

Democratic Services

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Date: 25th November 2011

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**To: All Members of the Economic and Community Development Policy
Development and Scrutiny Panel**

Councillor Robin Moss
Councillor Ben Stevens
Councillor Patrick Anketell-Jones
Councillor Brian Simmons
Councillor Michael Evans
Councillor Lisa Brett
Councillor Manda Rigby

Chief Executive and other appropriate officers
Press and Public

Dear Member

**Economic and Community Development Policy Development and Scrutiny Panel:
Monday, 5th December, 2011**

You are invited to attend a meeting of the **Economic and Community Development Policy Development and Scrutiny Panel**, to be held on **Monday, 5th December, 2011 at 9.30 am** in the **Council Chamber - Guildhall, Bath**.

Members of the Panel will have a pre-meeting at 9am in the same room. This pre-meeting is closed for the public.

The agenda is set out overleaf.

Yours sincerely

Jack Latkovic
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Jack Latkovic who is available by telephoning Bath 01225 394452 or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Jack Latkovic as above.

3. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Jack Latkovic as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
6. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Economic and Community Development Policy Development and Scrutiny Panel -
Monday, 5th December, 2011**

at 9.30 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

Members who have an interest to declare are asked to:

- a) State the Item Number in which they have the interest
- b) The nature of the interest
- c) Whether the interest is personal, or personal and prejudicial

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

List and order of speakers will be provided at the meeting.

7. CALL-IN OF DECISION E2328 'IMPROVING ACCESS TO SUPERFAST BROADBAND IN B&NES- THE BROADBAND DELIVER UK OPTION' (Pages 7 - 26)

Under the Council's Constitution, any 10 Councillors not in the Council's Cabinet may request that a Cabinet or Single Member Decision made but not yet implemented be reconsidered by the person or body who made it. This is called a "call-in" and has the

effect of preventing the implementation of the decision pending a review of the Decision by a Policy Development and Scrutiny Panel.

This report sets out the call-in by 14 Councillors of a Cabinet decision relating to the decision not to prepare a joint broadband plan with Bristol and South Gloucestershire under the terms of the Government Broadband UK offer. The role of the Panel is to consider the issues raised by the call-in and to determine its response.

THE PANEL IS ASKED TO:

- a) Consider the call-in request received.
- b) Approve the Terms of Reference of the Call-in which will be prepared after consultation with the Chair of the Panel subject to any further comments received from Panel members (as in paragraph 6.2 below).
- c) Decide if it requires any further information to enable it to make a determination of the call-in request and, if so, request this information and any contributions that will assist the Panel in determining the call-in either at this meeting or at a further meeting (e.g. from the Cabinet; Councillor(s) representing the call-in signatories; and any other internal or external contributors required by the Panel).
- d) Decide whether it will reach a conclusion about whether to uphold or dismiss the call-in; or refer the matter to the Council itself to undertake the role of the Panel, at this meeting or if a further meeting is required.
- e) If a further meeting is required to hear and determine the call-in, the Panel is asked to agree the date for this. The constitutional requirement is for that meeting to take place before the end of the 20th December 2011 (this timescale would not apply if the Panel decided to refer their role to the full Council).
- f) Undertake an examination of the call-in request in accordance with the proposed procedure set out in Appendix 5.
- g) Note that, following the examination, the Panel may either:
 - Dismiss the call-in, in which case the decision shall take effect immediately; OR
 - Uphold the call-in and refer the decision back to the decision-makers for reconsideration, setting out why it has decided that the decision should be reconsidered; OR
 - Refer the matter to Council to itself undertake the role of the Panel [NB: the ultimate decision still remains with the original decision makers].

PANEL'S DECISION (full minutes to follow)

The Economic & Community Development Policy Development Scrutiny Panel made the following resolution:

The Panel unanimously resolved to **UPHOLD** the Call In request and **asked the Cabinet to reconsider the decision E2328: Improving Access to superfast Broadband** for the following reasons:

1. The Cabinet to consider the report in the light of additional technical information;
2. The Cabinet to look into improved Impact Assessments including equalities impact statement as well as additional economic and business assessments;
3. The Cabinet to enter into consultation with the wider community; and
4. The Cabinet to provide a full cost benefit analysis.

The Committee Administrator for this meeting is Jack Latkovic who can be contacted on 01225 394452.

