



**Tenant Connectivity consultation**  
**Digital Infrastructure Directorate**  
**Department for Digital, Culture, Media and Sport**  
**100 Parliament Street**  
**London**  
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Dear Margot James MP,

**Wandsworth Council's response to the consultation on Ensuring Tenants' Access to Gigabit Capable Connections.**

Thank you for the opportunity to respond to your consultation and share our views on the proposals to improve access to digital connections.

As a freeholder of over 32,000 council properties, Wandsworth Council are wholly committed to facilitating and expanding access to high quality connectivity for our residents. In partnership with Community Fibre Ltd, we have rolled out fibre optic broadband to more than half of our Council properties to date.

The Council agrees that landlords should be encouraged to facilitate digital connectivity. However, we have concerns over the proposals and the impact these will have. We do not believe that use of the courts to gain access for installations will improve conditions for tenants, but rather increase risks to the safety and aesthetics of a building. Furthermore, the Council believes that operators should be held to account to provide requisite information at the pre-installation stage and carry out any necessary remedial works following installation.

We believe that operators should be encouraged to engage and work with landlords positively as this is a more effective approach to improving digital connections for everybody. Therefore, whilst we fully support approaches to improve digital connections for residents, we have concerns over whether the proposed measures are the best way to achieve this.

Please see Wandsworth Council's full consultation response set out below.

Yours sincerely,

Councillor Kim Caddy  
Cabinet Member for Housing and Regeneration

## **Wandsworth Council consultation response**

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

*As a freeholder of 32,304 properties, Wandsworth Council is committed to facilitating and expanding access to high quality, reliable connectivity for its residents. In partnership with Community Fibre Ltd, the Council has rolled out fibre optic broadband to more than half of its Council properties and progress continues. The Council agrees that landlords should be encouraged to facilitate digital connectivity for all their residents. In principle, placing an obligation on landlords to respond to requests by operators would effectively encourage cooperation from landlords. However, the Council has concerns over the effect this will have on negotiated agreements (as explained below.)*

### **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?**

*Such an obligation has the potential to undermine agreements which are in place between landlords and operators. For example, Wandsworth Council has let a concessionary contract to Community Fibre for the provision of fibre optic infrastructure. Consequently, if the Council are approached by other companies, it may refuse to enter into an agreement with them which would force them to rely on code powers.*

*Furthermore, any additional code powers should not reduce the level of information required from an operator to carry out an installation. Operators must provide the requisite information requested by landlords, for example risk and method statements and structural calculations. Operators must also pay any costs incurred as a result of any resourcing required from landlords.*

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### **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 Council does not consider it reasonable to allow operators to use the courts to gain access. Large landlords, such as the Council, may require the operator to satisfy many requirements and experience shows us that they often fail to do so. It is important that operators are held to account to meet the necessary requirements.*

*It is imperative that landlords retain oversight and authority over works carried out to their blocks, including installation of telecommunications. Any proposals which risks the landlords' authority over this could have harmful implications on the health and safety or aesthetics of a block. For example, in a block where compartmentation is vital to fire safety measures, it would not be appropriate to allow unauthorised drilling through walls which could jeopardise this.*

*In the Council's experience, where companies have installed infrastructure cabling which has failed health and safety requirements, it has been difficult to get these issues rectified. In many cases, the Council has had no response from operators and been*

*forced to employ its own contractors to fix these issues. In the Council's experience, companies only seem to act on system failures that affect their revenue. By allowing companies to gain access through the courts without holding such companies to account, there is a risk to the Council's authority over the integrity of its blocks. Instead, the Council believes operators should be encouraged to work with landlords to make them aware of the benefits of better broadband and gain their permission to install telecommunications. The Council believes that negotiated agreements with operators who fulfil the necessary requirements and engage positively with landlords should not be undermined through the use of the courts.*

**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, what how much time would be appropriate?**

*Whilst the Council does not support proposals to allow operators to seek entry via the courts, the Council believes that if these proposals are implemented two months is not an appropriate amount of time. For large landlords, such as a stock holding Borough, the Council believes that six months is a more reasonable amount of time. A request for access can often involve multiple factors which take time to consider, particularly on larger, mixed tenure blocks and where negotiated exclusivity agreements are in place. Therefore, the Council would need an adequate amount of time to process these before it could respond.*

**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?**

*An operator must be required to provide evidence that it has attempted to contact the landlord and any responses from the landlord. In the Council's experience, operators often attempt to bypass landlords and go directly to residents to canvas them to put pressure on landlords where systems are already provided by other operators. Therefore, it is imperative that the operator has contacted the landlord directly in the first instance and has evidenced this. Operators must also clearly set out arrangements for maintenance of equipment.*

*In relation to improvements to any existing apparatus, operators must also provide sufficient evidence of their rights to upgrade this in the original licence agreement. In the Council's experience, operators often contact the Council to advise that they are entering a block to upgrade apparatus and the onus then lies with the Council to check their rights. This administrative burden should be the responsibility of the operator and any costs to the landlord paid by the operator.*

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

*Yes, the Council believes this should be clearly defined to ensure these are managed effectively. Furthermore, it is important to highlight that landlords could be approached by multiple operators. Whilst in theory this may not seem problematic, in practice this could result in multiple operator systems in blocks. This could have a negative impact on the management, safety or aesthetics of a building and cause complaints from residents. Therefore, there must be due consideration for any systems already in place to provide a similar connectivity service.*

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**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?**

*The Council does not agree that temporary access is appropriate. This could lead to infrastructure works being poorly installed which would be extremely difficult to rectify, as explained in the Council's response to Question 3.*

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

*The Council does not believe that this would provide an incentive for landlords. Instead, it may have the opposite impact and cause friction between the landlord and operator. Operators must work positively and proactively with landlords to improve access to telecommunications.*

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

*The Council's previous experience suggests that there would undoubtedly be issues with negotiations following installations. As a landlord, the Council has experienced extreme difficulty in getting operators to rectify issues to a building which are a result of telecommunications installations. In the past, the Council has been forced to use its own resources to rectify defects following lack of response from operators.*

*Additionally, the Council would like to highlight that it is extremely difficult to get operators to remove or move the location of their equipment, due to the code powers they have. The Council is currently undertaking a development programme to build 1,000 much needed homes on unused land on its estates, for example through rooftop development. In the Council's experience, this development could be undermined by the existence of telecommunications equipment on blocks and the lack of engagement from operators to move this when the time comes. Therefore, measures must be in place to ensure operators engage and equipment must not hinder development or improvement plans for Council housing.*

*Overall, the Council believes that operators should be held to account to provide requisite information and engage with landlords to rectify any issues following installation. The Council is committed to improving access to high quality, reliable digital connections for its residents. However, it does not believe that use of the courts to gain access for installations will improve conditions for tenants, but rather increase risks to the safety and aesthetics of a building. Where landlords facilitate improvements to connectivity or existing systems are already in place, this should be recognised. Furthermore, operators should be held to account to provide the relevant remedial works and where unnecessary costs are encountered, these should be passed onto the operator. As a landlord, the Council believes that encouraging operators to engage and work with landlords positively is a more effective approach to improve digital connections for everybody.*