Report No. DRR20/017	**London Borough of Bromley**
	PART ONE - PUBLIC

Decision Maker:	**EXECUTIVE** **WITH PRE-DECISION SCRUTINY BY RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**
Date:	**Tuesday 2 February 2021**
Decision Type:	Non-Urgent Non-Executive Non-Key
Title:	**DIGITAL INFRASTRUCTURE WORK PLAN**
Contact Officer:	Timothy Mackellar, Renewal Project Officer E-mail: timothy.mackellar@bromley.gov.uk
Chief Officer:	Assistant Director Culture and Regeneration
Ward:	All Wards

1.   Reason for report

1.1   Digital connectivity is critical for the ongoing social and economic prosperity of Bromley. Interventions can be explored to support the role out of gigabit capable connectivity (internet speeds of over 1 gigabit per second), notably through facilitating the development of:
   - Full-fibre to the premises broadband (FTTP)
   - 4G and 5G mobile networks

1.2   This report succeeds a report submitted to this committee in April 2020 titled 'Approach to Digital Infrastructure' that was deferred and has a refined scope and additional detail about the Digital Infrastructure Work Plan.

1.3   This report recommends that the Council agrees to a Digital Infrastructure Work Plan as the mechanism to coordinate the interventions that are required to improve digital infrastructure, this is comprised of the Bromley Digital Infrastructure Toolkit and the Memorandum of Understanding with Openreach.
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2.   RECOMMENDATION(S)

Members of the Renewal, Recreation and Housing Policy Development & Scrutiny Committee are asked to note and comment on the content of the report, prior to the Executive being asked to:

   - Agree to the Digital Infrastructure Work Plan (DIWP) as the primary document covering the facilitation and development of digital infrastructure in the borough and that the actions within this document are supported.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Improved digital infrastructure will create opportunities with regards to work and education.

Corporate Policy

1. Policy Status: Existing Policy

2. BBB Priority: Excellent Council Quality Environment Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration

Financial

1. Cost of proposal: None at this stage

2. Ongoing costs: n/a

3. Budget head/performance centre: Regeneration Team

4. Total current budget for this head: £162k

5. Source of funding: Future investment will be sourced from grant funding

Personnel

1. Number of staff (current and additional):   1

2. If from existing staff resources, number of staff hours: 0.4 FTE

Legal

1. Legal Requirement: None

2. Call-in: Applicable

Procurement

1. Summary of Procurement Implications: There are no implications for Procurement associated with any of the work streams discussed in this report.

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All persons in Bromley who use internet products and services including in the workplace and at home.

Ward Councillor Views

1. Have Ward Councillors been asked for comments? The report has been circulated to Members of the Environment and Community Services Pre-Decision Scrutiny Committee for their comments given the scope of the work and implications for highways resources

3.   COMMENTARY

National and Local Context

3.1   Digital connectivity is a growing necessity, with better access to high speed and reliable broadband and mobile connections, residents can access public services more conveniently and purchase goods online at a lower cost. People can work from home, reducing the necessity for travel and commuting; business can grow, become more productive and make goods available online. Improved connectivity is also linked to improved tourism, as people can find out more information about local places, share experiences on social media. Area identified with improved digital connectivity are also likely to be places identified by new businesses and developers for more investment.

3.2   At a national level, the Government has set out its ambitions to build 'a world-class digital infrastructure' and has committed to rolling out nationwide full fibre broadband coverage by 2033 and increase geographic mobile coverage to 95% of the UK by 2022. The government has made clear its commitment to supporting gigabit capability across the UK and its desire that every home and business can access gigabit services as soon as possible, stating that they want 15 million homes to be connected by 2025 with coverage across the whole country by 2033.

3.3   In August 2020 government ministers called on local authorities to help ensure people can access better broadband and fast and reliable mobile connectivity and that this is crucial to the UK's recovery from Coronavirus. The expectation from Central Government is that local authorities will work proactively to secure investment in digital infrastructure within their area.

3.4   This report sets out the local context, providing a work plan for Bromley's Digital Connectivity.

Bromley's Digital Connectivity

3.5   Gigabit capability will increase the efficiency and productivity of businesses, allow new digital services and products and enable residents to work remotely, ultimately strengthening and diversifying Bromley's economy.