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| Bath & North East Somerset Council | |
|--|---|
| MEETING: | Economic and Community Development Policy Development and Scrutiny Panel |
| MEETING DATE: | 5 th December 2011 |
| TITLE: | Call-in of decision E2328 'Improving Access to Superfast Broadband in B&NES- the Broadband Deliver UK option' |
| WARD: | ALL |
| AN OPEN PUBLIC ITEM | |
| <p>List of attachments to this report:</p> <p>Appendix 1 Decision Register Entry for E2328</p> <p>Appendix 2 Accompanying Report for the Decision from Cabinet Meeting on 9th November</p> <p>Appendix 3 Call-in Request verified on Monday 21st November</p> <p>Appendix 4 Call-in Guidance Note</p> <p><i>Appendix 5 Suggested Terms of Reference for the Call-in (to follow)</i></p> | |

1 THE ISSUE

- 1.1 Under the Council's Constitution, any 10 Councillors not in the Council's Cabinet may request that a Cabinet or Single Member Decision made but not yet implemented be reconsidered by the person or body who made it. This is called a "call-in" and has the effect of preventing the implementation of the decision pending a review of the Decision by a Policy Development and Scrutiny Panel.
- 1.2 This report sets out the call-in by 14 Councillors of a Cabinet decision relating to the decision not to prepare a joint broadband plan with Bristol and South Gloucestershire under the terms of the Government Broadband UK offer. The role of the Panel is to consider the issues raised by the call-in and to determine its response.

2 RECOMMENDATION

THE PANEL IS ASKED TO:

- a) Consider the call-in request received (refer to Appendix 3).

- b) Approve the Terms of Reference of the Call-in which will be prepared after consultation with the Chair of the Panel (Appendix 5) subject to any further comments received from Panel members (as in paragraph 6.2 below).
- c) Decide if it requires any further information to enable it to make a determination of the call-in request and, if so, request this information and any contributions that will assist the Panel in determining the call-in either at this meeting or at a further meeting (e.g. from the Cabinet; Councillor(s) representing the call-in signatories; and any other internal or external contributors required by the Panel).
- d) Decide whether it will reach a conclusion about whether to uphold or dismiss the call-in; or refer the matter to the Council itself to undertake the role of the Panel, at this meeting or if a further meeting is required.
- e) If a further meeting is required to hear and determine the call-in, the Panel is asked to agree the date for this. The constitutional requirement is for that meeting to take place before the end of the 20th December 2011 (this timescale would not apply if the Panel decided to refer their role to the full Council).
- f) Undertake an examination of the call-in request in accordance with the proposed procedure set out in Appendix 5.
- g) Note that, following the examination, the Panel may either:
 - 2.1 i) Dismiss the call-in, in which case the decision shall take effect immediately; **OR**
 - 2.2 ii) Uphold the call-in and refer the decision back to the decision-makers for reconsideration, setting out why it has decided that the decision should be reconsidered.
 - 2.3 OR**
 - 2.4 iii) Refer the matter to Council to itself undertake the role of the Panel [NB: the ultimate decision still remains with the original decision makers].

3 FINANCIAL IMPLICATIONS

- 3.1 The Panel should be aware that the Council's Constitution (Part 4E, Rule 13) requires that
- 3.2 “ *Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources or the extent to which that should be seen as a priority for future years' budget considerations*”.
- 3.3 It is important, therefore, in its consideration of the call-in that the Panel gives consideration to the alternative options available to the decision-maker and the financial consequences of these.

4 BACKGROUND

- 4.1 The decision which is now subject to a call-in request was a Cabinet Decision made at the Cabinet meeting on the 9th November 2011 and published on Weekly List on 11th November 2011 (Appendix 1) following consideration of the officer report (Appendix 2 and 2a).
- 4.2 The Call-in request was received on 17th November and validated 21st November. The Council Solicitor, on behalf of the Chief Executive, has validated the call in and confirms that it conforms to constitutional requirements in terms of time of receipt and number of Members validly subscribing to it. Appendix 3 sets out the reasons for the call-in request.

5 PROCESS

- 5.1 Appendix 4 sets out the constitutional rules relating to the call-in process. In short, the Panel must EITHER:
- a) Dismiss the call-in, in which case the decision shall take effect immediately; OR
 - b) Refer the decision back to the decision-makers for reconsideration, setting out why it has decided that the decision should be reconsidered; OR
 - c) Refer the matter to Council to itself undertake the role of the Panel [NB: the ultimate decision still remains with the original decision maker].
- 5.2 If the Panel chooses option (b) above, the Constitution requires the decision-maker to reconsider the matter within ten working days from the conclusion of the PD&S Panel review meeting(s), and they may amend the decision or confirm the original decision, giving their reasons in either case. If the panel chooses option (c) these timescales would not apply.

6 ASSESSING THE CALL-IN REQUEST

- 6.1 The Terms of Reference (Appendix 5- to follow) will indicate the suggested scope of the Call-in. This will outline the information and contributions the Panel is advised to consider in order to determine the call-in. It will have been prepared in consultation with the Chair. Panel members are invited to comment on the terms

of reference and any changes they request will be taken into account in an updated version which will be circulated at the meeting.

