

COVID 19 PROVES THE IMPORTANCE OF DIGITAL CONNECTIVITY

As more people work from home and many other aspects of life go virtual, industry must work closely with the Government to ensure the technology benefits everyone

The Covid-19 pandemic has changed the way we live, the way we work, and the way we socialise. We have all had to adapt to a new style of living. And it's not been without its challenges.

The importance of mobile connectivity is not a new matter, but the pandemic has reinforced what we already know – that connectivity is an essential element of our lives. As we continue to social distance, we will become even more dependent on digital services for working from home more often, attending virtual GP appointments, joining online events and much more. A recent research study* showed that 63 per cent of young workers rely more on mobile internet for work now than before Covid-19.

Now more than before, it is critical that we stay digitally connected to these services.

So, how do we ensure the relevant industries work together with government to keep up with the increasing public demand for mobile technology?

No doubt, the Government's digital strategy will be a key focus to continue to support society and businesses during these unprecedented times. But this requires a collaborative effort from mobile operators, the landlord community and the property and legal industries. Delivering digital connectivity across the UK requires effective roll-out and upgrades of mobile infrastructure and we need to work together to achieve this.

Coming up to three years since its revision, the Electronic Communications Code legislation (ECC) continues to act as a framework to help the industry agree on terms when it comes to the placing of mobile infrastructure and equipment on sites.

However, the legislation still carries some challenges, and this poses a risk to deploying and upgrading the nation's critical infrastructure.

Are tribunals providing the clarity we need?

Tribunal cases continue to help provide guidance to landowners and operators, but decisions are not crystal clear, and we are still on a journey exploring what the ECC means for all parties. A recent example of a case that caused some uncertainty was the Court of Appeal decision in *Cornerstone Telecommunications Infrastructure Limited v Compton Beauchamp Estates Limited [2019] EWCA CIV 1755*. The ECC gives code operators certain rights over land – code rights. This includes the right to install and keep installed electronic

communications apparatus on under or overland. The issue that arose in Compton was the identity of “the relevant person” for the purposes of conferring code rights – i.e. who grants the agreement.

Cornerstone has now been given permission to appeal Compton to the Supreme Court – the first ECC case that will get to our highest court, we anticipate in 2021.

In January, the Court of Appeal will hear the appeal in the Ashloch case (*Cornerstone Telecommunications Limited v Ashloch Limited (1) APWireless II (UK) Limited (2)*). These are cases setting the framework to provide greater certainty to industry and to enable operators to re-invest in their networks.

Fine-tuning the ECC

At Cornerstone, we have supported the Government's intention, and been at the forefront of implementing the code for the acquisition and maintenance of our infrastructure – which is placed on rooftops, greenfield sites and street work sites. Although court decisions have given guidance on key principles during these past few years, it has become apparent that the ECC requires further improvements to enhance its intended use.

To help overcome this, in July this year, Cornerstone supported the launch of Speed Up Britain, a lobbying campaign calling for the Government to improve the ECC to support the swift deployment of mobile infrastructure across the UK. Speed Up Britain is chaired by Ed Vaizey, the minister for the digital economy between 2014 and 2016, and MP for Wantage between 2005 and 2019, and backed by the key industry organisations who are responsible for delivering the UK's mobile infrastructure.

The objective of the joint campaign is to work with the Government to implement specific changes to the ECC to enhance the way that operators install and upgrade new technologies on mobile sites.

It goes without saying that digital connectivity has been keeping the UK connected, but experiencing a pandemic has shown even more the importance of future-proofing our digital strategy across the UK.



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