
Berkshire Digital Infrastructure Group - Collaboration Agreement

Committee considering report:	Executive
Date of Committee:	24 March 2022
Portfolio Member:	Councillor Howard Woollaston
Report Author:	Katharine Makant

1 Purpose of the Report

The purpose of the report is to seek delegated authority for the Chief Executive to enter into a Collaboration Agreement to forward the objectives of the Berkshire Digital Infrastructure Group (DIG). The DIG has responsibility for improving access to digital infrastructure across Berkshire including the Superfast Berkshire project originally set up in 2011. The Collaboration Agreement is required in order to draw down funding recently awarded via a successful bid to the Department of Culture, Media and Sport (DCMS).

2 Recommendation

To delegate authority to the Chief Executive to enter into a Collaboration Agreement with the other five Berkshire Authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP) to forward the objectives of the Berkshire Digital Infrastructure Group and further associated agreements as appropriate.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>Funding of £500,000 has been awarded by the Department of Culture, Media and Sport (DCMS), following a successful bid by the Berkshire Digital Infrastructure Group (DIG). The project is a pilot supporting the roll-out of digital infrastructure across Berkshire by facilitating access to publicly owned assets.</p> <p>The DCMS funding – and future potential funding - is dependent on the provision of a Collaboration Agreement signed by the participating organisations.</p>

Berkshire Digital Infrastructure Group - Collaboration Agreement

	<p>Funding from West Berkshire Council is not required to deliver the DCMS project – in fact, the Council may be the recipient of funding in order to support the project.</p> <p>The ICT Capital Programme (Project 101) includes a contribution of £30k for 22/23 and £40k for 23/24 through to 26/27 to fund the DIG Project Office. This is supplemented by equal contributions from the other Berkshire Authorities and the LEP.</p>
Human Resource:	Not applicable.
Legal:	<p>In order to draw down external funding allocated to the Berkshire Digital Infrastructure Group, the six participating authorities and the LEP are required to agree and sign the Collaboration Agreement. The Collaboration Agreement sets out both the general principles on which the authorities and the LEP will work together in relation to the advancement of the DIG strategy and in relation to specific projects including the current DCMS project. In accordance with the Council's Constitution the Collaboration Agreement requires approval or delegation of approval by the Executive.</p> <p>The Collaboration Agreement will supplement the previous collaboration agreements put in place between the Berkshire authorities in connection with the Superfast Berkshire project and the MHCLG Full Fibre project. These agreements will remain in effect until completion of those projects.</p> <p>As West Berkshire Council is the Lead Authority for the Berkshire DIG, the Collaboration Agreement has been drawn up under the direction of the Council's Legal Services team and is currently undergoing review by the other parties' legal representatives. At the time of writing, no significant changes are expected.</p>
Risk Management:	<p>There is an element of risk, in that in order to meet its delivery timescale, the project is expected to commence on 11 March 2022, on the basis that the Grant Funding Agreement has been approved by the Berkshire Chief Executives and that Service Agreements at a cost of £230,400 have been approved by West Berkshire Council's Procurement Board.</p> <p>DCMS has approved the commencement of the project pending signature of the Collaboration Agreement by the participating authorities. However, if the Collaboration Agreement is not signed, the grant funding cannot be drawn</p>

Berkshire Digital Infrastructure Group - Collaboration Agreement

	down and there may be an element of abortive costs to be met by the Berkshire DIG.			
Property:	Not applicable.			
Policy:	Not applicable			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			The proposal will have a positive impact on inequality, in that it will contribute towards increasing digital inclusion.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			The proposal will have a positive impact on the lives of people with protected characteristics, in that it will contribute towards increasing digital inclusion for these groups.
Environmental Impact:	X			The proposal will have a positive environmental impact, in that it has the potential to reduce the need for large structures linked to digital infrastructure such as masts.
Health Impact:	X			The proposal will have a positive health impact, in that it will contribute towards increasing digital inclusion.
ICT Impact:	X			The proposal will have a positive ICT impact, in that it will contribute towards increasing digital inclusion.

