

From: 'Carolyn Barnes' via Tenant Connectivity Consultation

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Date: Fri, 21 Dec 2018 at 18:40

Subject: Ensuring tenants' access to gigabit-capable connections

To: tenantconnectivity@culture.gov.uk <tenantconnectivity@culture.gov.uk>

Suffolk Coastal and Waveney District Councils welcome the opportunity to respond to the consultation. This response is on behalf of both District Councils and views have been sought from Economic Development Officers.

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

Yes, we believe it would. Anything that encourages landlords to facilitate full fibre connections for their tenants is a good idea. In particular, we feel that landlords of commercial premises need to be forced to enable their tenants to access new technology without delay. We believe that for residential tenants it is currently less of an issue but that it will become as important as for commercial ones as flexible working such as working from home become more usual as we move away from the default assumption that people have to travel to their place of work.

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?

We agree that commercial negotiation and voluntary agreements should be the primary solution but clearly this is not successfully delivering in all cases so there is the need for a back-stop option which should be made less onerous on the operators than currently.

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?

Yes, digital communications infrastructure is now a necessary utility and should be treated in the same way as gas, water and electricity provision.

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?

Two months sounds reasonable to us.

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 an operator has suitably notified that landlord but has not received a response should be at the same level as for gas, water and electricity provision. The need to enter the property could be evidenced by a copy of the tenants' request for access to gigabit-capable connectivity. For new build developments then gigabit-capable connectivity should be a mandatory requirement on the developer.

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

Yes, but it does need to take into account the differences between an existing tenant versus a new one. Perhaps all new tenancy agreements should include a statement of the required level of communications service with a specific opt-out clause? The Electronic Communications Code needs to be continually reviewed as technology changes.

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.

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

There could be issues with ongoing access for maintenance unless there is an agreed mechanism for the landlord to share the responsibility with the tenant.

Regards, Carolyn.

Dr Carolyn Barnes

Transport and Infrastructure Manager

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