

Calling All UK Landlords and Telecoms Operators: How Do You Feel About Proposed New Powers of Entry?

There is still time to respond to the government consultation "[Ensuring Tenants' Access to Gigabit-Capable Connections](#)", but only just!

An Ambitious Telecommunications Programme

The government's ambitious telecoms programme continues apace. Its "Barrier Busting Task Force" aims to remove impediments to the roll-out of services and to facilitate access to "high-quality, reliable connectivity" for all consumers. One of those barriers has been identified by telecoms operators as a reluctance on the part of a high proportion of landlords to allow them access to properties to install, maintain and upgrade equipment. Those properties are then removed from operators' network build plans, affecting overall delivery of government plans.

How Does the Government Propose to Incentivise Landlords?

The latest proposals intended to support the telecoms industry in delivering the services promised are contained within the government consultation, "[Ensuring Tenants' Access to Gigabit-Capable Connections](#)" (the Consultation). Given the already extensive rights of compulsory purchase and entry contained within existing legislation, notably the Digital Economy Act 2017 (which inserted a new Code into the Communications Act 2003 as Schedule 3A), some may question the necessity of the proposals, which include:

- An obligation on landlords to facilitate access to properties for communications operators once both:
 - The operator has notified the landlord of the intention to deploy apparatus
 - The tenant has delivered a service request
- Powers for magistrates' courts to issue a warrant of entry if the landlord is absent or unidentifiable.
- Provision of a temporary order following court-enabled access, which will permit operators to install and maintain apparatus. This order will remain valid until a landlord engages with the operator to negotiate a voluntary agreement.

Make Your Voice Heard – Deadline

The proposals are great for tenants and operators, potentially not quite so appealing to landlords. The government has stated that the existing Code (contained within new Schedule 3A to the Communications Act 2003) "is founded on the principle that negotiation and agreement between a landlord and operator" is the best way to deliver its universal aims. However, its belief that such agreements need "incentivising" is more likely to appeal to some than others. Whatever your standpoint, if you would like your voice to be heard, you can [respond to the Consultation online](#).

Do not let the closing date of 21 December put you off. The Consultation is short and to the point, with only nine questions to think about. If you have a view, it is well worth investing the time.

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