Digital Services Impact:	X			The proposal will have a positive Digital Services impact, in that it will contribute towards increasing digital inclusion.
Council Strategy Priorities:	X			<p>The proposal supports the following Council Priorities for improvement:</p> <ul style="list-style-type: none"> • Supporting businesses to start, develop and thrive in West Berkshire; • Develop local infrastructure including housing to support and grow the local economy - further develop digital infrastructure and information assets in the District. <p>The DCMS pilot project explores how digital software can help simplify local authority processes when telecoms operators request access to publicly-owned buildings and curbside infrastructure. This will lead to faster roll-out of and improved connectivity to 4G and 5G for local businesses and residents across the District.</p>
Core Business:				Not applicable
Data Impact:				Not applicable.
Consultation and Engagement:	<p>Legal Services – Shiraz Sheikh</p> <p>Berkshire DIG Project Office - Lynne Wilson</p> <p>Chair of Berkshire DIG Board and Chief Executive of West Berkshire Council – Nigel Lynn</p>			

4 Executive Summary

- 4.1 This report seeks delegated authority for the Chief Executive to enter into a Collaboration Agreement with the other five Berkshire Authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP) to unlock £500,000 of DCMS funding for a pilot project to support the roll-out of digital infrastructure.
- 4.2 The Collaboration Agreement has been drawn up under the direction of the Council's Legal Services team and a draft version was submitted with the grant funding bid in

autumn 2021. The draft is currently undergoing review by the other parties' legal representatives but no significant changes are expected.

- 4.3 Without the Collaboration Agreement in place, the funding cannot be drawn down and the project cannot proceed. It is time critical since the project must commence in the 2021/22 financial year in order to draw down the funding.

5 Supporting Information

Introduction

- 5.2 This report seeks delegated authority for the Chief Executive to enter into a Collaboration Agreement with the other five Berkshire Authorities and the LEP to forward the objectives of the Berkshire Digital Infrastructure Group (DIG). This will unlock £500,000 of DCMS funding for a pilot project to support the roll-out of digital infrastructure by facilitating access to publicly owned assets, and could result in additional funding for future projects.

Background

- 5.3 Executive has previously considered reports on the Superfast Berkshire project, the original aim of which was to improve digital access across Berkshire as part of a national Government initiative to address gaps in broadband coverage. West Berkshire Council was the lead authority for the project, which involved all six Berkshire Unitary Councils, the Thames Valley Berkshire Local Enterprise Partnership (LEP) and Broadband Delivery UK (BDUK), part of the Department for Culture, Media and Sport (DCMS). In recognition of this, the Superfast Berkshire project office was based at West Berkshire Council which also provided the majority of specialist support, including in the areas of technical, legal and procurement. West Berkshire Council procurement procedures were used to deliver Superfast Berkshire Phase 3, approved by Executive in June 2016 and May 2017.
- 5.4 In the years since the Superfast Berkshire project began in 2011, and even in the 5 years since Superfast Berkshire Phase 3 commenced, digital technology has moved on and Superfast speeds have been superseded by Ultrafast, Full Fibre and Gigabit. In recognition of this, the former Superfast Berkshire Project Steering Group has evolved into the Berkshire Digital Infrastructure Group (DIG) with officer representation from each of the Berkshire unitary authorities and the LEP. West Berkshire Council remains the lead authority and the DIG Board is currently chaired by the Council's Chief Executive, Nigel Lynn. Economy Manager Katharine Makant is the Council's representative on the Board.
- 5.5 Berkshire DIG is recognised as a unique example of collaborative working within the Thames Valley and beyond. It has developed a 'Connected Berkshire' vision and strategy in which it will work with market providers and the DCMS to minimise barriers to digital infrastructure investments to reduce rollout costs and delays, leading to further investment into the county. Current work streams include a number of high profile digital infrastructure projects across the six Unitary Authority areas, including:
- Superfast Berkshire Phase 3 (West Berkshire is currently at almost 99% coverage – the project was recently expanded to include Upper Lambourn);

