediately at that point we were the only mobile provider in Jersey to provide carry-over minutes, calls to the UK within customers' bundles, electronic top-up, one rate roaming plans, free voice mail across all price plans and blackberry. This level of service enabled us to capture 7 per cent market share in just 6 weeks and subsequent to that we have enjoyed further growth since that point. Essentially, we intend to continue to provide that level of service across all of our products and markets and, we very much hope, to the benefit of Jersey customers.

Deputy A. Breckon:

You have touched on some figures there; do you know the actual percentage of mobile users in Jersey in relation to the total population? It has been described to us as "saturation".

Mr. D. Smith:

It is a difficult one to measure and estimate. I think it's worth saying, any market research we undertake we generally class as commercially confidential.

Deputy A. Breckon:

If there is anything you believe is commercially confidential then you need not disclose it in a public arena and if need be we can adjourn and we can have 15 minutes at the end when we can do that, so if you want to pass on any of these questions then please do.

Mr. D. Smith:

Thank you. I think it would be fair to say that there are few people in Jersey between the ages of 16 and 70 who do not possess a mobile phone and I think it is also fair to say that there are plenty of people

who possess more than one mobile phone. So, in numerical terms, I would tend to agree that the market is close to the figure that was quoted recently, I think by the Jersey statistical unit in their Jersey Figures brochure, where they estimated the market at a shade under 100,000. I think the caveat I would put to that figure, it is likely to include seasonal workers, it may include lapsed pre-paid users who perhaps have not used their phone for a while and maybe stuck it in a drawer, and it probably excludes roaming customers as well, so there are a lot of different ways of measuring the market size, but I think that is probably a good starting point and we would not disagree with those figures.

Deputy A. Breckon:

Anybody anything?

The Deputy of St. Peter:

I mean do you have a figure that you will give us of the number of subscribers that you currently have?

Mr. D. Smith:

We would not, Deputy. It is, as a FTSE 100 company, those are figures that are treated very carefully and are considered share price sensitive, so the only figure that has been quoted is the one I mentioned earlier, where we received 7 per cent market share in 6 weeks of launch.

The Connétable of St. Brelade:

If I can link through to that figure, whatever it may be, does that figure, and the indication that you say that figure is growing, lead to an increase for the need of phone masts?

Mr. D. Smith:

Stepping back, and perhaps its a good point to explain how many mobile radio base stations we have and what level of demand perhaps that is set up to achieve, and that might then address the figure. So, based on our predicted demand for service here in Jersey, we anticipated launching with approximately 45 mobile radio base stations, and I will distinguish early between a radio base station and a mast, as they are not necessarily the same thing, which we will perhaps come back to. So, we anticipated about 45 mobile radio base stations to deliver the level of coverage and the level of capacity to meet the needs and expectations of the market, at least for our launch period and for a period which is, we would view, perhaps a year after launch. It is difficult to predict, but roughly at that timescale. I think you will probably note that from the States of Jersey website, where the applications are logged for all providers in the marketplace, we have submitted applications for 48 radio base station sites, so we are roughly in line with that figure. We do not see that increasing dramatically over the next few months. I think, as we will go on to explain as well, our infrastructure is set up to cater for both 2G and 3G services, so we would not have to extend that number to cater for a different technology. Where we would increase that number is for additions in capacity to meet demand or specific coverage issues where we have to in-fill a

particular area of geography.

The Deputy of St. Peter:

Just as a point of clarification, so I am happy in my mind, having spoken to other people involved in the industry, we check on the terminology being used. Base station, now, the information that we have to date is that a base station; it comprises macro-sites, micro-sites and pico-sites. So they are all base stations in effect. Are we talking about the same terminology?

Mr. D. Smith:

We are. A base station, if I can read from a couple of notes here, a base station, we class as a transmission and reception station in a fixed location consisting of one or more receive and transmit antenna, a microwave dish and electronic circuitry, that is used to handle mobile traffic. It serves as a bridge, as you will probably know, between all mobile users in a cell and connects mobile calls to the mobile switching centre or indeed to another site. A mast is effectively a pole, which is used to support that equipment, and is not necessarily used in all circumstances. In fact, fewer than half of our radio base stations necessitate stand-alone masts or poles.

