

Report for: Cabinet

Date of Meeting:	9th December 2021
Subject:	Harrow Digital Infrastructure Strategy - Enabling Investment in Digital Infrastructure
Key Decision:	Yes - the Strategy, once adopted, will impact on all wards in the borough
Responsible Officer:	Dipti Patel- Corporate Director of Community
Portfolio Holder:	Cllr Keith Ferry - Portfolio Holder for Business, Property and Leisure; Cllr Natasha Proctor – Deputy Leader and Portfolio Holder Finance & Resources
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix 1 - Draft Digital Infrastructure Strategy Appendix 2 – Equalities Impact Assessment (EQIA)

Section 1 – Summary and Recommendations

This report seeks Cabinet approval for the Council's draft Digital Infrastructure Strategy that sets out the Council's approach to supporting the deployment of digital infrastructure across the Borough.

Recommendations:

Cabinet is requested to:

1. agree the draft Digital Infrastructure Strategy, attached to this report as Appendix 1, for consultation with external stakeholders;
2. delegate approval of the final version of the Digital Infrastructure Strategy to the Corporate Director for Community, following consultation with the Portfolio Holder for Business, Property and Leisure and Portfolio Holder for Finance & Resources;
3. delegate implementation of the Strategy and operational issues to the Director of Economy and Culture in conjunction with the Director of ICT; and
4. update the Council's telecoms policy on land owned or controlled by the Council agreed in April 2000 in accordance with recent central government guidance.

Reason:

The adoption of the Digital Infrastructure Strategy will set a clear policy direction for the Borough and help it meet its Borough Plan objective that "Everyone has a quality, energy efficient and digitally enabled home in a thriving community."

Section 2 – Report

Introductory paragraph

The adoption of a Digital Infrastructure Strategy will encourage and facilitate the deployment of digital infrastructure in the Borough including Fibre to the Premises (FTTP) broadband and mobile networks. This in turn will help the Council meet its Borough Plan objective that "Everyone has a quality, energy efficient and digitally enabled home in a thriving community." and that digital infrastructure will support tackling inequality by promoting digital inclusion and ensuring that communities are connected and businesses are able to benefit from Smart Cities technology.

The development of digital infrastructure is also at the heart of the "Connecting Communities" theme of the Council's Economic Strategy, as it supports the development and growth of the local economy as a whole and key sectors within it such as the knowledge economy.

Options considered

- Do nothing: Without adopting a Digital Infrastructure Strategy, there will be no clear message and guidance to digital infrastructure providers regarding the Council's policy towards deployment of this key utility. As a result, the providers may delay investment in the Borough due to perceived risk and uncertainty, focusing on areas with a strategy and support for investment.
- Work with providers but without adopting a formal Digital Infrastructure Strategy. There will be the same issues as in the Do Nothing approach, and there will be no formal governance arrangement in place when dealing with approaches from providers
- Adopt the Digital Infrastructure Strategy attached to this Report at Appendix 1. This is the preferred option to ensure the Council conforms with Government legislation and achieves tangible benefits for the community

Background

Government Policy

The Government is committed to supporting the deployment of gigabit broadband across the country, ensuring that every home and business in the UK can access gigabit broadband services by 2025, ahead of the previous target of 2033. Linked to this roll out, BT Openreach will switch off analogue telephone services in 2025.

As the Government considers that the private sector is responsible for the delivery of a full fibre broadband network within London (i.e. without significant public sector investment), the Council is reliant on the private sector to deliver this infrastructure in Harrow.

Council Policy

The Borough Plan objective is that "Everyone has a quality, energy efficient and digitally enabled home in a thriving community".

The Borough Plan's 'Big Idea' is that "Digital infrastructure delivered in line with house building across the borough will support tackling inequality by ensuring that communities are connected, and businesses are able to benefit from SMART Cities technology."

The Council's Economic Strategy sets out how digital exclusion will be addressed through measures to provide training to those without digital skills and to increase access to Wi-Fi and broadband.

Based on this policy background, the Digital Infrastructure Strategy sets out the Council's approach to supporting the deployment of digital infrastructure - namely fibre to the premises (FTTP) broadband and 4G & 5G transmitters including small cells. The Strategy:

- Identifies the current level of digital infrastructure in the Borough.

- Explains how the local authority will facilitate the rollout of digital infrastructure (FTTP and 4G & 5G) taking into account government and Council policy.
- Identifies issues regarding digital exclusion that can be addressed through digital infrastructure and identifies potential social value contributions.
- Encourages providers to look at longer term investment plans

Current situation

The deployment of digital infrastructure requires coordination across Council services, including highways, planning, legal, estates and housing. A Digital Infrastructure officer team that includes officers from Planning, Transport, Highways and Asset Management, Network Management, Procurement (Communities), Regeneration, ICT, Housing Development, Housing Assets, Corporate Estates, Legal and Finance has been established to help coordinate this work.

