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House of Commons
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Committee Stage

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A submission in relation to the Electronic Communications Code (ECC)

1. We own a home is on the edge of a small village in rural Cheshire. It has been our family's principle private residence for some 20 years. The dwelling is a converted water tower, which comprises of 6200 square feet of residential floor space, over 5 floors.
2. We let floor space in one of the rooms, along with space within a turret, to various telecom operators, including Vodafone, O2, EE, Airwave, Three and the likes. The operators were in-situ long before we took ownership.
3. We now have some 20 years experience in dealing with all the main operators, in regard to negotiating rents, upgrading and sharing sites, etc. Ours is one of only a handful of properties in the UK where telecoms and a single residential dwelling coexist, side by side. Whilst the relationship is mutually beneficial, there is a balance that has been achieved, to enable both parties to coexist happily.
4. We would like to share our views with the Committee on the proposed changes to the ECC.
5. Our general observations are:
 - The move from a consensual system that is fair and equitable to a no scheme valuation system is in our opinion, based on unsubstantiated assertions by mobile operators regarding ransom rents.
 - Our experience is valuations on the open market model work in practice, especially in rural and hard-to-reach areas, given that space is plentiful. We would argue that ransom rents, if they exist, mainly arise in in urban areas. The argument that the valuation model needs to change, to enable a smoother rollout of services in rural areas, is in in our viewed, fundamentally flawed.
 - It is our view that any move to a new system of compulsory purchase will lead to an increase in disputes.
 - It has often puzzled us why the value of any given site, is not driven by the value of the business generated by that site. A site in a remote rural location will not be as valuable to an operator, as one in an urban setting, because of the amount of traffic passing through it. Logic would suggest, therefore, that a better model of valuation would be one based upon the amount of data passing through a site.
 - Whilst we have no issue with site sharing, it is worth noting that we have seen rents fall in real terms, over the past 6 years.
 - Our experience has shown that it takes a matter of months to replace or build a new site; the same goes for upgrading. Indeed, Vodafone recently installed a new piece of equipment within a week of requesting to do so.
6. Whilst we understand the need to revise the Code, we have a number of concerns, the primary one being the terminating of agreements and the removal of telecom apparatus under the new Code. It appears that it is going to be extremely difficult to remove both the Code rights and the operator's equipment, under the new Code. This is of great concern to us, and am sure, other owners of single residential dwellings, where telecoms

are sited. Whilst we appreciate that for the great majority of situations (a farmer's field, a city center roof top, a church spire), the issues are purely commercial, for a homeowner, however, the new Code will have a profound impact, beyond the obvious financial ramifications. The Code essentially ties a homeowners hands, by severely restricting what they can and cannot do with their principle private residence.

7. Whilst the draft legislation contains a certificate that the European Convention on Human Rights will not apply, but I think we, and other owners of private property with a telecom site on their home, are in a slightly unique position here. Does Parliament really intend that the owner of a private residence should be bound by the Code?
8. I appreciate that the revised Code is not drafted with us in mind, however, as I see it, the government must strike a fair balance between our interests as a property owners and the general interests of society as a whole, and we do not believe the new Code gets this balance right, in our case.
9. We would like to propose that the Bill is amended to exclude land that is a landowners' principle private residence, if not in its entirety, then in specific regard to the removal of Code rights and the removal of an operator's equipment. The impact on the industry will be negligible, as there are only a handful of properties, such as ours, yet the impact upon those small number of homeowners affected, will be huge.

Submitted by Russell Harris.