The Connétable of St. Brelade:

Can I come in to mast sharing? Now, clearly, the Island, or the public perception is that the Island is becoming saturated with masts. Does your company share masts or installations with any of the other providers that are here?

Mr. D. Smith:

Yes it does. As a first priority, and wherever practically possible from a legal, regulatory and commercial point of view, we will share a structure with another provider, and that provider does not necessarily have to be another telecoms operator, it could be a provider of broadcasting equipment or of alternative equipment. So, for instance, we co-located equipment on the JEC Tower in St. Helier, Fremont Point in St. John, Les Platons in Trinity, La Chasse in St. Ouen, St. Catherine's Light House in St. Martin, the Airport Radio Tower and North Tower in St. Peters and indeed the 2E2 Tower in St. Saviour.

The Connétable of St. Brelade:

That is very creditable. Do you have any commercial difficulty with sharing with another provider?

Mr. D. Smith:

From a commercial point of view, it is no fundamental difficulty, as long as we can strike the right agreement, it should not be a problem.

The Connétable of St. Brelade:

Has the sharing concept been stimulated by the license agreement if you buy the JCRA?

Mr. D. Smith:

Not necessarily. I think you have to step back and just consider how we plan our mobile phone network, and that is the main driver for determining what type of structures we will use. But as a starting point, for ease of getting the service up and running, it is always easier to use an existing structure. So as a first priority, when we are planning our network and deciding which locations to use, if the locations fit in with our requirements we will always use an existing structure or, in this case, maybe it is a tower, for instance, in the example of Les Platons, Fremont Point, and then as a second step we will always use an existing structure, for instance a building or a car park or similar structure, and then only as a final fallback will we use a location that will necessitate a mast.

The Deputy of St. Peter:

How many sites at the moment that belong to JT (Jersey Telecom), or are shared with Jersey Telecom, how many sites are operational?

Mr. D. Smith:

I do not know the answer to that question. I can check, but some of the sites I mentioned earlier, and I do not have that information to hand, JT are certainly present. In terms of the sites that they own, I do not believe they own those sites, the sites I mentioned.

The Deputy of St. Peter:

But they are there with you on the same structure?

Mr. D. Smith:

On some of those sites, yes.

The Connétable of St. Brelade:

In terms of emissions, do you have any systems in place for monitoring or measuring emissions from your masts or base stations?

Mr. D. Smith:

We do, and we are in the process of carrying this out at the moment. We are comfortable to monitor the level of emissions as often as the law demands and as often as practically possible where we have an engineering team of just 3 people here in Jersey. Under the terms of our planning permits we are obliged to provide actual measurements of emissions within 12 months of receiving that planning

permit, and that is obviously what we are going through at the moment. We have already provided estimates of the level of emissions as part of our submissions within the planning process and we are happy to adhere to any guidance given by the JCRA or indeed the Planning Department in terms of how often we make those measurements or indeed how those measurements are made and by whom.

Senator B.E. Shenton:

When you were setting up the business, was there a minimum coverage that you had to have under the license before you could switch on, and were you provided, by Jersey Telecom, with the locations of all their sites from day one, so that you could decide which ones to share, or which ones might be feasible to share with them?

Mr. D. Smith:

I do not know the answer to that question, Senator. I do not know if you do, Russ?

Mr. R. Sharman:

In terms of JT providing their sites, no, we were not provided with a list of sites from JT. Sorry, what was the other question?

Senator B.E. Shenton:

Did you have to have a minimum coverage under the license before you could offer a service?

Mr. R. Sharman:

No, we did not. Obviously, if we do not have a sufficient number of sites available for coverage then your proposition to the marketplace is severely weakened, so from our point of view we would only launch the service when we had sufficient coverage.

Senator B.E. Shenton:

Are you now aware of where Jersey Telecom have their sites?

Mr. R. Sharman:

We are, yes, on the States website shows where they are, although some of the JT sites, we understand, are quite small sized in terms of phone boxes and places like that, which we need clarify exactly what their capabilities are, whether some of the structures may not be able to share at all.

Mr. D. Smith:

We have access to the same information that the general public has access to, so if it is logged on, for instance, that States of Jersey website, that is the same information we would share.

