Environment and Economy Overview and Scrutiny Committee	

Date of Meeting	Tuesday 16th July 2024
Report Subject	Open Access Agreements
Cabinet Member	Cabinet Member for Climate Change and Economy
Report Author	Chief Officer (Planning, Environment and Economy)
Type of Report	Operational

EXECUTIVE SUMMARY

The Council Plan and Digital Strategy highlight the importance of improving digital connectivity in Flintshire for residents and businesses. Connectivity has grown in importance over recent years to enable social interaction, access to information and services, education, and employment whether from home or in other locations. Despite this, mobile connectivity remains poor in many areas of the County.

UK Government is encouraging local government to use Open Access Agreements to make it easier for the Mobile Network Operators to invest in improved connectivity through the use of the Council's Street furniture assets.

This report proposes the development of Open Access Agreements in Flintshire with the first one to be signed with Freshwave Facilities Limited and others to follow.

RECOMMENDATIONS	
1	That Members support the proposed development of Open Access Agreements as a tool to improve digital connectivity in Flintshire.

REPORT DETAILS

1.00	Explaining the Open Access Agreement
	Background
1.01	The Council Plan and Digital Strategy highlight the importance of improving digital connectivity in Flintshire for residents and businesses.

		Connectivity has grown in importance over recent years to enable social interaction, access to information and services, education and employment whether from home or in other locations.
1.02		Although fixed broadband speeds have improved dramatically in Flintshire in recent years, mobile connectivity is of variable quality with only 22% of properties having 5G coverage from at least one operator (outdoor) compared to 74% for Wales and 85% for the UK as a whole (Source: Ofcom Connected Nations 2024).
1.03		Although it is not the local authority's responsibility to directly improve the private mobile network, the UK Government is keen to see local authorities playing a role. There are technical solutions that can improve mobile phone signal strength and this report includes a proposal for a means of support that can be provided through the Council to enable the Mobile Network Operators to maximise their response to rectifying issues in Flintshire.
		Improving mobile phone coverage and capacity
1.04		Mobile Network Operators are increasingly investing in small cell infrastructure to fill the gaps in their networks. Macro cells use large phone masts and cover large geographic areas with signal but can be prone to signals being weaker where they are blocked by topography or buildings. They are also expensive to deploy and, other than in some rural areas, the main mast infrastructure is now in place. Small cells, by contrast, are cheap to deploy, have a short range and are used to fill gaps in the network. This can be either in terms of coverage or capacity. In the latter, for example, a busy location with more users trying to share the signal than the rest of the network will lead to an unsatisfactory experience for users unless extra signal capacity is added.
1.05		Small cell equipment can be readily attached to street furniture where power and data connections are available and enables the Mobile Network Operators to improve connectivity in a responsive way.
		The proposed Open Access Agreement
1.06		UK Government is encouraging local government to play an active role in facilitating the improvement of digital connectivity for their residents and businesses and making it easier for Mobile Network Operators to make the investments necessary to improve infrastructure. UK Government is encouraging local government to use Open Access Agreements as a key tool in this work. The presence of Open Access Agreements in a county sends a clear message to Mobile Network Operators that the area is one in which investment will be cost and time effective and can increase the chances of that area being prioritised for investment over others.
1.07		Ambition North Wales, as part of its programme to improve digital connectivity across the region, is encouraging and supporting local authorities to develop Open Access Agreements with a range of companies. Wrexham County Borough Council has already done so and they are under development in all of the other counties.

1.08	Open Access Agreements are signed between the local authority and an intermediary company who will liaise with the Mobile Network Operators and facilitate their use of street furniture to boost their signals thus increasing the strength and quality of the network connection available to its subscribers.
1.09	Open Access Agreements: 1. are non-exclusive so can be signed with as many companies as the Council wants; 2. are fully flexible so the Council can retain full control of the asset and can determine which assets can be used, as and when necessary; 3. are cost neutral to the Council with all costs (including legal fees, repairs, maintenance, officer time, asset inspection) being met by the other party; and 4. do not require procurement as no financial benefit accrues to the other party and they are non-exclusive.
1.10	Once the open access agreement is in place, the other party would work with Mobile Network Operators to identify where services could be improved. The actual location of small cell technology is a commercial decision determined by the Mobile Network Operators.
	The Open Access Agreement with Freshwave Facilities Limited
1.11	The intention is to sign Open Access Agreements with as many companies as is practicable to ensure the greatest access to Council assets for Mobile Network Operator investment. In developing this process, the Council has reached an advanced stage of discussion with Freshwave Facilities Limited and proposes to sign an Open Access Agreement with them initially and use the learning developed through the process to make similar agreements with other companies, supported by learning from other local authorities and by Ambition North Wales.
1.12	The draft Freshwave Open Access Agreement has been reviewed from a legal and technical perspective and it is considered that signing the Agreement would place no significant risks upon the Council and would not have a detrimental impact upon the Council's management of its street furniture and other assets.
1.13	The agreement is primarily focussed upon the use of street furniture. The agreement is able to be amended to include wider Council infrastructure should the need for this be identified but this would require further technical consideration and negotiation at that point in time.
	Next steps
1.14	Following approval, the Council would conclude the discussion process with Freshwave Facilities Limited and the Open Access Agreement would be given a final review and signed. Discussions with further companies would then commence on the development of further Open Access Agreements.

2.00	RESOURCE IMPLICATIONS
2.01	No resource implications arise directly from this report. The operation of Open Access Agreements is fully cost neutral to the Council with all costs, including officer time, met by the other party to each agreement.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	**Ways of Working (Sustainable Development) Principles Impact**

Long-term	None
Prevention	None
Integration	None
Collaboration	None
Involvement	None

Well-being Goals Impact

Prosperous Wales	Digital connectivity is a critical factor in the economic success of an area and is becoming more and more vital in terms of education, home and mobile working and business operation.
Resilient Wales	None
Healthier Wales	None
More equal Wales	Encouraging improved digital connectivity helps to improve access to digital services for currently underserved communities.
Cohesive Wales	None
Vibrant Wales	None
Globally responsible Wales	None

Risk	Mitigation
No significant risks identified.	

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Internal consultation has taken place with technical Highways, Assets and Legal teams.

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None

7.00	CONTACT OFFICER DETAILS
7.01	**Contact Officer:** Niall Waller (Enterprise and Regeneration Manager) **Telephone:** 07342 093133 (English) / 01267 224923 (Cymraeg) **E-mail:** niall.waller@flintshire.gov.uk / niall.waller@siryfflint.gov.uk

8.00	GLOSSARY OF TERMS
	5G is the fifth-generation technology standard for cellular networks, which cellular phone companies began deploying worldwide in 2019, and is the successor to 4G technology that provides connectivity to most current mobile phones. (Wikipedia)
	Ambition North Wales is the partnership of local authorities across North Wales delivering the UK and Welsh Government funded Growth Deal capital investment programme and related economic interventions.
	A **macrocell** … is a cell in a mobile phone network that provides radio coverage served by a high power cell site (tower, antenna or mast). Generally, macrocells provide coverage larger than microcell. The antennas for macrocells are mounted on ground-based masts, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. (Wikipedia)
	Mobile Network Operators are the four (Virgin Media / O2, Vodafone, Three, EE) companies licensed to operator mobile networks across the UK.
	Small cells are low-powered cellular … nodes … that have a range of 10 meters to a few kilometers. They are base stations with low power consumption and cheap cost. They can provide high data rates by being deployed densely … (Wikipedia)