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Ymateb gan: Mobile UK and the Mobile Infrastructure Forum | Evidence from: Mobile UK and the Mobile Infrastructure Forum

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

About Mobile UK

1. Mobile UK is the trade association for the UK's Mobile Network Operators (MNO) – BT/EE, Virgin Media O₂, and VodafoneThree. Our goal is to realise the power of mobile to improve the lives of our customers and the prosperity of the UK.
2. As mobile increasingly becomes the device of choice for running daily life both at home and at work, customers want improved coverage and greater capacity. Mobile UK's role is to identify the barriers to progress and work with all relevant parties to bring about change, be they Government, regulators, industry, consumers, or citizens more generally.

About the Mobile Infrastructure Forum

3. The Mobile Infrastructure Forum is comprised of four participant organisations that operate large-scale portfolios of shared macro mobile infrastructure throughout the UK.
4. The participants of the Mobile Infrastructure Forum are Cellnex, Cornerstone, Mobile Broadband Network Limited and Wireless Infrastructure Group.

Introduction

5. Mobile UK and the Mobile Infrastructure Forum welcome the opportunity to respond to the Welsh Senedd's consultation on the Building Safety (Wales) Bill.
 6. We recognise that Health and Safety legislation is important to all stakeholders, and our response should be viewed in this context, and our sector takes its responsibilities seriously.
 7. Our evidence draws heavily from our experience in England, where the new framework applying across England and Wales and established under the Building Safety Act 2022, does not appear to be working as either the Building
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Safety Regulator (“BSR”) or industry would wish. The Act has had a significant impact on the telecommunications sector and is slowing down the rollout of digital infrastructure – infrastructure which all recognise is absolutely crucial for the nations’ future prosperity and inclusivity.

8. Our response focuses on mobile infrastructure, where the issues are slightly different from the rollout of fibre, but the whole telecommunications industry is impacted by the proposed new regulations. Mobile infrastructure is often deployed on the rooftops of tall buildings, as they offer a highly suitable vantage point from which to transmit a signal.
 9. The industry estimates that our equipment is presently installed on between 100 and 200 Category 1 Higher Risk Buildings (HRB), taking together the portfolios of the mobile operators and the wholesale wireless infrastructure providers (WIP) in Wales. We do not currently have an estimate for other Categories, but the number is likely to be higher.
 10. Our experience in England is that the new regulatory framework has led to a material slowdown in both the upgrade of telecommunications infrastructure to 5G and the replacement of sites (where it has not been physically possible to upgrade, or sites which have been subject to a ‘notice to quit’ (NTQ). This is mostly because the impact on our sector was not considered during the legislative process (no mention in the impact assessment, for example), and so the BSR has not been resourced to deal with the volume of applications coming from our sector.
 11. As an additional point, NTQs are a particularly thorny problem. Under law, operators receive 18 months notice to quit a site which the landowner intends to redevelop. This is a very short period in which to find, negotiate, acquire planning and build a new site. If the HRB process is not working properly, there is a significant risk that coverage will be lost in these locations, impacting businesses and communities and that ultimately customers find very disruptive.
 12. Slowing down network rollout is completely contrary to Government policy; mobile infrastructure supports 117 million connections in the UK (90 million people, 27 million ‘things’, such as smart meters or connected cars). It is considered critical national infrastructure and a core enabling technology to underpin all that the Government hopes to achieve in terms of economic growth and digital inclusion.
 13. The seriousness of the problem was not immediately apparent, primarily because the telecommunications industry was not consulted on the English legislation. Consequently, it was only when applications began to be submitted that the extensive information requirements, the high cost of Gateway applications, and the significant processing delays came to light. This situation was compounded when it became clear applications were not being processed within the BSR’s 12-week target, leading to requests for us to grant the regulator extensions.
 14. With respect to Wales, there has been a similar lack of consultation with our sector. The digital team at Welsh Government (when contacted recently) was not aware of the upcoming legislation. We were not one of the bodies listed for
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targeted engagement¹. There is a significant risk of an unintended consequence on digital infrastructure rollout and much required upgrades to existing sites.