Senator B.E. Shenton:

I think that is only quite recent.

The Deputy of St. Peter:

Are you familiar with a document provided by our own Health Protection Unit in Jersey regarding the health issues associated with mobile phone masts? It was dated April 2006.

Mr. D. Smith:

Yes, we are fully aware of that document.

The Deputy of St. Peter:

When were you made aware of it?

Mr. D. Smith:

We were made aware of it back in April, as soon as it was published, yes.

The Deputy of St. Peter:

What are your views on the recommendations that are found at the end of that document?

Mr. D. Smith:

From our point of view, we fully support the recommendations that were made and indeed we have no issue with adhering to those recommendations, and that is what we understand we are doing at the moment. So, if I recall, if I can just draw the conclusions to my mind. If I recall the recommendations in that report, it made all base stations be subject to the scrutiny of planning application process, which indeed they are. There should be improved consultation by the operator with community prior to the selection of the site. We have made a number of attempts, both to reach out to yourselves, to Senators, Deputies and Constables, to explain the location of our sites. We actively consult with local residents where we feel that perhaps there are concerns that need to be addressed and reactively we will always react to any concerns that are brought to our attention. Emissions from base stations must meet, as a minimum, the ICNIRP guidelines. At a predicted level, all of our base stations are an absolute fraction of those guidelines; the maximum is 1 per cent of those guidelines. So, yes, we adhere to that policy. Measurement of the actual levels of radiation from base stations must be undertaken following commissioning, which I mentioned a few moments ago we are undertaking right at this moment in time. Mobile phone network operators deliver with the States of Jersey a database of information. That information is available in the public domain and I am comfortable that is an accurate reflection of what we have submitted to the process. There is cross-industry agreement on the sharing of sites and masts and I have cited a number of examples where that is the case.

The Connétable of St. Brelade:

In terms of authority on health guidelines, if you like, and given that Cable and Wireless is an international company, do you refer purely to ICNIRP, or do you refer just to the Stewart report, or do you have any other authority that you tend to use?

Mr. D. Smith:

It is largely along the lines you have described there. I mean first and foremost, yes, a key requirement here is to ensure that we develop a world-class network, which, in all senses of health, safety and performance, is comparable by world standards. I think it is interesting to point out that our network here is one of the top 3 performing networks across the whole of the Cable and Wireless group, which spans 34 countries.

The Connétable of St. Brelade:

Sorry to interrupt, that performance is based on what criteria?

Mr. D. Smith:

Performance in terms of a number of criteria, such as dropped calls, call quality and so on. In terms of the reports you have mentioned there, I think one of the most often cited reports is the Stewart report, that is one, I think it was carried out in 2000 in the UK, it is seen as the landmark report, it is one that, I think, initially reported the balance of evidence suggested that for mobile phone users, exposure to radio frequency radiation below guideline levels does not cause adverse health effects to the general populations. I think in his recommendation; he also advocated a precautionary approach, that recommendation is often used out of context. The phrase “precautionary” should not be taken to mean that no network development should be taking place until further research is done; instead it means that the use of technology should be governed by certain safeguards. In this case we have adopted, as has been recommended, the ICNIRP guidelines. So that is what we adhere to and I think that is the appropriate and the right international benchmark for us to adhere to. Various other reports subsequent to that, including Professor Stewart in 2005 publishing his second report, I think the paper published by the World Health Organisation in 2006, a fact sheet dealing with base stations and health, including this important conclusion: “Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects.” The World Health Organisation publication does mention the public often perceive a far greater risk from base stations than the evidence supports. The World Health Organisation also endorses the ICNIRP measurement and adherence to levels below those standards. So, that is what we adhere to and, as I said before, all of our sites are below 1 per cent of that accepted international level.

The Connétable of St. Brelade:

Given that there are other items of scientific research being put forward, have you come across the international ECOLOG report commissioned by T-Mobile at all?

Mr. D. Smith:

I have not.

The Connétable of St. Brelade:

Or the Salzburg agreement, are you familiar with that?

Mr. D. Smith:

Not in any detail, I am aware of these reports, but not aware of the detail.

