

Introduction to the Electronic Communications Code

Carlos Pierce

Head of the Code Programme & Strategic Legal Projects

10 December 2020



Cornerstone: Who are we?

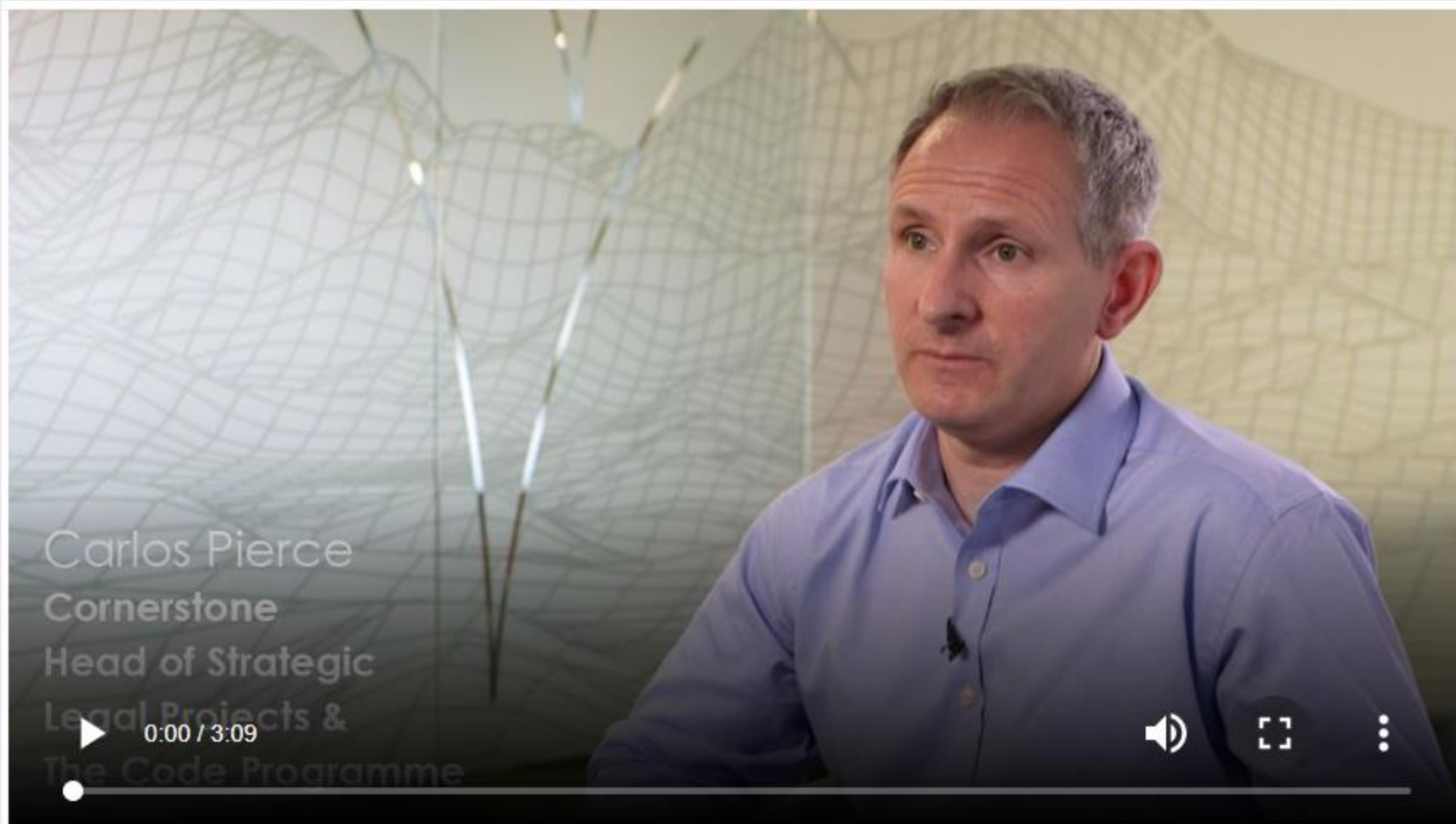
- UK's leading mobile infrastructure services company
- Joint Venture formed in 2012 with Telefonica and Vodafone
- We acquire, manage and maintain over 25,000 sites for our principal customers: Telefonica and Vodafone and others
- We work with over 12,000 individual landlords and most major portfolio organisations, including Central Government, Local Authorities, Utilities and Infrastructure Providers
- Our expertise in property and estate management enables us to deliver the sites needed to improve mobile connectivity from urban to rural areas