3.6   In developing Digital Connectivity, Bromley can play a key role as a facilitator, rather than delivering the infrastructure itself. The Council cannot directly commission organisations to install or improve connectivity services, but rather rely on networks and organisations to understand demand in our Borough and identify need. Therefore, how we position ourselves to be opening to this kind of infrastructure is likely to be the primary key to success.

3.7   Currently, Bromley underachieves compared to Outer London Borough's with regards to full fibre broadband connectivity, with just 1% of premises in Bromley connected by full fibre broadband compared to the average of 14% for Outer London Boroughs.

3.4   Being digitally inclusive means barriers to digital access are broken down for all social groups and access and use of information and communication technologies are experienced by all.

3.5   This includes access to civic participation, education, healthcare, skills, training and generally communicating with others. Greater digital connectivity allows for enhanced communication with potentially vulnerable, isolated and quarantining family and friends.

3.6   With services (including the Council's) increasingly moving online, access to fast and reliable internet connections is a social issue as well as an economic one, with insufficient provision of infrastructure having potentially detrimental effects on individuals and households.

3.7   Physical separation and isolation created during the COVID-19 pandemic has made access to means of online communication more important than ever.

3.8   Exclusion of any of these can cause significant and obvious social disadvantages, known as digital poverty.

Summary

3.9   The government has made clear its intentions to improve digital connectivity throughout the UK.

3.10 Digital connectivity in Bromley is significantly behind that of other Outer London Boroughs.

3.11 High quality digital connections are critical for the economic and social health of Bromley.

3.12 Demand has been rapidly growing for quality digital connectivity in both businesses and homes and this has been accelerated further by the COVID-19 pandemic.

Digital aspirations

3.13 Given the benefits of an improved digital infrastructure to our residents and importantly attractions for businesses and therefore investment, this report recommends that the Council endorses the following aspirations for Bromley with regards to digital connectivity, and sets out how to achieve:
   - Full fibre broadband to every home and business in Bromley
   - 4G and eventually 5G networks covering all of Bromley.

Digital Infrastructure Work Plan (DIWP)

3.14 The DIWP is a set of work areas that will support the Council in delivering an aspirational digital infrastructure in Bromley. The DIWP will:

   - Ensure a holistic and coordinated approach from Council towards digital infrastructure and prevent silo working.

   - Coordinate associated departments through a DIWP project board and ensure efficiency of working, create strong communication between departments and establish a shared goal of developing digital connectivity.

   - Indicate to the private sector that the Council is taking a proactive and visible approach towards digital infrastructure and that it is a hospitable place to do business.

- Through the Executive endorsing this DIWP, ensure all departments are signposted to supporting the delivery of digital infrastructure across the Borough.

Bromley Council's role as a facilitator

3.15 As the project continues, new opportunities, for example new funding streams or partnerships related to digital infrastructure, will create the potential for new work areas and as such the Digital Infrastructure Work Plan is anticipated to change shape and grow continually. It is proposed that going forward a quarterly update of the DIWP will be submitted to the Renewal, Recreation and Housing PDS Committee, with a biannual briefing submitted to the Executive providing key milestones and achievements.

3.16 Whilst the Council does not own or have any direct control over digital investment the Council can play a key role in facilitating the improvement of digital connectivity. Potential areas identified are:

- Connecting council sites – Creating full fibre connections at council owned sites and other sites to enhance public benefit, this could include council administrative sites, schools and libraries. The Greater London Authority's Strategic Investment Fund (SIF) provides grant funding for this exact purpose, which is expected to go live later in 2021. There is potentially £1m available from this pot and an expression of interest was submitted in 2020 for this funding. It has been advised by the GLA that we will hear back on outcomes in April 2021.

- Further government funding – Look to obtain funding where possible that is intended to help digital infrastructure development for example from the Department for Culture, Media and Sport or the the Greater London Authority.