Senator B.E. Shenton:

Have you been surprised but the public concern in Jersey over mobile phone masts, or whether this is sort of the norm for communities these days?

Mr. D. Smith:

Could you say that again, Senator?

Senator B.E. Shenton:

Have you been surprised at the level of public concern over the health risks?

Mr. D. Smith:

To a certain extent, yes. I think I have been surprised by the level of comment that has been reported in the press. I have also been surprised at the lack of direct comment to Cable and Wireless as a company. We have had very, very few direct concerns registered to us on specific radio base station sites, probably 3 or 4, which we had not anticipated or at least dealt with before they have reached our company.

Senator B.E. Shenton:

There was a public meeting at Grouville that brought the matter to a head to a certain extent, but was that a Cable and Wireless mast that there were concerns about?

Mr. D. Smith:

No.

Senator B.E. Shenton:

Have you had any specific or strong representations about any one particular mast of Cable and

Wireless?

Mr. D. Smith:

We have had, if I recall, a discussion around the Western Fire Station in St. Brelade, where I attended a public meeting with representatives from the community who were concerned about the site at the Western Fire Station and at the meeting, subsequent to that meeting we agreed to look for an alternative location.

Senator B.E. Shenton:

Did you move the mast as a result of that consultation?

Mr. D. Smith:

We were in the early stages of planning on that work, so we were able to move to a different alternative location.

Deputy A. Breckon:

Can I come back to the report by the Health and Social Services. This is the one report on mobile phones and health on base stations. You said that report came to you at an early opportunity in April 2006. Did that come through official channels? Were you asked to comment on it or act on it or was it just there for you information?

Mr. D. Smith:

I am not sure, Deputy. I think the report was sent directly to Rupert Naylor, so it was not sent directly to me. So, I cannot comment on whether we were asked to provide input to it or whatever.

Deputy A. Breckon:

The reason I ask that is that it has a number of recommendations and the question we are asking is who has done anything about those recommendations? From that I mean in your now position, can you say if you have been asked to comply with any of that or provide information for any of that or to monitor regular information? Has that happened to you as a company?

Mr. D. Smith:

Yes, we have. Again, if I reflect on one or 2 of the recommendations they made I think the main --

The Deputy of St. Peter:

Sorry, can I just interject there just for a second?

Mr. D. Smith:

Yes.

The Deputy of St. Peter:

I think the point we are trying to deal with here is did you take a -- it would appear you took a proactive stance against the recommendations. Has anybody come back to you to check that you have done any of those recommendations?

Mr. D. Smith:

From the Health Department?

The Deputy of St. Peter:

Yes.

Mr. D. Smith:

With me directly, no, but through the Planning team. I think one thing which is worth pointing out is that the planning process is extremely diligent in picking up predicted levels of ICNIRP emissions and, indeed, following up on measurement of the actual performance of the network once it is up and running. So, not so much the Health Department, but very much so from the Planning Department.

Deputy A. Breckon:

You monitor that? They do not do it independently?

Mr. D. Smith:

They do not. I think that is worthy of some discussion. At the moment the recommendation is that we monitor the network ourselves and that, as I mentioned earlier, is part of our planning permit; that we have to provide the actual measurement within a year. In Guernsey, and Russ will elaborate a little bit in a moment's time, they have an independent audit of the network for all operators which provides consistency of process, measurements and time scales.

Deputy A. Breckon:

It was going to go on --

Mr. D. Smith:

No issue in terms of supporting that from Cable and Wireless.

Deputy A. Breckon:

It has been brought to our attention that for possibly 2 years in Guernsey the regulator has done that because part of the licensing agreement was that there were standards built into that for Health and

Safety and what they decided to do, and you might be able to expand on that as to your experience, the regulator monitored that on an ongoing basis and I think it brought in OFCOM to assist with that. Could you tell us what your experience is of that and whether you would have any problem if we did that in Jersey?