Introduction to the Electronic Communications Code

Digital Economy Act 2017





To view the video, visit: <https://www.cornerstone.network/media/enabling-a-uk-digital-economy>



Turn back the clock

Telecommunications Act 1984 (as amended by the Communications Act 2003)

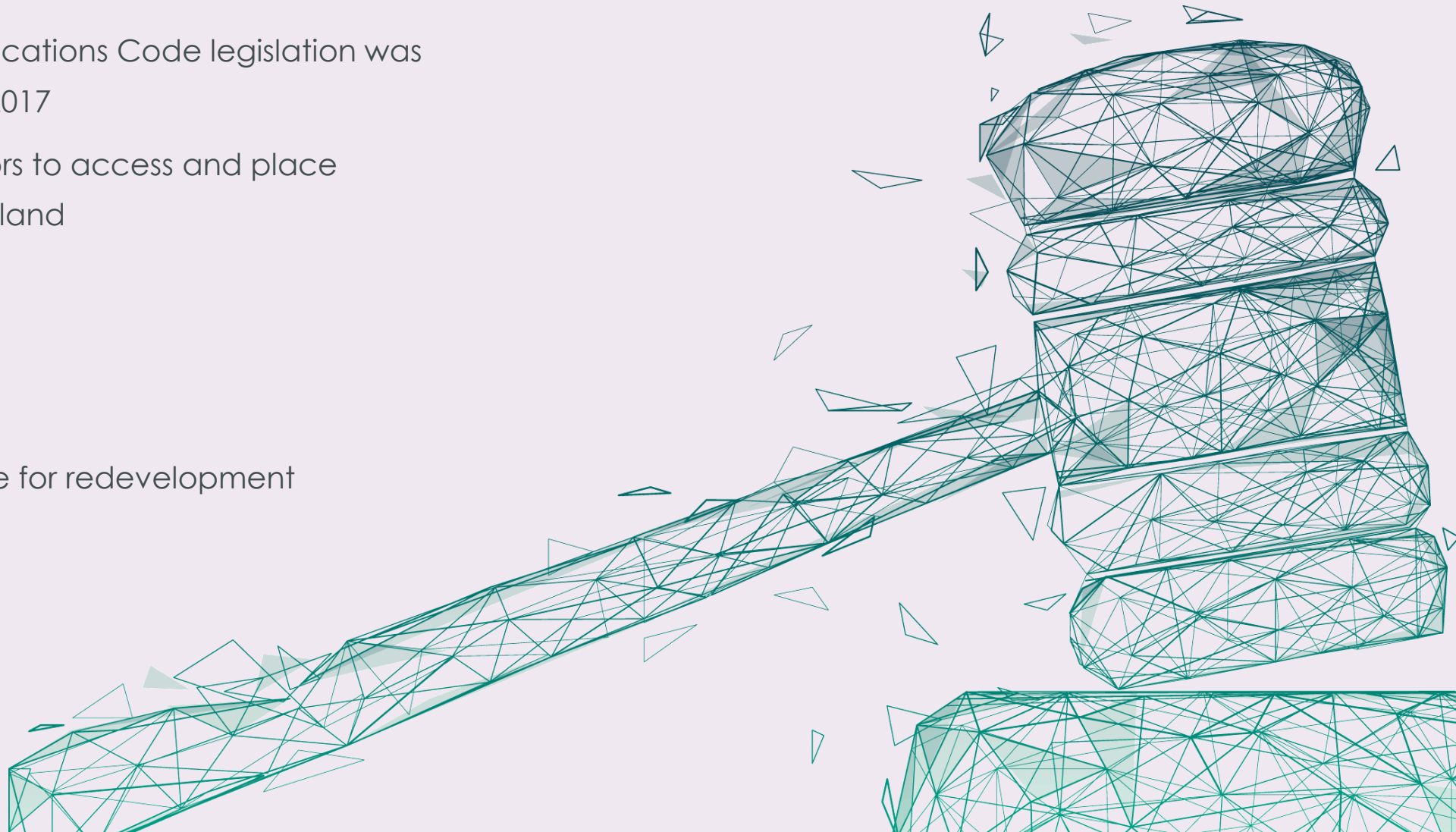
The Law Commission felt that the Old Code was:

- Outdated
- Made the roll out of new technology difficult
- Complex and difficult to understand



What is the Code?

- The Electronic Communications Code legislation was updated in December 2017
- It gives rights to Operators to access and place mobile infrastructure on land
- Main changes are:
 - Valuation of land
 - Upgrading
 - Site sharing
 - SP termination notice for redevelopment



Why do we need the Code?

- To reduce cost and facilitate easier and quicker roll out of mobile telecoms infrastructure
- To facilitate improved mobile coverage across the UK
- To encourage investment
- To enable greater access to sites
- To improve regulation to control rising rents and ransom situations



“The purpose of the New Code is to enable access to fast digital communication services for citizens and businesses, to enable investment in digital communications infrastructure, to shape the emerging digital world...and to support the digital transformation of government, enabling the delivery of better public services”

DCMS



Digital Economy Act 2017: New Electronic Communications Code

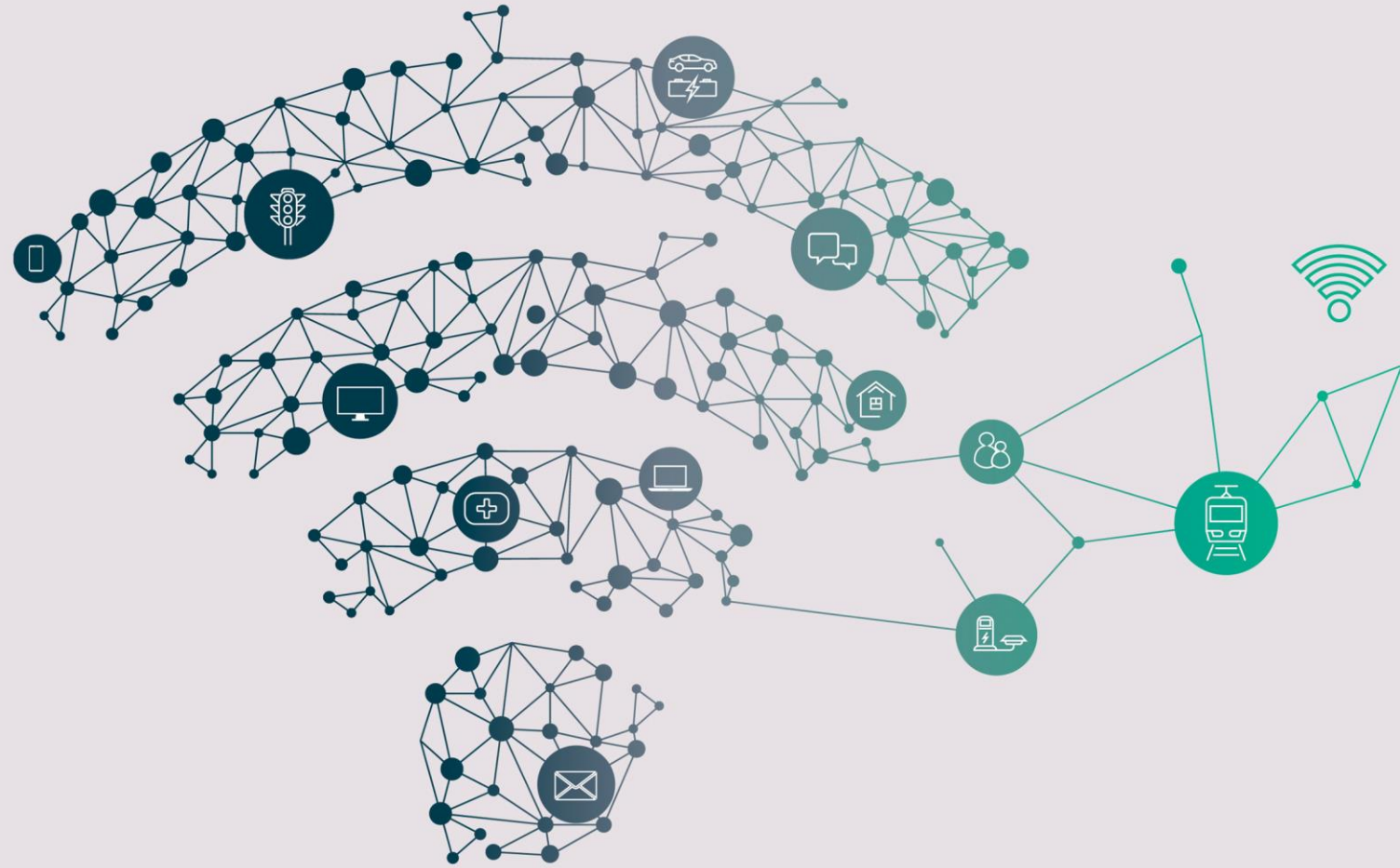
Headline Points

- Reduce operators “rental expenditure and creating greater incentives for investment, including in areas where costs have previously been prohibitive”
(DCMS: A New Electronic Communications Code” 17 May 2016)
- “...provides new rights to upgrade and share infrastructure. The government intends infrastructure sharing to assist future deployment of technology such as 5G”
(Paragraph 15 of the Explanatory Notes to the Digital Economy Act 2017)
- “...faster dispute resolution, [ensures] that disputes do not delay construction and maintenance of communications infrastructure”
(Paragraph 15 of the Explanatory Notes to the Digital Economy Act 2017)



How can the Code help you?

- Provide your local areas with reliable world class mobile coverage
- Promote the positive social impact of connecting the wider UK Community together
- Offer better online services, leading to an improved local economy and environmental outcomes



