

Cabinet

5 April 2022

Officer Delegated Authority to agree Telecoms Operators access agreements

For Decision

Portfolio Holder: Cllr J Haynes, Corporate Development and Transformation, Cllr T Ferrari, Economic Growth, Assets & Property

Local Councillor(s): All wards that will benefit from fibre broadband deployment

Executive Director: A Dunn, Executive Director, Corporate Development

Report Author: Dugald Lockhart
Title: Service Manager, Digital Place
Tel: 01305 224207
Email: dugald.lockhart@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary:

The provision of Gigabit broadband and mobile digital technologies is a national priority, a central plank of the former industrial strategy and of the emerging levelling-up policy. It is a priority of Dorset Council's Economic Growth Strategy:

Digital connectivity plays a key role in both improving productivity and addressing environmental challenges. The roll out and utilisation of full fibre and wireless technology and 5G will enable people to travel less and access opportunities. The impact of Covid-19 has demonstrated the absolute necessity to have reliable, resilient and up-to-date digital infrastructure to support economic activity and provide community services. The infrastructure and ability to exploit its potential are essential to enable inclusive growth and prosperity and realise the vision for clean economic growth.

(DC economic growth strategy)

The Government wants to deliver nationwide coverage of gigabit-capable broadband as soon as possible and is confident that the private sector will deliver gigabit connectivity to the most commercial 80% of the country by 2025. To support this, the Government will continue to implement an ambitious programme of work to remove barriers to broadband deployment. The Government also wants to encourage commercial investment and stimulate suppliers to go further into harder to reach areas, by using subsidies to stretch that commercial activity further.

The purpose of this paper is to seek delegated authority to enter into land access agreements in accordance with the Electronic Communications Code introduced by the Digital Economy Act 2017, so as to ease the delivery of our priorities for modern world-class digital connectivity. Where a discount is recommended this is in effect targeted to encourage and facilitate digital infrastructure roll-out, in our hard to reach areas.

Simplifying access to our land is an important part of Dorset Council's responsibility to support the market in providing the digital connectivity we all need.

The content and recommendations in this report follow consultation with the Department of Digital, Culture, Media and Sports (DCMS), industry and relevant services within Dorset Council and is based on recent experience of managing contracts for broadband provision.

Recommendation:

That cabinet:

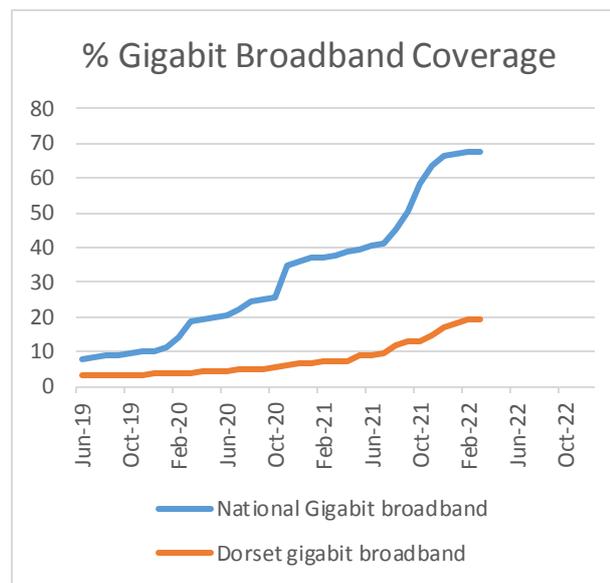
- (i) Agrees a delegated decision route to grant access requests for telecoms infrastructure across, on or under council-owned land for a nominal value (eg £1), where the installation of the infrastructure is to directly benefit Dorset Council, or where the installation is delivered with public subsidy.
- (ii) Delegates the decision to discount the relevant land charges to the Portfolio Holder for Economic Growth, Assets and Property in consultation with the Executive Director of Place, and the Corporate Director for Digital and Change.

Reason for Recommendation:

To facilitate removing impediments and bottlenecks and in agreeing access to Dorset Council land and property for broadband delivery and recording a delegated decision.

1. Report

- 1.1 Recently we have seen a sharp increase in the availability of gigabit broadband in Dorset and market analysis tells us that there will continue to be a growth in both commercial and publicly-subsidised telecoms provision of over the next three years. However, Dorset still lags behind the national coverage figure, with a growing gap. As the availability of this connectivity accelerates, Dorset council must ensure the right measures are in place to support the market to deliver as much as possible, not least in connecting hard-to-reach premises.