Mr. R. Sharman:

Okay. In Guernsey all the documentation is on the OUR's website, it is in public domain. The actual processes and the reports and the findings are there as well. So, in Guernsey there was a degree of concern raised by the public over masts and health and safety issues, similar to what was done here. There was ourselves as Cable and Wireless Guernsey, operating as the incumbent operator and Wave Telecom, prior to a third entrant coming in. There was much debate about the ways and what standards it should meet and the rest of it. Quite quickly it was established that the ICNIRP standard was the measure of safety that should be followed. But in reality, practically measuring the emissions is quite a complicated business and you can measure it in so many different ways. You can certainly do it with the test equipment. You need to be able to repeat the tests. We could measure them with one operator another operator could measure in a different way. The interpretation results could be different. So the regulators decided to do their own independent benchmark exercise and also for the ease of the public - it is my personal view now I have said it - that if Cable and Wireless or Wave Telecom said they are safe -- we would say that if the question was thrown back. So, the measurements are taken independently by the Office of Utility Regulation. Now, they employed some consultants to do the tests themselves in measuring the emissions. If you have the structure that is 70 feet in the air, short of hanging out of a helicopter in the wave beam, how are you going to measure it? So where are you going to benchmark that, measure that from? So they took GPS measurements so that they could repeat the test at the same location, accurately, using benchmarked calibrated test equipment.

The Deputy of St. Peter:

So, it is scientifically robust.

Mr. R. Sharman:

Yes, absolutely. So they did that and it was the same method and process that were used for both operators and their results came clean and there is no cause for concern in the conclusion reached. So, we would welcome an independent view, we have no objection to that at all, I believe. We would still, as an operator, do our own checks anyway, as part of good care and maintenance in the network. Yes, all the details on the OUR's website and then I have brought some copies with me in case they are not available here.

Deputy A. Breckon:

Can you give us an idea how much that equipment would cost?

Mr. R. Sharman:

We are researching, a new piece of equipment for Jersey, in the order of about £15,000, something like that.

Deputy A. Breckon:

Then you would need obviously someone who was a specialist --

Mr. R. Sharman:

You would need a trained person to operate it and also he would need to analyse the results and interpret it as well. The other thing I should say in Guernsey that after that we have been subjected to - it is not a problem - spot checks which can check -- so they operate independently. So you go and check to see whether there is any increase in the results or not. So you have almost got a watchdog keeping an eye on them. Peace of mind for the public.

The Deputy of St. Peter:

From a technical perspective, how much could a particular aerial stray on an output level? Is it electronically stable that something happened to go wrong in order to get a power output greater than that that you have set?

Mr. R. Sharman:

The power outputs fluctuate depending on how many calls are in process --

The Deputy of St. Peter:

I am thinking of the highest power level rather than fluctuating.

Mr. R. Sharman:

Yes. I think, to try and answer your question, it is extremely difficult to find the levels anyway because they are so low level. They get 1 per cent of something very low. It is not much better than they start off with. The measures they found in some cases being negligible to quite difficult to find at all. But the power levels do fluctuate, depending on the number of calls, but the fluctuation in terms of the percentages is extremely small.

Deputy A. Breckon:

Do you have a Codes of Practice at least for employees handling and working with this equipment?

Mr. R. Sharman:

We do, yes. If we have to climb the structure to attend to the transmitters as a precaution, we switch the

transmitters off within certain distances. Our engineers are equipped with personal RF monitoring devices (Nard alerts). If you are on a shared site it is not only yourself, you could have inter-operator controls as well because you may have to pass another operator's transmitting site before you can reach your own, depending if you are on different heights of structure. So, yes, we do have processes in place.

Deputy A. Breckon:

Can I ask you again, in terms of monitoring, how difficult would it be if you had, say, 3 operators on the same site to do that? Would you take a joint monitoring exercise?

Mr. R. Sharman:

This is from an independent measuring point of view?

Deputy A. Breckon:

Yes.

Mr. R. Sharman:

They are all different frequencies, for example, over here we operate generally in the 1800 megahertz band versus Jersey Telecom who operate in 900 megahertz band. So, it is a frequency dependency, you can tune in to specific sites and its frequency, which is one of the other things on the website. There you are, they have got the actual address, location, grid map, reference, wave lengths, frequencies, power levels, that is all broken down per operator. So you need to tune in. You cannot take what they call a wide-band measurement of power because you would be capturing all sorts of broadcasts, so you have to be narrowed down to the specific frequency in question.

Deputy A. Breckon:

Is there any warning for the general public on a fence nearby or on the equipment itself? Is there any public access to this?