5G is the Future

How our communities run and how people live their lives will greatly benefit from 5G connectivity.



What are the challenges?

- Negativity and lack of engagement
- Connectivity deployment has stagnated with different interpretations of the legislation polarising the industry
- “Scare mongering” – concerns are being raised with no basis on fact or giving operators the chance to address e.g., lift and shift, redevelopment rights?
- Refusal to accept that values will drop
- Insufficient support from industry and public bodies to help reinforce the Code
- Tribunal Process – slow and costly for both parties
- Ambiguity of Valuation Methodology



What are we doing?

- Listening to landlord feedback
- Conducting training and engagement on the Code and Ofcom Code of Practice
- Working with the Property Industry and other key stakeholders to develop template agreements e.g., GLA Template
- Engaging with developers and landlords to understand issues and address them e.g., Lift and shift clauses
- Using tribunal case decisions as a guide to develop our thinking around the Code
- Engaging with DCMS to highlight key issues and help implement the Code



Identifying challenges:



- Speed Up Britain Campaign formed in July 2020
- A campaign lobbying to the government to make reforms to the Code
- As the UK strives for economic recovery from the COVID-19 crisis, this joint campaign is designed to support the Government to ensure the industry can continue to meet connectivity demands now, and for the future
- <https://www.speedupbritain.com>



The Role of Local Authorities



What can you do?

To achieve the connected society we all want, we all need to engage with each other and take these steps that can help implement the Code effectively.





Contact us

Keep up with the latest news and information from Cornerstone by signing up to our new Media hub and social media sites:

Follow, Like & Share us on:



Code Hub: www.cornerstone.network/the-code-hub/overview

Website: www.cornerstone.network

Thank you

