

For Information: Update on the LGA's lobbying on the Digital Economy Bill and the upcoming LGA digital connectivity event 16 March 2017

Purpose

For information.

Summary

A summary of our recent lobbying on the digital economy bill and an update on the upcoming LGA digital connectivity event 16 March 2017.

Recommendation:

That the People and Places Board note the report.

Action:

Officers to take forward as directed by members.

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The Digital Economy Bill

1. Since the last Board, The Digital Economy Bill has now passed to the House of Lords, and had its Second Reading on 12 December.¹ A date for the Committee Stage is yet to be announced. LGA officers have secured the re-tabling of at least one of our proposed amendments at the Bill's Committee Stage (paragraph 28.1), with the possibility of further probing amendments also being tabled, although not yet confirmed (paragraph 28.2 to 28.4):
 - 1.1. **An obligation for providers to fix faults with connections within reasonable timescales:** the LGA has welcome proposals in the Bill to allow consumers to receive compensation when their broadband services are below standard. To prevent residents and businesses suffering from long term broadband outages, the Bill should be amended to include a specific obligation for providers to fix faults with connections within appropriate timescales.
 - 1.2. **An Ofcom annual report on the USO:** to ensure residents and member council can gain a full understanding of the success of the broadband USO we would like to see a new clause in the Bill to include a reporting function which would compel Ofcom to report annually on the progress, success and take-up of the USO.
 - 1.3. **A call on Ofcom to review the USO specification in 2020:** to consider whether its design is still appropriate for residents to utilise online public services and in line with rises with average download and upload speeds.
 - 1.4. **A call for a financial impact assessment of the new obligation on Adult Education Budgets to deliver a digital Skills qualification to all qualifying 19+ residents:** including a call on Government to provide a comprehensive and sustainable funding solution for the measure
2. Full details of our tabled amendments are listed in **Appendix A**.²

Connecting the nation – local government digital connectivity summit 16 March 2017

3. At the September Board, members commissioned officers to host a national event on mobile connectivity. Since then, officers agreed with lead members to use the event to broach the role of local government more broadly in improving digital connectivity across the country rather than a sole focus on rural mobile coverage.
4. With lead member approval, officers have produced a programme to enable attendees to hear from experts across local government and central government, the telecoms and regulatory industry and business on the role of local government in catalysing better digital

¹ A copy of our accompanying briefing is available on [our website](#).

² Amendments listed in paragraphs 28.2 to 28.4 are re the LGA's suggested wording, and are subject to change by tabling parties.

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connectivity. An outline with speakers confirmed is provided in **Appendix B**. There will also be opportunities for those who attend hear in more detail on what the role of rural, coastal, urban and suburban councils should be in this area, and hear from local case studies delivering first class digital connectivity to residents. To register to attend the event, members can [visit our website](#).

Appendix A

Part 6 – OFCOM: reports etc

Clause 71, page 75, line 45, at end insert—

“Universal service order: annual report

(1) OFCOM must publish an annual report about the implementation of the universal service order for all areas pursuant to the provisions of this Act.

(2) The annual report must include information on—

(a) the number of premises that have been supplied with the minimum download speed as specified in the USO secondary legislation

(b) the number of premises that have been required to cover some of the cost of connection,

(c) of the premises in (b) the average cost of connection per premises covered by residents, disaggregated by local authority area,

(d) the number of premises that have chosen not to be connected via the universal service order after being provided with an estimate, and

(e) the amount of time on average it takes to provide an estimate and connect a premise, disaggregated by local authority area.”

Amendment to obligate providers to fix faults with connections within reasonable timescales

Amendment

Part 1 – Access to Digital Services

Clause 3, page 2, line 35 after “obligation”, add “within reasonable timescales”

Annex C³

³ To prevent residents and businesses suffering from long term broadband outages, the Bill should be amended to include a specific obligation for providers to fix faults with connections within appropriate timescales. We expect the Government to lay the details of the compensation scheme down in secondary legislation and as an example of an appropriate timescale, Ofcom compel Openreach as a minimum over the course of a given year to complete “around 80 per cent” of fault repairs within two working days of being notified.³ This draft amendment does not specify the parameters of the compensation condition but, from the perspective of consumers seeking redress for the convenience caused by poor service, we would like it to be made clear on the face of the Bill that the scheme should compensate consumers within an appropriate time frame.