Mr. R. Sharman:

No. But generally the structures themselves are quite high so you have to be determined to climb the structure in some way to do it. The only occasional one I am aware of is if you have a flat roof you may have barriers or guards or signs up there but that is more for contractors who have to go on to an open roof for air-conditioning units or something similar and could be in the same general vicinity with other roof-mounted transmitting aerial base site. So there may be a warning sign there. But then the onus is on the person who owns the site to control the access to it. Indirectly there is access control mechanisms so you cannot just casually wander in to a site, no.

Senator B.E. Shenton:

Are all your base stations covered by public liability insurance?

Mr. D. Smith:

Yes. We have general liability cover which limits claims against Cable and Wireless for anything, bodily injury, damage to property, damage or loss to third party and so on. Radio base stations are included within that general liability insurance but the policy does not specifically cover electromagnetic risk, but it is not excluded.

Senator B.E. Shenton:

You rent the land that some of these base stations are on? Do you advise the people that you are renting from that perhaps they should have liability cover in place?

Mr. D. Smith:

I do not know the answer. I will have to check back on that in terms of process of our negotiations and discussions with landlords.

The Deputy of St. Peter:

I suppose the question that follows that --

Mr. D. Smith:

If I could just say, we employ third-party consultants who are specialists radio base station planners and providers. So we would have to check back on the process they would go through with each of those site providers.

Senator B.E. Shenton:

If there was an insistence that mobile operators had public liability insurance in place to cover any health risks in the future, do you think this would cause you a problem in terms of expense?

Mr. D. Smith:

I cannot answer that question.

The Deputy of St. Peter:

That was going to be the very question I was going to ask.

Mr. D. Smith:

I will happily research it but I cannot speak to it today.

The Deputy of St. Peter:

There is a certain level of concern about the siting of base stations close to areas of high density population and particularly schools. A figure of 300 metres from schools has been suggested. What are your views on that sort of approach?

Mr. D. Smith:

Yes. Even though we have no radio-base stations on the premises of a school, for instance, we do not support the introduction of an exclusion zone. We do not believe they are practical either. As long as emissions are a fraction of the ICNIRP guidelines, as stated previously, we believe that is sufficient and the most effective way both of developing and maintaining the right standard. I think mobile phones carry out an important benefit in their own right and to have the potential of a hot spot where perhaps you do not have coverage, particularly in a school area, for instance, may not be a positive thing in an emergency. The planning process is in place to ensure that any radio-base station is erected in a way to minimise this impact on the environment. That is in place at the moment, I think that works very well indeed. Furthermore, I do not think there is any specific evidence to support the arbitrary figure of 300 metres. As I said before, as long as we operate within the standard I have detailed previously, I do not think there is any need for it. It creates a false planning environment with exclusion zones which will then create more planning issues further down the line.

The Deputy of St. Peter:

Appreciating that, you are following the ICNIRP standard, which is the international standard, if, as a result of more scientific work that we all know is taking place, the current ICNIRP standard is found to require lowering, would you be adaptive and prepared to follow that new guideline?

Mr. D. Smith:

At the moment we are within 100th of the overall guideline so I expect us to be able to comply with any lowering of that guideline automatically should that happen.

Deputy A. Breckon:

Do you have any problem with sharing information with the other operators about where your stations are and what they are because as one the recommendations it has been suggested that the operators have a States of Jersey database with information available to the public. Now, I think part of the problem is the public do not feel that they have the whole picture and that is part of this process really, if that is the case, is to develop that. Do you have any problems with sharing that information with others?

Mr. D. Smith:

Absolutely no problem at all. I think the only issue that would arise is if we are in the early stages of planning on that work. Until that application is made official it is a commercially sensitive issue. But at that point, as soon as the planning application is submitted and, therefore, in the public domain, there is

no issue sharing that information with the general public or to anyone else who may be interested.

The Connétable of St. Brelade:

Some concerned individuals suggest that the overlapping of emissions from multiple masts in one vicinity would cause a cumulative effect which could then exceed safety standards. Have you got any comment to make on that assertion?