Berkshire Digital Infrastructure Group - Collaboration Agreement

- MHCLG Full Fibre (a £1.7m grant awarded by the Getting Building Fund/MHCLG, to provide a gigabit full fibre connection to 81 sites across Berkshire including Birch Copse Primary School in West Berkshire);
- Project Gigabit (a national Government initiative to deliver fast, reliable broadband to everyone in the UK and 85% of premises by 2025 – West Berkshire is part of Phase 2 delivery);
- GigaHub Sites (£110m available for connecting public buildings including rural school, doctors' surgeries and libraries to gigabit broadband – working with Connected Communities to review village halls across Berkshire);
- Dig Once (a project aimed at creating a shared approach to enabling the rollout of digital infrastructure across Berkshire, with standardised agreements, planning guidance and wayleaves).

5.6 In the most recent successful funding bid to be submitted by the DIG, Berkshire was chosen by DCMS as one of 8 pilots in respect of the Digital Connectivity Infrastructure Accelerator (DCIA) project. This is a £4m Government scheme to pilot the mapping and brokerage of publicly owned assets for use in the rollout of digital infrastructure. The project will explore how digital software can help simplify local authority processes when telecoms operators request access to publicly-owned buildings and curbside infrastructure. This will lead to faster roll-out of and improved connectivity to 4G and 5G for local businesses and residents across the District.

Proposal

5.7 In order to draw down the £500,000 allocated to Berkshire for the DCIA Pilot project, the six participating authorities and the LEP are required to sign certain legal documents setting out the framework within which the project will be delivered. This includes a Grant Funding Agreement, which has already been approved by the six Berkshire Chief Executives, Services Agreements with the two providers, which have been approved by West Berkshire's Procurement Board and a Collaboration Agreement which, under the Council's Constitution, requires approval by Executive

5.8 The Collaboration Agreement was drawn up under the direction of West Berkshire's Legal Services team and a draft version was submitted in February 2022. The draft is currently undergoing review by the other parties' legal representatives but at the time of writing, no significant changes are expected.

5.9 The proposal is therefore for Executive to delegate authority to the Chief Executive to sign the Collaboration Agreement that – in the first instance - will unlock £500,000 of grant funding to enable Berkshire DIG to proceed with the DCIA pilot project.

Financial Implications

5.10 The DCMS funding of £500,000 for the DCIA Pilot project is dependent on the provision of a Collaboration Agreement signed by the participating organisations. Without the Collaboration Agreement, the grant will not be released and the project will not proceed. In addition, the lack of a Collaboration Agreement is likely to have an adverse impact on future funding bids submitted by the Berkshire DIG.

- 5.11 Funding from West Berkshire Council is not required to deliver the DCMS project – in fact, the Council may be the recipient of some of the funding in order to support the project. The Council invested in the early phases of Superfast Berkshire but now the majority of funding for DIG projects comes from the Government or from Gainshare - money paid by the current Superfast Broadband providers back to the partnership.
- 5.12 In the past, the DIG Project Office has been funded by contributions from the infrastructure providers delivering the Superfast Broadband project (BT Open Reach and Gigaclear) to cover programme management costs. This money is due to run out in June 2022. The Chief Executives of the Berkshire authorities and the LEP have already agreed in principle to cover the costs of the DIG Project Office over the next five years, noting that these may reduce if project management costs can be top sliced from external funding streams.
- 5.13 West Berkshire Council's ICT Capital Programme (Project 101) includes a contribution of £30k for 22/23 and £40k for 23/24 through to 26/27 to fund the DIG Project Office. This is supplemented by equal contributions from the other Berkshire Authorities and the LEP. This is considered to be good value for money, when matched against the benefits of increased digital infrastructure coverage and access to external funding streams.