- 6.2 The Policy Development and Scrutiny Panel Chairs have approved guidance on the handling of call-in requests which make clear that there is a presumption that every validated call-in will proceed to a public meeting stage. The process for that meeting is set out in paragraph 7.1 below. If a second meeting of the Panel is required to complete the review it needs to take place no later than 20th December 2011 to comply with the constitutional requirement that the total period of overview and scrutiny involvement in a call-in must not exceed 21 working days.

7 SUGGESTED FORMAT FOR THE MEETING TO DETERMINE THE CALL-IN

- 7.1 When the Panel determines the call-in, it is suggested that the following format be adopted:
- (1) Remind itself of the issues to be considered and consider any additional written information supplied.
 - (2) Hear from and ask questions of the Cabinet and Lead (or other agreed) Officers.
 - (3) Hear from and ask questions of Councillor(s) representing the call-in signatories.
 - (4) Hear from and ask questions of any appropriate external contributors (a “panel” style contributors` session is suggested).
 - (5) Discuss and draw conclusions from the written and oral information presented.
 - (6) Consider and formulate the Panel’s determination of the call-in.

8. CONSULTATION

8.1 This report has been prepared following consultation with the Chair and Vice Chair of the Policy Development and Scrutiny Panel.

| | |
|--|---|
| Contact person | <i>Lauren Rushen - Policy Development and Scrutiny Project Officer 01225 396410</i> |
| Background papers | <i>None</i> |
| Please contact the report author if you need to access this report in an alternative format | |

Cabinet Meeting Resolution

**Executive
Forward Plan
Reference**

E2328

**Improving Access to Superfast Broadband in B&NES - the
Broadband Delivery UK option**

| | |
|------------------------|--|
| Date of Meeting | 9-Nov-11 |
| The Issue | <i>This report recommends that the Council considers whether or not to begin preliminary work on a Local Broadband Plan with South Gloucestershire and Bristol City Councils, in order to further investigate the costs and benefits of applying for available Government funding for improved broadband infrastructure where the private sector is not delivering</i> |
| The decision | <p>(1) To NOTE:</p> <ul style="list-style-type: none"> • That there are many advantages to the local economy and to individuals to bring Broadband to as many residents and businesses as possible. The private sector will bring superfast broadband to 56% of our residents by 2015. • That the Government is offering funds to support the development of superfast broadband of £670K. The Council would need to contribute £1.045M, making a Government Grant of 39%. • That the project would bring superfast broadband to around 29% to 34% of premises and dwellings, but a significant number of those dwellings do not have Computers, so the number benefitting is likely to be much less. • That the current national take up of Superfast broadband from those to whom it is enabled is only around 5%. For some of our residents with computers and internet access, superfast speed may not be a concern. • That 10% to 15% of premises in our area would still not be reached and therefore not benefit from the expenditure. • That the Council cost of £1.045M would add to our borrowing and to our revenue costs (around £50,000 per annum) in future years to support the borrowing. <p>(2) NOT to prepare a joint plan with Bristol and South Glos under the terms of the Government Broadband UK offer;</p> <p>(3) To ALLOCATE £25,000 of funding from Development and Regeneration reserves, with a brief to be agreed by Cabinet, to identify how internet access can be brought to as many of our residents as possible. This would include investigating the development of Community opportunities in our villages and rural areas..</p> |
| Rationale for | The Cabinet acknowledges that people living in more rural areas are at a disadvantage due to the lack of planned broadband infrastructure |

Cabinet Meeting Resolution

**Executive
Forward Plan
Reference**

E2328

| | |
|--|---|
| decision | upgrades. Improved broadband connectivity would support a diverse range of Council priorities, from supporting private sector jobs growth, to improving the independence of older people. However, the Cabinet is not convinced that the price being asked (over £1M) would be justified by the benefits to a relatively small number of businesses; nor that the terms offered by the government are as generous as being suggested. In addition, the Cabinet felt that advances in technology would overtake any actions the Council might take. |
| Other options considered | Proceed with the joint arrangements Most residential computer users are satisfied that their internet access runs at a satisfactory speed. The cost to the Council would not be justified by the benefits to a small number of businesses and residents. The terms on offer from the government are not advantageous. In addition, by the time any benefits of proceeding might be enjoyed, the arrangements would be likely to have been overtaken by commercial advances such as satellite technology and existing plans already announced by BT. |
| The Decision is subject to Call-In within 5 working days of publication of the decision | |

| Bath & North East Somerset Council | | |
|---|--|-----------------------------------|
| MEETING: | Cabinet | |
| MEETING DATE: | 9th November 2012 | EXECUTIVE FORWARD PLAN REFERENCE: |
| | | E 2328 |
| TITLE: | Improving access to superfast broadband in Bath and North East Somerset: the Broadband Delivery UK Opportunity | |
| WARD: | All | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: | | |
| Appendix 1: Connectivity Maps | | |
| Appendix 2: Potential whole project costs | | |