Mr. D. Smith:

I think I would simply draw your attention back the fact that our predicted emissions, as I said, are no more than 1 per cent of the internationally accepted guidelines. So I would expect, and I do not know, but I would expect other operators in Jersey to be along similar lines. So, if, and my engineering colleague can correct me if I am wrong, it is a cumulative factor and 1 per cent becomes 2 per cent, would not class that a significant increase in risk.

The Connétable of St. Brelade:

Do you have any evidence to confirm that mobile masts do not cause cancer clusters, as once again has been asserted by some?

Mr. D. Smith:

Sorry, could you repeat that?

The Connétable of St. Brelade:

There have been assertions that mobile phones can cause cancer clusters. Have you ever come across this statement at all?

Mr. D. Smith:

I have not. I do not know from where that statement came. I am aware of dozens of reports which can draw all sorts of conclusions and quite often those studies are not supported by peer-related support. They lack any independent replication and they are not best-practice, scientific calculations and methodology. So, I am not aware of the specifics of that report, of any report along those lines.

The Deputy of St. Peter:

Are you aware that currently there is a view being taken in the United Kingdom that a fresh look should be taken at the health issues associated with mobile phones and mobile phone masts and that they are planning a 5-year funded study?

Mr. D. Smith:

Yes, I am aware. I noted that on the news just a couple of evenings ago and welcome that type of

research as long as it is done with the support of all UK operators, the GSM Association and with the right scientific methodology behind it, absolutely welcome.

The Deputy of St. Peter:

Who do you think should define that right scientific methodology?

Mr. D. Smith:

Probably the independent regulator in the UK which would be OFCOM.

The Connétable of St. Brelade:

Do you think there is mileage in having a separate moderator over here? At present we have got the JCRA issuing the licence. Do you think there ought to be another independent body monitoring the whole system, not only at the level of emissions from masts but in other matters to do with the mobile telephony situation?

Mr. D. Smith:

I think it is well within the capabilities of the current regulator, the JCRA. So I would say that they are able to take on that kind of monitoring and work.

The Connétable of St. Brelade:

Have the JCRA, in fact, issued you with any guidelines on the planning aspects of the erection of mobile masts, particularly when the licence was initially issued?

Mr. D. Smith:

Not that I can recall over the last year. Although prior to that, and it was before my time, any guidelines that we received - I will reiterate, positive guidelines - have come directly from the Planning Department.

Deputy A. Breckon:

Something that has been anecdotally supplied about leases of the land for mast sites, I wonder if you would like to comment on your experience of availability and cost of the leasing of sites?

Mr. D. Smith:

In terms of just our views and experience here?

Deputy A. Breckon:

Yes. Obviously, in legal terms, if it is up to 9 years to lease something it is a paper lease and it does not have to be registered in court, or if it is above that then it does and there is stamp duty and stuff paid on

it. So, I just wondered if you had experience of that. Did you use a local legal team or did you experience it elsewhere or when you are negotiating with landowners, did you have any measures to do that or is it just on each case on an individual basis? What is your experience of it?

Mr. D. Smith:

Every single negotiation we make on those 48 radio base stations is an individual negotiation which is conducted generally directly with the landlord and often with our third-party agents acting on our behalf. Planning the exact location where we would want the radio base station is the first step. So when we are planning that network across Jersey we have to be fairly precise on where we want that location to be. There is some flexibility and I think I have made it clear, the sort of priorities we would work through. Each and every one of those structures is an individual negotiation with the landlord. Some take a lot longer than others. Some are commercially difficult to achieve. Some are very quick. There is very little sort of guidance I can give further than that.

Mr. R. Sharman:

It varies from place to place, yes. They are all different really.

Deputy A. Breckon:

May I ask, has that situation changed? Has there been more tension there, say, in the last 6 months because of the competition?

Mr. D. Smith:

Because of competition? No, I do not believe so. I think there has been a few concerns recently over the last 4 or 5 weeks on one or 2 applications we still have going through the process where I think the increased visibility of the process we are going through now has raised some concerns, which in all cases we have been able to deal with.

The Connétable of St. Brelade:

How does the planning process here in the Island, compare with your experience in the England for setting up a network of masts?

