

From: 'Inga Spencer' via Tenant Connectivity Consultation

<tenantconnectivity@culture.gov.uk>

Date: Tue, 27 Nov 2018 at 14:19

Subject: Response to consultation - Ensuring tenants' access to gigabit-capable connections

To: <tenantconnectivity@culture.gov.uk>

Dear officers

I have responded to the consultation:

1. Would the placing of an obligation on landlords in the manner proposed encourage more landlords to respond to requests sent by operators?

Yes, and digital infrastructure should be treated in the same manner as utilities

2. To what extent would placing an obligation on landlords complement or undermine the facilitation within the Electronic Communications Code of negotiated agreements between landlords and operators?

It complements the Code and there should be a standard agreed way how to contact landlords i.e. 3 contact attempts i.e. text, phone, email complemented by a final letter setting out that this matter will be passed to tribunals/courts unless a response is received within 7 days. The letter should also set out likely tribunal/court costs that would need to be met by the landlord (deterrent) .

3. Do you consider that the use of the courts for the purpose of granting entry to operators where they have been unable to contact a landlord is reasonable? If not, why not?

The use of the courts is reasonable and please see my response to Q2 - the final letter to contact landlords should also contain the tribunal/court processes and landlord costs (should prompt landlords to grant the necessary access before he incurs court costs)

4. Do you agree that two months is an appropriate amount of time to pass before a landlord is considered absent and an operator can seek entry via the courts? if not, how much time would be appropriate?

Max 2 months or 6 weeks would be appropriate

5. What evidence should an operator be reasonably expected to provide to the courts of their need to enter a property and their inability to contact a landlord?

Evidence that 3 attempts have been made to contact the landlord. Must include a copy of the 'final letter' as described above

6. Is there a need to define what constitutes a request by a tenant for a communications service?

Yes there should be clarity, or a tenant could just verbally state he has asked for a communication service. Simple definition 'what counts' would help

7. Do you agree the temporary access granted by the court should be valid until such a time as a negotiated agreement, underpinned by the Code, is signed between an operator and landlord?

Yes

8. Would temporary access granted by the court provide an incentive for landlords to re-engage?

Yes, but only if there was financial loss (i.e. court costs to pay by the landlord)

9. Do you foresee any issues with operator/landlord negotiations which take place after the installations has taken place?

Providing the installation is working, of good quality and in 'the right place' I do not foresee any issues, but if there are problems with the installations this could lead to a dispute. I agree that there needs to be a tribunal/court path to resolve any such issues that cannot be resolved by the parties.

Kind regards

Inga

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