1. THE ISSUE

- 1.1 Internet access is increasingly regarded as “the fourth utility”. It is regarded as a key requirement for economic growth, and for allowing individuals to participate more fully in society. Broadband infrastructure and its effective use also holds potential for the future transformation of (and efficiencies in) public services.
- 1.2 The Government has recently announced that a fund of £530m is available to local authorities wishing to deliver superfast broadband infrastructure where the market is not delivering it before 2015.
- 1.3 £1.43m of this Government funding is available to the West of England authorities of Bath and North East Somerset, South Gloucestershire and Bristol, which must be matched locally.
- 1.4 In order to access that funding, authorities must develop a “Local Broadband Plan”, which sets out an overall strategy for broadband delivery, and outlines how this could contribute towards the future growth and health of the area.
- 1.5 Surrounding authorities (Somerset, Wiltshire, North Somerset and Devon) have been successful in securing Government funding to ensure the delivery of superfast (at least 20 Megabits per second) coverage to 85-90% of all premises in their areas.
- 1.6 The key issue to consider is whether with scarce resources, Council investment is best made in matching BDUKs funding, or whether there are greater returns to be made by investing elsewhere and in other ways to support economic growth. This would mean leaving the market to ultimately deliver broadband to those areas not currently served.

2. RECOMMENDATION

The Cabinet considers whether to:

- 2.1 Proceed with developing a Local Broadband Plan with South Gloucestershire Council and Bristol City Council, which would report in February and provide more detail of the cost and benefits of improving broadband infrastructure in the rural areas.
- 2.2 Allocate £25,000 of funding from Development and Regeneration reserves to complete the report

OR

Not to proceed and therefore not to accept the government match-funding at this stage

3. FINANCIAL IMPLICATIONS

- 3.1 £25,000 of revenue funding would be required to develop a Local Broadband Plan for the area of Bath and North East Somerset, South Gloucestershire and Bristol in partnership with South Gloucestershire Council and Bristol City Council.
- 3.2 In the event that, subsequent to the completion of the Local Broad band plan, the Council was to proceed with implementation, then further capital resources would be needed in accordance with the estimates in Appendix 3.

4. CORPORATE PRIORITIES

- 4.1 Improving broadband infrastructure supports the Corporate Priorities set out below, and supports policies and aims set out in the following documents:

- Infrastructure Delivery Plan 2010
- Draft Core Strategy 2011
- The Local Strategic Partnership's Sustainable Community Strategy 2009-2026
- The Economic Strategy for Bath and North East Somerset 2010 – 2026
- Future Council and Service Transformation report 2010
- Vision for Bath and North East Somerset 2006

Sustainable growth

- 4.2 The Draft Core Strategy, the Economic Strategy, and the Sustainable Community Strategy highlight the importance of sustainable growth across the District. Broadband infrastructure would support private sector investment, jobs growth and enable home-based start-ups in rural areas.
- 4.3 According to available data¹, roughly 23% of the District's businesses are based in more rural areas with a likelihood of poorer digital infrastructure. Map 3 at Appendix 1 shows that these are mostly smaller firms of 1 – 10 people which could potentially compete more effectively with better access to ICT.

¹ Interdepartmental Business Register (2010); Point Topic connectivity data (2011)

4.4 However, with scarce resources it is important to decide where investment would have the biggest economic return. While there are arguments for investing in improving rural broadband, the economic returns may be better in the short term by investing where jobs growth potential is highest. Ultimately the market will deliver solutions for rural areas and in the short term investment elsewhere and in other ways may create more jobs and growth.

5. THE REPORT

5.1 Over the past few years, the availability and take-up of higher internet speeds has increased dramatically. Research by OFCOM recently showed that consumers – increasingly using new online applications such as social media sites - have moved to higher speed packages where available. In 2008 5% of all UK connections were of 10MBPS, increasing to 24% in 2010.

5.2 Given the pace of technological change and the related demand for ever greater internet speeds, “Superfast” or “Next Generation” speeds of more than 20 MBPS are increasingly referred to by the industry and by the UK Government as a benchmark aim. In other words, there is a need to “future-proof” broadband connectivity across the country as far as possible with the resources available.

5.3 Broadband speeds of 20 MBPS can offer reliable high definition video; two-way video communications; and simultaneous usage of broadband services by different householders.

Market Delivery of Superfast Broadband

5.4 Broadband services can be delivered using a range of technologies, including fibre, satellite, cable, fixed wireless and mobile wireless. Each technology has its own benefits and costs. However, consistent “Superfast” speeds of more than 20 megabits per second (MBPS)² can currently only be achieved through fixed line connections – that is, either fibre or cable technology.

5.5 BT, through BT Openreach, has committed to delivering superfast “fibre to the cabinet” (FTTC) technology to 65% of the country, leaving what BT calls the “final third” unserved by this technology until 2015 at the earliest.