Mr. D. Smith:

Cable and Wireless does not provide a mobile phone service in the UK. The consultants we employ have worked in the UK. They have remarked that the process here in Jersey has generally been a more thorough, more demanding process from start to finish, specifically around guidance on the type of infrastructure, the type of mast used, where we are building a mast, and in terms of monitoring the level of emission. I think publicly Senator Cohen has made it absolutely clear where he stands on the type of infrastructure he expects to see and from our perspective we are 100 per cent behind that. We think it is

a very environmental solution and we believe the right one for the Island.

The Connétable of St. Brelade:

Cable and Wireless have a presence, I believe, in other island situations. Are there any direct comparisons with Jersey in the sort of network you have got here that you can compare the performance with?

Mr. R. Sharman:

The nearest one is Guernsey I suppose, in many respects.

The Connétable of St. Brelade:

Nothing further that?

Mr. R. Sharman:

Well, not that I can talk about anyway. I mean, the processes in Guernsey to go through planning was extremely similar to what is going through Jersey. Also with the land use consultant's report in Guernsey and all related issues, the health issues. I think the difference in Guernsey is that for the OUR, the regulation there -- so much has been mixed up to appease public opinion with the safety issues by doing an independent assessment of the issues and, therefore, removes the onus away from the operators to the regulator and gives the comfort factor which I think people are seeking based on international standards which we talked about this afternoon. Obviously there are places in the Caribbean, Jamaica, St. Lucia -- I cannot, talk honestly, about the authorities, I do not know. But, yes, Guernsey is the nearest one we have got and it's got similar sorts of issues and environmental -- you know, the Islanders, the outlook and history to go with it and where it has come from. Previously to that, Guernsey Telecoms, as it was, did not have to apply for planning permissions and their processes from our structures at all because they were exempt from that through the States. Guernsey Telecoms was liberalised into a limited company and became Cable and Wireless Guernsey for quite some considerable time some years ago in 1999-2000. So, since then the last 5-6 years, or 7 years in reality, it has had to go through a public planning process in masts as well. So, over that period of time we have only put in a couple so it is fairly small sites and they are not masts, they have reused existing structures like the St. Barnabas Church which is in St. Peter Port which is a re-used building.

The Connétable of St. Brelade:

Just going back to health issues and radio magnetic effects, it has been alluded to that there is section of population who is susceptible to radio magnetic effects. Have you got any comment on that?

Mr. R. Sharman:

No. I have got no experience of that at all.

The Deputy of St. Peter:

There are a huge number of people who are expressing concern over the health issues. I mean, not many in Jersey but on the UK mainland as well, and certainly in other areas of Europe. Although some of this may be as a result of perception, for these people it is still very, very real and it has a direct health effect on them. What do you think we should do to try and improve the situation as it exists at the moment?

Mr. D. Smith:

I appreciate the concerns and as a company you would expect us to take this seriously and we do. As far as we are concerned, all the internationally accepted research indicates that as long as the emissions are well within ICNIRP guidelines there is no threat to health. That is what the research tells us and, therefore, that is what we support. I welcome inquiries such as this which is there to help provide I think the right kind of clarity to the general public, the right kind of communication. Some of the recommendations we touched on earlier by the States of Jersey Health Department I think are important and that should be maintained. Being open and transparent, in terms of our locations and the range of issues, is absolutely no problem to a company such as Cable and Wireless. I think stepping back to the point you began to touch on, I think if you are expecting anyone to say there is absolutely no risk from mobile radio base stations, you will find no one in the world who can say that. What you will say is that risk is absolutely minimal and as long as you are working within a standard, and well within a standard, to mitigate any possible risk, that is the best possible practice for mobile operators.

Deputy A. Breckon:

Anything else? Thank you for that, gentlemen. That has been really helpful. Following from that there could be things that arise that we might get back to you and if there is anything that you think of that would like to pass on to us this is part of a process, not the end of the process. Just in conclusion, I would like to make to the offer I made it to start with, is there anything you would like to say that we might have omitted, anything you would like to say or anything you think of we did not touch on.

Mr. D. Smith:

Nothing further from me. Thank you.

Deputy A. Breckon:

Okay. Thank you very much for that and I will adjourn until 9.30am tomorrow morning. Thank you.

ADJOURNMENT