There is, however, no approved policy approach to help guide the work of this team as well as set out to the telecoms industry what the council is seeking and how it will work with them.

Digital Infrastructure Strategy - Summary

The Digital Infrastructure Strategy provides this strategic direction by setting out key aims and objectives as follows:

Harrow Council's Approach: In line with Government guidance, Harrow's aim in all cases will be to enter into agreements with telecoms providers on an open access basis, and on terms which reflect government policy and the legislative framework. The Council will use framework agreements that set out the council's requirements and are therefore consistent for all providers, rather than negotiate with individual providers.

Digital Exclusion & Social Value: The Strategy focusses on the role that digital infrastructure can take in addressing digital exclusion issues. This is just part of the wider work that is being undertaken to address digital exclusion in the borough. The Strategy highlights the need to ensure borough wide availability of broadband and mobile connections. The council will work with providers to ensure borough wide coverage and use external funding where available to address not spot issues in the borough.

The Strategy also highlights digital exclusion issues that can be addressed through infrastructure and social value commitments including:

- Providing training to the "digitally excluded" on how to use the internet in conjunction with the Council's Adult Community Learning service (Learn Harrow)
- Providing access to the internet at no or low cost to residents either at home or at community buildings such as libraries and community centres to ensure access to those unable to afford internet / Wi-Fi provision

Digital Infrastructure Delivery - Progress so far

Harrow Social Housing FTTP Broadband

Harrow Council has recently signed an agreement with fibre provider Community Fibre to allow them to install fibre to the premises to council owned social housing in the borough. Work on the roll out will start early in 2022.

This follows work with Barnet and Hounslow Councils through HB Public Law to develop a Master Wayleave Framework agreement to set out requirements that any provider must follow when requesting access to council owned social housing. The Master Wayleave includes a commitment to providing services to address digital exclusion and related social value as well as setting out a cost per unit to ensure council costs including legal, safety and monitoring costs are covered. In line with the approach set out in the Strategy, the Council wishes to sign further agreements with other providers.

West London Alliance programmes

(i) 4G/5G Small Cell Deployment

The West London Alliance (WLA) has been developing a west London approach to allow installation of “small cell” mobile phone transmitters on council owned assets such as lamp posts. The approach is in line with Government guidance and is reflected in the approach proposed in the draft Strategy, in that the Council will only enter into agreements on an open access basis, which means exclusivity is not granted to a single operator.

The Strategy also proposes that a toolkit is produced by the council to provide clear guidance to providers on how to obtain relevant permissions to install small cells on lamp columns.

(ii) Fibre West Programme

The WLA has secured a mix of funding to ensure that FTTP investment covers the whole of west London and that there are no “not spots”. Part of the programme includes using the funding to provide FTTP connections in potential “not spot” areas by connecting council owned buildings or buildings where council services are delivered from. The council has been working with the WLA to identify these potential sites.

Why a change is needed

The increased importance of digital infrastructure both at the national, regional and local level means that the Council needs to support and coordinate this investment, working with private sector providers to ensure the investment comes to Harrow and its benefits are maximised for local residents.

The Digital Infrastructure Strategy provides a focused strategy for encouraging and facilitating the deployment of FTTP Broadband and mobile networks in the Borough. This can help boost economic growth, digital inclusion and deliver a range of societal benefits including the more effective provision of local public services.

Digital infrastructure is a vital part of delivering Harrow's vision for the future of its community and forms an important element of both the Council's Digital Strategy and Economic Strategy.

Current Telecoms Policy

In April 2000, Cabinet agreed a planning policy that "new telecom masts aerials or dishes emitting radiation shall not be permitted on land owned or controlled by the Council in any capacity unless expressly approved by Cabinet". The introduction of the Digital Economy Act 2017, Electronic Communication Code and national planning policy means that the Cabinet decision made in April 2000 is now invalid. The new Digital Infrastructure Strategy will update the Council's position in relation to its telecoms policy in accordance with the latest relevant legislation.

Implications of the Recommendation

Resources, costs

The adoption of a Digital Infrastructure Strategy will help coordinate this work across the Council. An officer will be required to act as the main contact point for this work (Digital Infrastructure & Smart City Lead). Section 106 funding has been identified to fund this post for 3 years.

The "Enabling Fund" that is part of the WLA's Fibre West Programme of which there is £81,937 funding carried forward from 2020/21 to further support the delivery of digital infrastructure in the Borough.