- 1.2 Previously across predecessor councils in Dorset there had been an inconsistent approach to agreeing access to council land for telecoms operators, in some cases it took years to finalise access. This has become increasingly frustrating for telecoms operators in Dorset to roll out the infrastructure needed to upgrade to future proof full-fibre gigabit broadband and mobile connectivity.
- 1.3 With fibre infrastructure rollout increasing at pace there is an urgent need to standardise the approach.
- 1.4 In 2017, Government set up the Barrier Busting Task Force with a key objective to identify and address the barriers preventing the fast, efficient and cost-effective deployment of gigabit-capable broadband and improved mobile coverage, including next generation 5G technology, with land access and ease of access agreement being a key focus. The summary of the guidance from this task force states:

The inability to secure suitable sites for electronic communications equipment is one of the biggest barriers to network deployment.

Network providers require different kinds of sites for different kinds of network deployment, such as ducts for fibre, rooftops of tall buildings for macro cell sites and street furniture for small cell sites. They may also require rights to cross land in order to reach a site or to install fibre networks.

Local authorities can facilitate network deployment by making their assets and land available to network providers. Both local authorities and network providers can benefit from the use of local authority assets in this way.

[Access to public sector assets - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

- 1.5 To identify best practice, the project team has consulted DCMS' Barrier Busting Task Force to assist in the best way to a standard terms template agreement and charging rate.
- 1.6 In order achieve a faster route to entering into access agreements with telecoms operators this report requests that where,
- (a) Dorset Council is a direct beneficiary of the broadband delivery, or
 - (b) is subsidised by state funding eg through voucher subsidy, grant funding or Dorset council funding,
- that Cabinet delegate authority to enter into an appropriate access agreement at a nominal rate as set out in the recommendation.
- 1.7 Where access to council land or property for telecoms delivery is commercially or privately funded by a telecoms operator, Dorset Council will take the industry-standard approach which is to enter into an appropriate access agreement at a mutually agreeable rate and terms following the recommendations of the Electronic Communications Code contained in the Digital Economy Act 2017.
- 1.8 The consideration payable under telecoms agreements now disregards the telecoms use, and is instead based upon the alternative uses to which the land could reasonably be put. In most cases, this has resulted in a significant reduction in the payments received.
- 1.9 It is also worth noting that access to highways land is managed separately by Dorset Highways in accordance with their standard regulated practices which are familiar to all telecoms operators and other utilities.

2. Financial Implications

Minimal revenue is derived from charging for access to Dorset Council land and property, in most instances the amounts are small calculated over many years. Access costs are typically recharged to the contracting organisation, where public subsidy is being utilised for the broadband delivery. It is counter-intuitive to charge for this access.

3. Climate Implications

Industry research shows a number of carbon footprint reductions that arise from moving from copper networks to full fibre networks.

4. Well-being and Health Implications

Upgrading broadband in Dorset to full-fibre gigabit-capable infrastructure enables opportunities such as virtual healthcare consultations, health and wellbeing monitoring systems, increasing connectivity reach of those in rural communities with slow or limited broadband speed

5. Other Implications

Reporting and Monitoring

A suitable reporting and monitoring process will be put in place, with agreement from Corporate Director of Property and Assets.

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Medium
Residual Risk: Low

Summary risks	Mitigations
Rural deployment practicalities	Without intervention to clarify the decision route and delegate authority state funded projects to deliver the benefits of high speed broadband will be curtailed and deliver significantly less benefits and outcomes.
Funding deadlines	2 current projects delivering high speed broadband have tight and absolute deadlines for state funding. If bottle necks to agreeing access are not removed there is an increasing risk that state funding body and commercial delivery partner will withdraw from the projects, with schools and Dorset Council sites missing out on substantial benefits of fibre broadband.

7. Equalities Impact Assessment

An Equalities Impact Assessment of Dorset Council's Digital Vision was finalised and approved in February 2021. The Assessment confirms that provision of better broadband has a positive impact in terms of greater digital connectivity to a number of protected characteristic groups; no negative impacts were recorded.

This programme is all about the benefits of improved fixed and mobile connectivity in rural areas, and these generally have a positive effect.

8. **Appendices**

None

9. **Background Papers**

Government guidance:

[Guidance on access agreements - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/guidance-on-access-agreements)

[Digital and telecoms: resources for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/digital-and-telecoms-resources-for-local-authorities)

<https://www.gov.uk/government/publications/barrier-busting-task-force-next-steps/barrier-busting-task-force-next-steps>