5.6 BT is largely focusing its infrastructure delivery in and around more urban areas that are more densely populated, and are therefore more commercially attractive to Internet Service Providers such as TalkTalk, who will be charged by BT to use their infrastructure.

5.7 Due to the cable technology it uses, Virgin also focuses its activity in urban areas (see Appendix 1, Map 4) and does not currently plan to extend its networks.

Superfast broadband delivery in Bath and North East Somerset

5.8 BT is in the process of delivering superfast broadband infrastructure to cabinets linked to the Kingsmead (Bath), Radstock and Midsomer Norton exchanges. This rollout is due to be completed by the end of 2011.

² Current UK Government definition of superfast.

5.9 A maximum³ of 46,000 premises⁴ in B&NES (roughly 56% of all premises) will therefore benefit from BT's rollout, with many of the remaining 35,000 premises continuing to receive lower maximum speeds until 2015 at the earliest without intervention.

5.10 There are no plans to upgrade any other areas in Bath and North East Somerset, due to the reduced commercial viability of connecting those remaining premises.

The picture in the rest of the District

5.11 Map 1 at Appendix 1 demonstrates theoretical maximum speed coverage by postcode, including the BT rollout⁵. The map shows that higher speeds will generally continue to be found in and around our urban areas.

5.12 Since speeds indicated on the maps at Appendix 1 are theoretical maximum speeds, what is experienced will be slower in many cases.

5.13 Figures show that of the premises not receiving BT superfast infrastructure upgrades,

- An estimated 9,000 premises will continue to receive speeds of less than 1MBPS from their fixed lines
- An estimated 2,500 premises will continue to receive speeds of only 1-2 MBPS maximum.

5.14 Those premises that will continue to receive speeds of less than 2 MBPS will continue to have an unreliable service.

5.15 Broadband Delivery UK (BDUK – see below) estimates that roughly 18,000 premises in Bath and North East Somerset would be eligible to receive government support for improving infrastructure.

Bridging the Gap: The Broadband Delivery UK (BDUK) Opportunity

5.16 The UK Government has recently stated its intentions regarding broadband infrastructure in the UK:

- That the UK will have the best broadband network in Europe by 2015;
- That 90% of the UK will be covered by superfast broadband (at least 20MBPS), and that *all* remaining premises will be able to access *at least* 2MBPS.

5.17 As stated above, the market will not deliver this before 2015. The Government has therefore made available £530m to help fund improvements to broadband infrastructure where the market does not intend to deliver. An agency called Broadband Delivery UK (BDUK) is managing this fund.

5.18 In the South West of England, the following authorities have already secured funding from BDUK, and have also committed to matching the Government

³ It is important to note that even within those exchange areas, some premises are not benefitting due to their distance or relationship to the exchange, or local topographical conditions which make investment less attractive.

⁴ Using Point Topic connectivity data (2011)

⁵ Not all premises within these areas will necessarily benefit from the BT rollout

funding available: Cornwall, Devon, Wiltshire, Somerset, and North Somerset. These authorities are now in the process of procuring the required technologies to deliver at least 20 MBPS connectivity to 85-90% of the premises in their areas.

5.19 In August 2011 the Government announced that the West of England, comprising South Gloucestershire, Bath and North East Somerset, and Bristol, would be eligible to receive £1.43m in funding to help fund broadband infrastructure improvements.

Accessing the BDUK fund – the Local Broadband Plan

5.20 In order to access the West of England's allocated £1.43m of capital funding, the three authorities must produce a **Local Broadband Plan**. The plan should set out the area's ambitions for improving broadband infrastructure, and set out broadband's role in the future development of the District.

5.21 The Local Broadband Plan should also:

- Identify the potential costs of delivering the aims set out in paragraph 5.19 above;
- Outline the level of match funding that the three authorities can contribute towards the project;
- Give some detail on residential and business demand for greater connectivity;
- Confirm that the procurement and rollout of technologies will be managed and monitored by a dedicated project team, and provide some detail on likely procurement process;
- Outline a strategy for demand stimulation and access support activities to run alongside the delivery of new infrastructure.

Resource implications of developing a Local Broadband Plan

5.22 The development of a Local Broadband Plan involves a range of activities, including techno-economic modelling and liaison with communities to enable a fuller articulation of issues and demand.

5.23 Given that the Government funding available is for the three West of England authorities, one Local Broadband Plan would be developed for the whole area.

5.24 The cost of developing a Local Broadband Plan, including the development of a demand stimulation strategy to B&NES Council would be **£25,000**.

5.25 Should the Council decide to take part in *submitting* a Local Broadband Plan in partnership with other authorities, the Council will need to plan for other project costs relating to the implementation of infrastructure in the District. Estimates of these costs are set out in **Appendix 2**.