With regard infrastructure deployment, the Council is entitled to recover the cost of the deployment from the providers. For social housing broadband roll out, the Council has worked with the providers to identify a cost per unit which is included within the Framework Wayleave agreement, to cover the council's costs. Similarly, for small cell roll out, the WLA is working on a west London based tariff to cover council costs of deployment.

Staffing/workforce

As mentioned above, with increasing workload, an officer will be required to act as the main contact point for this work (Digital Infrastructure & Smart City Lead). Section 106 funding has been identified to fund this post for 3 years.

Performance Issues

The following two key performance indicators are included in the Digital Infrastructure Strategy to track progress.

- (i) Borough wide Full Fibre availability (currently 15.4% of the borough has access to full fibre, compared with a London average of 27.1% Source: Ofcom via GLA – May 2021). The target will be to match the London wide average within 3 years. It should be noted that the GLA forecast that London will be around 75% full fibre enabled by 2025.
- (ii) To increase the proportion of LBH Social Housing with access to Full Fibre Connectivity.

Environmental Implications

There will be a direct impact of the roll out in terms of construction work. Many of the providers do however use the existing Openreach duct and pole network to deploy their fibre network. This minimises the requirement for civils work, which will then only be carried out if necessary. As part of the Framework Wayleave agreement and by working together with the providers, disruption to residents and businesses will be minimised.

Harrow Council follows the advice and guidelines set by national Government via Public Health England (PHE) regarding health and safety issues for 5G.

PHE endorses the international guidelines for limiting exposure to radio waves, published by the International Commission for Non-Ionising Radiation Protection (ICNIRP). In relation to 5G, PHE have said that “the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health”.

Mobile companies are also required to ensure that their signals do not exceed the limits set out in the ICNIRP guidelines for the protection of the general public.

The provision of modern and efficient electronic communications across the Borough will improve residents’ and businesses’ access to information, and for some employment groups will facilitate flexible and remote working, thereby helping them avoid unnecessary travel. There are therefore potential environmental benefits in reducing work-related traffic congestion in the borough and the air pollution and carbon emissions associated with combustion vehicle journeys.

Data Protection Implications

There are no direct data protection issues for the council in relation to the roll out of digital infrastructure. Once in place, the broadband providers and mobile phone operators will need to meet relevant data protection legislation.

Risk Management Implications

The main risks in adopting the Digital Infrastructure Strategy relate to the cost and the fire, health and safety implications of the roll out of FTTP Broadband to social housing, when it occurs. The adoption of the Strategy as noted below shows commitment of the council to the delivery of digital infrastructure in response to changes in central Government policy.

As part of the master wayleave framework agreement between the Council and providers, providers are required to set out their methodology in relation to fire, health and safety. This methodology is then assessed by the Council to ensure that it meets the Council’s requirements. In addition, the Council requires certification from the installer for all passive fire installations.

Risks included on corporate or directorate risk register? **Yes**

Separate risk register in place? **Yes**

The relevant risks contained in the register are attached/summarised below.

Yes

The following key risks should be taken onto account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
<p>Strategy: Council is reliant on the private sector to deliver digital infrastructure</p> <p>Without a clear strategy in place, there is a danger that the private sector will prioritise other boroughs for their investment.</p>	<p>The adoption of this Strategy and continued dialogue with providers through the WLA and the Digital Infrastructure Officer will show how the council will work in partnership with the private sector to invest in digital infrastructure. This will help de-risk the investment and make Harrow a more attractive borough for such investment.</p>	Green
<p>FTTP Broadband to Social Housing: Cost of deployment to the council impacts on council resources</p>	<p>A £20 per dwelling cost payable by the provider is included in the Council's Wayleave agreement to cover the council's costs. Any shortfall can be covered by the SIP Enabling Fund and by sharing the resource with neighbouring boroughs.</p>	Green
<p>FTTP Broadband to Social Housing: Disruption to streetworks</p>	<p>A clear sign off process has been agreed between Network Management and the providers to identify installation routes and for relevant permits to be obtained before any works start. Network Management will therefore be able to coordinate the streetworks in the area so as to minimize disruption.</p>	Green
<p>FTTP Broadband to Social Housing: Fire risk and health and safety risk in relation to installation process</p>	<p>The Council has issued a detailed Borough Constraints and Guidance Document for Broadband/ Telecoms Works as part of the master wayleave framework agreement.</p> <p>Providers are required to set out their methodology in relation to this Guidance Document as part of the master wayleave framework agreement.</p>	Green
<p>FTTP Broadband to Social Housing: Post installation fire risk</p>	<p>Upon completion, the Council requires certification from the installer for any and all passive fire installations i.e. components of a building or structure that impedes the spread of fire, such as fire doors, fire resistant coatings, compartmentation</p>	Green

Procurement Implications

There are no direct procurement implications in adopting the Digital Infrastructure Strategy. The delivery of the digital infrastructure is governed by the Electronic Communications Code and government guidance which states that, unlike arrangements which involve the provision of services, these agreements only involve the conferring of a right, and not the procurement of services. It would therefore appear to be unnecessary for the local authority to run a procurement exercise before entering into a lease, licence, wayleave, or other form of property right with a Code operator.