Health and Safety is important to all, and so Wales needs legislation which is clear and proportionate and a regulatory apparatus which is capable of dealing with applications efficiently and effectively. We are not confident that this is currently the case.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

- 1.** Health and safety is crucially important to all stakeholders. However, our understanding is that Scotland is not planning on implementing a regime which echoes the England BSR requirements. The additional building standards compliance rigour around Scotland's definition of High-Risk Buildings (HRB), which is wider than the BSR's Higher Risk Buildings and includes hospitals, care homes and other buildings where vulnerable people may be, will initially be implemented through guidance for local authority building standards verifiers and impacts on their resource to deliver this has been anticipated. Statutory fees have been amended to reflect this.
- 2.** Where work to a HRB consists of what would be considered minor alterations or additions, such as installing/upgrading/maintaining mobile antennas on rooftops, an exceptions process is anticipated within the guidance, so that excessive requirements would not hinder such work. The building standards experience in Scotland should be unchanged for these applications.
- 3.** We therefore urge that serious consideration is given to alternative approaches in Wales, where appropriate, that balances the importance of digital infrastructure rollout. We reiterate that health and safety matters are very important, but it must be proportionate in itself, and the regulatory resources devoted by local authorities to ensuring compliance must be in proportion to the task in hand, otherwise there will be serious adverse impacts for digital infrastructure, to the detriment of individuals and the nation as a whole.

¹ Page 36 <https://laiddocuments.senedd.wales/pri-ld17294-em-en.pdf>

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1 -66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

4. Please see our response to Question 8

5. Our understanding is that the Bill is designed to apply to all multi-occupied residential buildings regardless of height and so is much wider in scope than that of those proposed in England (which only included Category 1) In effect any block or house with more than two flats are impact with the stated category of buildings being: -

- o Category 1: $\geq 18\text{m}$ / ≥ 7 storeys.
- o Category 2: 11-18m / 5-6 storeys.
- o Category 3: $< 11\text{m}$ / < 5 storeys.

6. We also understand that local authorities will be empowered to regulate matters acting as the building safety authority working alongside fire risk authorities.

7. Whilst this will avoid threading all applications through a single gateway, which is a benefit, it will be vital to ensure that the Local Authority is properly resourced to handle the scale and complexity of the incoming work in a timely way.

8. Our concern is that different authorities may lead to inconsistent application of the legislation.

3. What are your views on the provisions set out in Part 2 of the Bill – Fire safety in certain houses in multiple occupation (sections 67 – 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

9. Please see our response to Q8

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

10. Please see our response to Q8

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

11. Please see our response to Q8

6. What are the potential barriers to the implementation of the Bill’s provisions and how does the Bill take account of them?

12. Please see our response to Q8

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

13. Mobile UK and the Mobile Infrastructure Forum support the ability for Ministers to have powers to make subordinate legislation.

8. Are there any unintended consequences likely to arise from the Bill?

14. If this legislation is not implemented with due consultation with all relevant stakeholders, including the telecoms sector, if the regulators are not given sufficient clarity on how to apply the law, and if the regulators are not established with adequate resources, unquestionably, unintended consequences will arise.

15. In making this statement, we draw on our experience in England, where the legislation was put in place without due consultation with the relevant Government department and the industry. As a consequence, the regulator was established without sufficient legal clarity on how to apply the law in our sector, or the resources to process applications in a timely way.

16. Fortunately, through the Senedd’s current consultation, industry has been consulted earlier in the legislative process, and it should be possible to avoid the mistakes being made elsewhere.

17. Mobile UK and the Mobile Infrastructure Forum reiterates that health and safety is an absolutely crucial consideration, but it should be possible to put in place a proportionate regime that both protects residents and enables mobile and broadband services to be rolled out to customers, who rely on connectivity for their day to day lives.

- 18.** It is widely acknowledged that having world-class digital infrastructure is essential for minimising digital exclusion and underpinning economic growth. As we have seen elsewhere, ill-conceived legislation has the potential to frustrate the Government's ambitions in this regard.
- 19.** Mobile UK and the Mobile Infrastructure Forum look forward to engaging with the Welsh Government on this legislation going forward.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

- 20.** It is hard to answer this question from the detail provided, but evidenced by the lack of consultation with industry, it is an educated guess that the extra costs of providing fixed and mobile broadband to such buildings has not been factored in, and is therefore likely to be a under-estimation.

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

- 21.** Not Applicable.
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