Project Governance

5.26 Should the Council decide to go ahead with developing a Local Broadband Plan, it is proposed that a project board involving all three authorities be set up to manage the development of the Plan and to oversee specialist consultant work.

Timings and Delivery

5.27 Local Broadband Plan work could begin in November

5.28 The Cabinet would then receive an update in February 2012 on the findings and costings identified in the initial Local Broadband Plan work

5.29 Should the Council decide to take part in submitting a Local Broadband Plan for the West of England to the Government, it is estimated that this would take place in summer 2012

5.30 The table below also sets out potential timings for the whole project should the Council decide to submit a Local Broadband Plan to Government.

Table 1: Estimated project timings:

| Item | Estimated timing |
|---|--------------------------|
| Draft local broadband plan (LBP) produced for internal consultation | November 2011 – Feb 2012 |
| Internal Consultation on draft LBP | Feb - March 2012 |
| Potential timings (pending decision by Council) of project delivery: | |
| Political sign off/s of final LBP | June 2012 |
| Submission of LBP to Government (BDUK) | July 2012 |
| Procurement process begins | October 2012 |
| Demand stimulation activities begin | Spring 2012 |
| Rollout of infrastructure begins | October 2013 |
| Rollout of infrastructure is complete | End 2014 / early 2015 |

Implications of not undertaking the Local Broadband Plan

5.31 Should the Council decide not to undertake the Local Broadband Plan the opportunity to secure match funding from BDUK of £670,000 will be lost at this time and utility providers will not undertake to upgrade rural areas until 2015 at the earliest.

5.32 Separate funding is being made available to deliver ultra-fast broadband in Government backed Enterprise Zones and Enterprise Areas such as the Bath City Riverside 'City of Ideas' Enterprise Area. The details of these arrangements are as yet unclear, but it will sit outside the BDUK bidding process

6. RISK MANAGEMENT

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7. EQUALITIES

7.1 A formal Equality Impact Assessment will be carried out as part of the Local Broadband Plan should the decision be made to proceed.

7.2 If the Council should decide to submit a Local Broadband Plan to the Government in partnership with South Gloucestershire and Bristol City Council, which is the first step in delivering improved broadband infrastructure in the District, there are some real opportunities to:

- Reduce the inequality of service generally experienced by those living in more rural areas than those living in more urban areas;
- Improve communities' ability to use the internet to access public service information, work from home if travel is difficult, develop their businesses, use distance learning materials, and so on;
- Ensure more vulnerable communities and groups, such as older people, can receive help to access better internet services which might for example help to support them in dealing with health issues.

8. RATIONALE

8.1 This report shows that, in general, people living in more rural areas in the short run, are at a disadvantage due to the lack of planned broadband infrastructure upgrades.

8.2 Improved broadband connectivity supports a diverse range of Council priorities, from supporting private sector jobs growth, to improving the independence of older people.

8.3 Initiating work on a Local Broadband Plan with neighbouring authorities would allow the Council to better understand connectivity issues, and identify any potential costs associated with delivering superfast broadband to 90% of those premises not already receiving upgrades from BT.

8.4 However we expect that the market will ultimately deliver solutions for rural areas and a decision is needed on whether a short term investment in matching BDUK is the best way of supporting economic growth when resources are scarce.

9. OTHER OPTIONS CONSIDERED

9.1 There are pros and cons to taking the BDUK opportunity.

9.2 If the decision is made not to move forward with Local Broadband Plan work an opportunity will be lost to potentially access Government funding to deliver improved broadband services in rural areas in the short term

9.3 Superfast market providers (Virgin and BT) have confirmed that significant further improvements will not happen before 2015 at the very earliest due to commercial considerations

9.4 However we expect that ultimately the market will deliver this service if the demand is there. In this situation it may be better to use scarce resources in other ways to support economic growth.

10. CONSULTATION

10.1 *Cabinet members; Other B&NES Services; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer; Business representative bodies.*

11. ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Young People; Corporate; Impact on Staff.*

12. ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

| | |
|--|--|
| Contact person | John Wilkinson 01225 396 593 |
| Sponsoring Cabinet Member | Councillor Cherry Beath |
| Background papers | <ul style="list-style-type: none">• Draft Core Strategy• Economic Strategy for Bath and North East Somerset• Sustainable Community Strategy for Bath and North East Somerset• Vision for Bath and North East Somerset |
| Please contact the report author if you need to access this report in an alternative format | |

Call-in of decision E2328: Improving Access to Superfast Broadband in B&NES – the Broadband Delivery UK option.

The decision:

At the Cabinet Meeting of 9th November, the Cabinet was asked to decide whether or not to spend £25,000 to begin work on a Local Broadband Plan with South Gloucestershire and Bristol City Councils, in order to begin the process of applying for available Government funding for improved broadband infrastructure where the private sector is not delivering that, of which £1.4m is available to the West of England.