Legal Implications

The approach set out in the Strategy complies with the relevant legislation as set out in the Digital Economy Act 2017 and the Electronic Communications Code set out in the Digital Economy Act 2017, which gives statutory rights to telecommunications operators in relation to the installation, maintenance and operation of electronic communications apparatus over land and the carrying out of works on land for or in connection with the installation of the apparatus on the land, subject to agreements with landowners.

It is necessary to update the Council's April 2000 position relating to its telecoms policy so that it complies with the Digital Economy Act 2017 and the Electronic Communications Code .

The arrangements set out in this report are subject to a statutory regime under the Digital Economy Act 2017 and the Electronic Communications Code, and so are not services contracts that need to be competitively tendered under public procurement regulations.

The section 106 funding identified in the report to fund the new digital infrastructure post can lawfully be used for this purpose.

The council has statutory powers to enter into the arrangements set out in this report under the Digital Economy Act 2017 and the Electronic Communications Code, as well as under the

- Local Government Act 1972;
- Housing Act 1985;
- Town and Country Planning Acts;
- Local Authorities (Land) Act 1963.
- Housing and Planning Act 2016, and
- Localism Act 2011

Financial Implications

The adoption of the Digital Infrastructure Strategy will help facilitate the deployment of full fibre and 5G infrastructure in the borough. The installation of

the digital infrastructure and associated costs are the responsibility of network providers.

Legislation allows the Council to recover the cost of staffing resource, and any loss of income as a result of the installation.

The delivery of FTTP broadband to council housing will require proposals submitted by network providers and reviewed by the Council to ensure that they meet the fire, and health & safety requirements. The Council is entitled to recover the cost of staffing resource, which is estimated at £20 per residential unit. This cost will be recovered from network providers.

Similarly, as mentioned above, the WLA are working with the boroughs on a tariff to cover costs of small cell and related deployment on council assets.

Additional staffing capacity is required to take forward the work, and a new Digital Infrastructure & Smart City Lead officer post has been created to support this. The cost of this officer over a 3-year period is around £170k and will be met from S106 funding allocated for Economic Development.

Equalities implications / Public Sector Equality Duty

The EQiA did not identify any specific impacts regarding the roll out of digital infrastructure, nor are there any direct implications regarding the Public Sector Equality Duty.

The installation of new broadband fibre and mobile 4G & 5G technology will allow new and revised services to be delivered by the council and a range of other providers. These services will have to be assessed in terms of the Equality Act.

Council Priorities

The Digital Infrastructure Strategy sets out a strategy for encouraging and facilitating the deployment of full fibre and mobile networks in the Borough. As such it helps deliver the Council priorities in relation to Tackling poverty and inequality, building homes and infrastructure and Thriving economy.

For example, the Strategy aims to ensure that deployment of FTTP broadband covers the whole of the borough. This will mean both residents and businesses will have access to high download speeds, thus supporting the local economy

By providing access to FTTP broadband to council social housing, the residents will have a wider choice of FTTP broadband providers, thus increasing competition and reducing cost of access.

In addition, through social value commitments, the fibre providers will be supporting digital training to residents, providing employment opportunities and FTTP broadband for community centres in these estates.

To ensure a thriving economy, and increased productivity and skills and wages, the borough needs effective digital infrastructure. This infrastructure enables growth in the type of jobs and pay levels that help address income inequality.

Section 3 - Statutory Officer Clearance

Statutory Officer: Jessie Man

Signed on behalf of the Chief Financial Officer

Date: 30/11/21

Statutory Officer: Stephen Dorrian

Signed on behalf of the Monitoring Officer

Date: 30/11/21

Statutory Officer: Nimesh Mehta

Signed by the Head of Procurement

Date: 18/11/21

Statutory Officer: Dipti Patel

Signed by the Corporate Director

Date: 29/11/21

Statutory Officer: Susan Dixon

Signed by the Head of Internal Audit

Date: 29/11/21

Mandatory Checks

Ward Councillors notified: NO as it impacts on all Wards

EqIA carried out: YES

EqIA cleared by: Micah McLean

Date: 25/11/21

Section 4 - Contact Details and Background Papers

Contact: David Sklair, External Funding Manager – Economic Development David.Sklair@harrow.gov.uk

Background Papers:

- [Press release – “Ministers call on councils to help deliver digital connectivity ambitions”](#)

Call-in waived by the Chair of Overview and Scrutiny Committee

NO