- Planning – Work with planning departments to ensure planning policies reflect the benefits offered to Bromley from the delivery of digital infrastructure and that planning decisions reflect these benefits. The intention of this would be to increase the success rate of planning applications for telecoms equipment in the borough and thus increase connectivity.

- Housing – Work with broadband providers and registered housing providers to ensure new housing sites are connected by full fibre broadband.

- Asset Use – Explore council owned assets such as buildings, street furniture and CCTV networks that can be used to host electronic communications networks equipment.

- Proactive market engagement - The Council could agree to work to raise Bromley's profile with the major telecom infrastructure providers and alternative network providers to ensure that the Council is considered and included in future investment programmes, and that investment is directed at priority areas. This could include a publishing a portfolio of development and regeneration projects in the borough, or setting up a notification system that highlights developments in the borough at the early planning stages.

3.17 The DIWP will presently be comprised of two main areas of work detailed below:

Bromley Digital Infrastructure Toolkit (4G and 5G infrastructure)

3.18 Mobile network operators are looking to rent space on council assets such as lamp columns and council owned buildings to host 4G and 5G infrastructure such as small cells which increase capacity in a mobile network.

3.19 The Department for Digital, Culture, Media and Sport (DCMS) has published a Digital Infrastructure Toolkit, containing guidance and templates to assist local authorities to best manage the roll out of 4G and 5G infrastructure.

3.20 We propose the adoption of this DCMS Digital Infrastructure toolkit which will be adapted to Bromley's context. This contractually and procedurally standardized arrangement will:

   a. describe the engagement process between operator and the Council
   b. provide guidance to operators seeking to host 4G/5G cells on Bromley Council assets
   c. provide standard financial terms for the use of our assets
   d. set out the technical, legal, commercial requirements from the council.

3.21 Once our toolkit has been developed, market operators submit Expressions of Interest (EOI) to us to deploy their infrastructure in Bromley which will be required to include:
   • Project scope
   • Infrastructure deployment approach
   • Technical information
   • Site selection
   • Timelines

3.22 The Council will consider EOI's individually and if requirements are met and satisfactory, an agreement will be made between Bromley Council and the mobile operator to deploy their infrastructure.

3.23 The arrangement is non-exclusive and allows multiple mobile operators to develop infrastructure in Bromley, maximising the potential 4G/5G coverage in the borough whilst ensuring all activity is in accordance with requirements set by the Council.

3.24 This arrangement is regulated by the Electronic Communications Code (Digital Economy Act 2017). Amongst other aspects, it regulates how the council can charge for use of its assets, as follows:

   • Renting space on council assets will be valued on a "no scheme" basis based on compulsory purchase principles – rights valued on the basis of their value to the landowner rather than on the basis of the value to the operator and tied to future use as a telecoms site (market value is disregarded essentially).
   • Price is broken into consideration and compensation. Consideration is dependent on the underlying land value so this needs to be assessed site by site. Compensation is to reimburse whatever the incurred costs are calculated to be e.g. access control approvals, officer time spent on processing EOI's etc.

3.25 This work area will:
   • Increase the capacity and coverage of 4G and 5G mobile connectivity within Bromley.

- Incur no cost to Council as all costs will be covered through the pricing structure within the toolkit.
- Create revenues for Council from the renting of space on street assets that could be reinvested in further digital infrastructure work or other areas within Council.

Memorandum of Understanding (MoU) with Openreach (BT).

3.26 The Memorandum of Understanding (MoU) will be a document setting out the commitment of council to supporting Openreach's roll out of full fibre (FTTP) broadband in Bromley.

3.27 Openreach, the primary wholesale provider of fibre cabling in the UK, have confirmed plans to roll out fibre connections in telephone exchanges Farnborough, Orpington and Biggin Hill and have advised Council they are looking to develop at least two more telephone exchange areas in the borough from March 2021.

3.28 This MoU is intended to speed up the delivery of FTTP through Bromley Council committing to reducing barriers to development for Openreach. For example, by allowing an 'up-front' approach to permits, instead of dozens of individual applications, it will save Openreach significant time. The intention is that this increased efficiency will maximise the amount of investment delivered in Bromley, ensuring the most expansive FTTP network possible.