At the meeting it was agreed:

NOT to prepare a joint plan with Bristol and South Glos under the terms of the Government Broadband UK offer;
To ALLOCATE £25,000 of funding from Development and Regeneration reserves, with a brief to be agreed by Cabinet, to identify how internet access can be brought to as many of our residents as possible.

Reason for call-in:

We believe that the decision taken by the Cabinet will miss an important opportunity for the residents of Bath and North East Somerset and is sacrificing a potentially significant sum of Government funding which the Council could access. We believe that this decision will not deliver the improvements so desperately needed to broadband infrastructure for households and businesses in our more rural areas and villages.

Improving the speed and reliability of broadband internet in our rural and village communities is vital to the economic competitiveness of Bath and North East Somerset, and that in the years to come access to good internet connections should be considered a basic right of all residents. This will become increasingly the case if Bath and North East Somerset is left behind whilst our neighbouring authorities deliver improved broadband through both their own and Government investment. In particular, it is a concern that small businesses, people who work from home, and the drive to develop creative industries will be significantly disadvantaged by a lack of fast and reliable broadband.

By deciding not to draw up a Local Broadband Plan alongside Bristol and South Gloucestershire Councils, the inequality of internet services between our urban and rural areas will continue to worsen.

We believe this to be unfair, potentially economically damaging, and ask that the Cabinet reconsider this decision.

Call-in signed by:

Call-in of decision E2328: Improving Access to Superfast Broadband in B&NES – the Broadband Delivery UK option.

| Name [print] | signed |
|------------------------------|------------------|
| 1. Martin Veal (lead Member) | |
| 2. Tim Warren | |
| 3. Francine Haeberling | |
| 4. Patrick Anketell-Jones | |
| 5. Sally Davis | |
| 6. Malcolm Hanney | |
| 7. Brian Simmons | |
| 8. Michael Evans | |
| 9. Eleanor Jackson | Via email |
| 10. Matthew Blankley | Via email |
| 11. Les Kew | Via email |
| 12. Vic Pritchard | Via email |
| 13. Barry Macrae | Via email |
| 14. Alan Hale | Via email |

CALL-IN OF EXECUTIVE DECISIONS

RULE 1 – WHO MAY REQUEST A CALL-IN?

Elected members who do not sit on the Cabinet have the right to request a “call-in” of an executive decision which has been made by the Cabinet, or a person or body to whom the power to make executive decisions has been delegated, but not yet implemented.

These decisions could be made by;

- the Cabinet
- a Cabinet Member,
- a committee of the Cabinet
- an Officer taking a key decision acting on delegated authority from the Cabinet
- an area committee
- a body under joint arrangements

BUT NOT the decisions of quasi-judicial or Regulatory Committees.

Notice of the decision made shall be published to every councillor and the publicity shall specify the period in which the “call-in” right may be exercised.

RULE 2 – SUBMISSION OF A “CALL-IN” NOTICE

A notice requesting a “call-in” of an executive decision shall be in writing and signed by 10 or more elected members (excluding Cabinet Members) making the request. The request shall be deposited with the Chief Executive.

The request shall include individual signatures on the notice or electronic communications from individual members signifying their support for the call-in. If a Member is unable to communicate in writing or electronically he/she may signify support by telephone.

The persons making the call-in request shall state the decision being called in, the decision maker, the date the decision was taken and shall give reasons for the call-in.

No member of the Council is entitled to sign up to more than 5 call-in requests in any Council year.

The Chief Executive shall determine whether a call-in is valid (ie whether it has been received within 5 working days of the decision being published and requested by the appropriate number of members and that the decision may properly be called in under the Constitution) and, if so, consult with Overview & Scrutiny Chairs to decide which Panel should consider it.

The Chief Executive shall make a report of any validated call-in to a meeting of the relevant Overview and Scrutiny Panel which shall meet wholly in public within 14 working days of a valid call-in notice being verified.

A decision may only be called in once.

RULE 3 – CONSIDERATION BY OVERVIEW AND SCRUTINY PANEL

The Overview and Scrutiny Panel shall consider the issues raised in the “call-in” request and the stated reasons for the request. They have the following courses of action open to them;

- a) To dismiss the call-in: the decision shall then take effect immediately;
- b) To refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of the Panel's concerns; or
- c) To refer the matter to Council to itself undertake the role of the Panel (which may necessitate an additional Council meeting to meet necessary timescales) [NB: the ultimate decision still remains with the original decision maker].

If the call-in is dismissed, notification will be made to all interested parties and the original decision can be implemented. No amendments can be made to the decision [Six-month rule applies – Part 4(D), rule 15]

If the Panel consider any aspect of the decision requires further consideration, it must refer it back to the decision maker.

In total, the Panel shall ensure that the period of overview and scrutiny involvement in an individual call-in shall not exceed 21 working days.