Amendment 1: A probing amendment calling for digital skills qualifications to be appropriately funded, in line with the Adult Education Funding budget

Page 89, after line 25, insert the following:

- (1) Sections 2 to 4 shall not come into force until the Secretary of State has
 - a. provided a financial impact assessment of the additional qualification in making use of information technology
 - b. put in place a comprehensive and sustainable funding solution, which addresses the funding of qualifications for persons aged 19 or over, as specified in section 88 of the Apprenticeships, Skills, Children and Learning Act 2009, and the additional requirements for a specified qualification in making use of information technology, arising from this Act.

- (2) The financial impact assessment established under subsection (1)(a) should consult with local authorities, the Local Government Association, education providers, employers, and others with an interest.

Amendment 2: A probing amendment to call for Ofcom to publish a review of national average broadband speeds and upload speeds, with a view to the Government committing to keep pace with the rate of change, via secondary legislation.

After Clause 71, insert a new Clause:

Comparative overview of broadband services

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 134D insert:

134E Comparative overviews of broadband services

- (1) OFCOM may, in the interest of end-users of public electronic communications services, carry out comparative review of the minimum connection performance required to benefit from a basket of online digital public services including online tax services, applying for farming subsidies and receiving universal credit.
- (2) This comparative review may also take account of national average broadband download and upload speeds.
- (3) Utilising this information, OFCOM must make a full assessment of whether the USO specification, including download and upload speeds, is still fit for purpose and, if not, suggest how it might be reformed or upgraded.
- (4) OFCOM should publish a comparative overview carried out under this section by the end of 2020.

Appendix B

Conference Programme - The Hatton, Conference Venue, Farringdon-

09.45	Registration and refreshments
10.30	Opening remarks <ul style="list-style-type: none">• Cllr Mark Hawthorne LGA People and Places Board
10.40	Government spokesperson <p>An update on the Government's position</p>
10.55	What are the risks for communities and businesses from poor connectivity and what role can local government play in addressing these? <p>An opportunity to hear from key stakeholders, reliant on fast and reliable digital infrastructure, on the opportunity cost of poor connectivity, and the role local government can play in facilitating faster speeds for communities and businesses.</p>
11.30	Refreshments
11.45	What does the future hold for the country's fixed-line connectivity? What level of coverage can residents and businesses aspire to and what will it mean for the digital divide? <ul style="list-style-type: none">• Sean Williams BT Group Director of Policy• Malcolm Corbett INCA• Rob McNally Calderdale Council <p>The Government has shown an increased willingness to intervene in the markets to catalyse investment in fibre digital infrastructure. On the other side of the spectrum, the broadband universal service obligation promises to provide residents with a basic safety net of minimal connectivity. What can our rural and urban residents expect in terms of connectivity in the next 5 years and what does this mean for the digital divide?</p> <p>Questions to the panel</p>
12.40	Lunch

13:35 What is the current state and future of mobile connectivity in this country? Working towards near universal 4G coverage world leadership on 5G.

- **Hamish McLeod** Mobile UK
- **Prof. William Web** Cambridge Wireless

The Government has announced big ambitions on 5G whilst signalling improving mobile 3G and 4G coverage across the country. In this session, attendees will get the latest read out from Ofcom on the current state of mobile provision, and discuss with the industry how mobile operators can and work in tandem with councils and communities to identify and address coverage blackspots and make the UK's cities global leaders in 5G.

Questions to the panel

14:35 Case study workshops

Workshop 1

Realising the public sector dividend of better connected residents and businesses.

- **Raj Sivalingam** TechUK

With councils increasingly looking to take advantage of better connected residents, we hear from two speakers on how local government can best utilise better digital infrastructure to deliver services.

Workshop 2

Practical case studies of local authorities improving rural broadband and mobile coverage locally.

This session will hear directly from two councils on their efforts to help connect residents in their rural area.

Workshop 3

What is the role of the public sector in facilitating 21st-century digital infrastructure in our cities?

- **Will Brayne** City Fibre
- **Philip Saunders** City of London

Hear local practical examples of where councils have played an important role in rolling out future proof digital infrastructure in their urban areas.

15.25 Workshops repeat

16.15 Close