3.29 The MoU also contains commitments from Openreach that they will work to minimise disruption when undergoing works in the borough and take measures to ensure residential amenity is maintained as far as possible.

3.30 A first draft of this document has been completed and agreed to by the relevant teams within Bromley Council (Highways, Parking, Legal) as well as Openreach's regulatory teams. Discussions regarding next steps are occurring in February 2021.

3.31 This work area will:
- Increase the quantity of full fibre connections to premises all over Bromley
- Show Bromley Council's forward thinking and collaborative approach to digital connectivity and that Bromley is an inviting and hospitable host for digital infrastructure development.
- Encourage ongoing development from Openreach as well as set an important precedent for prospective investors with the hope to secure further from other providers.

Next steps

3.32 The two above mentioned work areas are at stages where they are ready to be actioned and formal engagement with the market and involved stakeholders can get underway early in 2021 pending member approval.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 Improving digital connectivity through the borough will increase the availability to online services to a wider audience including those vulnerable adults and children.

4.2 Improving the reliability and speed of broadband connections, particularly in wards where there are indices of deprivation and to public services, will support better access to online services.

This will be supported by ICT training for residents at the Council's libraries and resource shops.

5. POLICY IMPLICATIONS

5.1   The DIWP either forms part of, or is intrinsic to several Bromley Council documents. Specifically, the DIWP:

5.2   Is a key part of the Council's future Digital Strategy that is currently being drafted and underpins the achievement of goals within this document.

5.3   Supports Building a Better Bromley's aims for the regeneration of the borough, specifically in relation to promoting economic development and investment in the borough and supporting local infrastructure development.

5.4   Supports the Transforming Bromley priorities around promoting economic growth, and flexibility independence and choice in service delivery which sees investment in digital technology to improve service delivery and engagement.

5.5   Supports the Bromley Regeneration Strategy, specifically its targets of modernising Bromley's digital infrastructure that refers specifically to reviewing existing digital infrastructure and identifying priority areas for full fibre and 5G.

5.6   Supports the objective of the Bromley Local Plan to support the digital economy and develop the infrastructure required for modern businesses, such as full fibre connections.

6. FINANCIAL IMPLICATIONS

6.1   The recommendation to agree to the Digital Infrastructure Work Plan has no immediate financial implications for the Council as the actions set out in the Plan and the facilitation and development of digital infrastructure in the Borough will be progressed by existing staffing resources in Regeneration with support from other departments including Highways. In the event that additional resource requirements are subsequently identified, a further report would be presented to members.

6.2   A key role for the Council and officers will be to facilitate digital infrastructure development within the Borough by identifying and levering in grant and other investment funding sources for third parties to access. No direct investment costs for the Council are therefore anticipated.

6.3   The proposal for a Digital Infrastructure Toolkit in the Borough to assist and manage the roll out of 4G and 5G infrastructure will introduce the ability for the Council to charge a rental for use of its assets. This would be a new income stream but with charges are regulated on a cost recovery basis. Therefore, future fee levels will need to be considered in that context but also ensuring that the Council optimises its financial position to support this ambition for the Borough while fully covering its costs. At this stage, significant sums are not projected but this will need to be kept under review as the programme progresses and potentially reflected in future budget considerations.

7. LEGAL IMPLICATIONS

7.1   The Digital Infrastructure Work Plan (DIWP) comprises of the Bromley Digital Infrastructure Toolkit and the Memorandum of Understanding with Openreach which detail the policies and processes to facilitate deployment of digital infrastructure in the borough.

7.2 The property agreements that the Council enter into with communications network operators which give them rights to access its land and buildings for network installation and maintenance are regulated by the Electronic Communications Code (the Code).

7.3 The Council will not offer exclusivity over an entire estate of assets but will enter into access agreements with operators on an open access basis. These agreements involve the conferring of a right and not the procurement of services.

7.4 The DIWP should comply with the Code as set out in Schedule 3A of the Communications Act 2003 and any relevant highways, planning and other legislation.

Non-Applicable Sections:	Personal Implications
Background Documents: (Access via Contact Officer)	Approach to Digital Infrastructure' (Report No. DRR20/017) April 2020