RULE 4 – CONSIDERATION BY DECISION MAKER

The person or body which made the decision shall consider the report of the Overview and Scrutiny Panel or Council and must;

- (a) confirm the original decision; or
- (b) make some changes to the original decision; or
- (c) make a different decision.

The decision maker may not ignore the report. The decision maker shall undertake this consideration within 10 working days from the date of the Overview and Scrutiny (or Council) meeting.

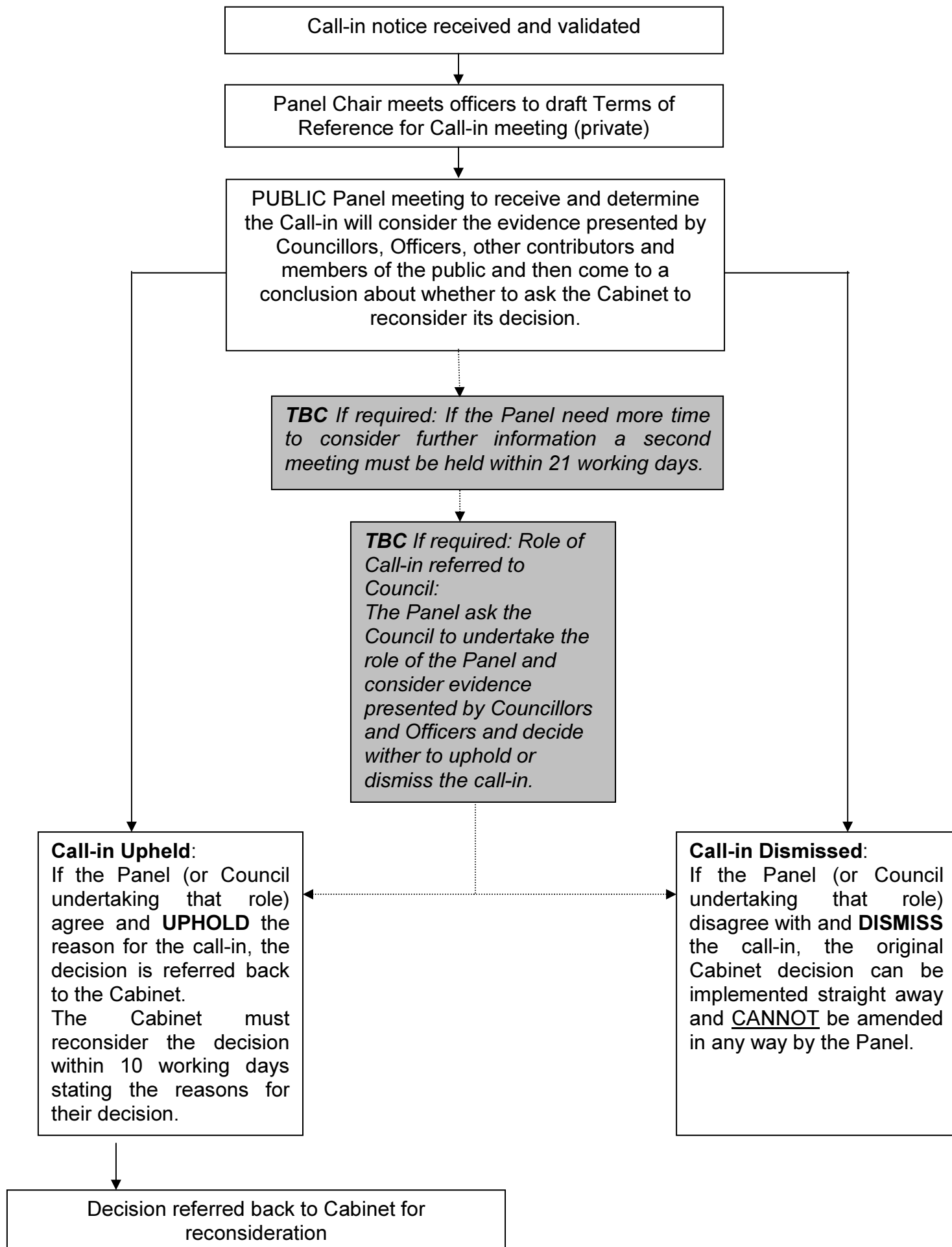
The decision made by the decision maker after considering the report of the Overview and Scrutiny Panel shall be final and will be implemented immediately. There is no further opportunity for “call-in” of the decision.

RULE 5 – EXCEPTIONS TO “CALL-IN”

The rights under this Procedural Rule shall not apply in the following circumstances:

- when the executive decision is urgent as defined in the Urgency Procedure Rules within this Constitution
- the effect of the call-in alone would be to cause the Council to miss a statutory deadline
- a decision taken under the General Exception and Special Urgency Access to Information Rules [Part 4B, rules 15 and 16].

FLOW CHART:



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