Legal Implications

- 5.14 As Lead Authority for Berkshire DIG, the Council's Legal Services team has been closely involved in drafting the legal documentation required to deliver the DCIA Pilot project and future projects.
- 5.15 The Collaboration Agreement names West Berkshire Council as the 'Lead Organisation' and sets out a framework and governance structure for Digital Infrastructure Group projects on which the parties wish to co-operate. The DCIA Pilot is referenced as the first of these projects. The period for review is within two years.
- 5.16 The Collaboration Agreement includes provision for mutually beneficial inter-working on other publicly funded DIG projects, which could include the Dig Once project (see above)
- 5.17 As noted above, a draft version of the Collaboration Agreement was submitted in February 2022 as part of the preparatory documentation for the finalisation of the Grant Funding Agreement. The draft is currently undergoing review by the other parties' legal representatives but no significant changes are expected.
- 5.18 The Collaboration Agreement will supplement the previous collaboration agreements put in place between the Berkshire authorities in connection with the Superfast Berkshire project and the MHCLG Full Fibre project. These agreements will remain in effect until completion of those projects.

Risk Management

- 5.18 The grant funding bid was put together in autumn 2021 within a very tight timescale in order to meet the Government's submission deadline. The announcement of the winning bids was not made until 8 February 2022, but in order to meet its delivery

timescale, the project must commence on 11 March. DCMS has approved the commencement of the project pending signature of the Collaboration Agreement by the participating authorities, on the basis that the remaining legal documents have already been approved.

5.19 If the Collaboration Agreement is not signed, the grant funding cannot be drawn down and there may be an element of abortive costs to be met by the Berkshire DIG. In order to mitigate the risk, approval has been sought and given within the appropriate governance route for the other legal documents. Service Agreements at a cost of £230,400 have been approved by West Berkshire Council's Procurement Board and the Berkshire Chief Executives have given undertakings regarding the Grant Funding Agreement.

5.20 The Collaboration Agreement is currently undergoing review by the other parties' legal representatives but no significant changes are expected.

6 Other options considered

Executive could decide not to enter into the Collaboration Agreement. However, the signing of the Collaboration Agreement by all parties is the only way to unlock the £500,000 allocated by DCMS for the DCIA Pilot Project and enable the project to proceed. Without this in place, the grant funding will be lost and the project will not proceed. In addition, the lack of a Collaboration Agreement is likely to have an adverse impact on future funding bids.

7 Conclusion

7.1 The Berkshire DIG has been very successful in drawing down external funding to support the Council's Priority for improvement in developing digital infrastructure and information assets across the District and it is recognised as a unique example of collaborative working within the Thames Valley and beyond.

7.2 The Collaboration Agreement sets out a framework for continued joint working with partners to improve access to digital infrastructure across the county and it has the potential to unlock not only £500,000 of DCMS funding for the DCIA Pilot project but also funding for future DIG projects.

7.3 In the absence of a signed Collaboration Agreement, the project cannot proceed and the funding will be lost.

8 Appendices

8.1 Appendix A – Equalities Impact Assessment

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

-
- Delays in implementation could have serious financial implications for the Council
 - Delays in implementation could compromise the Council's position
 - Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
 - Item is Urgent Key Decision
 - Report is to note only

Wards affected: ALL WARDS

Officer details:

Name: Katharine Makant
Job Title: Economy Manager
Tel No: 01635 519186
E-mail: Katharine.makant@westberks.gov.uk

Document Control

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Author:	Katharine Makant		
Owning Service	Development and Regulation		

Change History

Version	Date	Description	Change ID
1	02/03/22	Original draft	
2	03/03/22	With revisions by Dawn Bond	

Appendix A

Equality Impact Assessment (EqIA) - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.*

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

Berkshire Digital Infrastructure Group - Collaboration Agreement

What is the proposed decision that you are asking the Executive to make:	This report seeks delegated authority for the Chief Executive to enter into a Collaboration Agreement with the other five Berkshire Authorities and the LEP to forward the objectives of the Berkshire Digital Infrastructure Group (DIG).
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy • Maintain a green district • Ensure sustainable services through innovation and partnerships 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please indicate which priority and provide an explanation
Name of Budget Holder:	Andy Best - ICT
Name of Service/Directorate:	Development & Regulation
Name of assessor:	Katharine Makant
Date of assessment:	02/03/22
Version and release date (if applicable):	

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input type="checkbox"/>	Already exists and is being reviewed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input type="checkbox"/>
Service	Yes <input type="checkbox"/> No <input type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	The project will explore how digital software can help simplify local authority processes when telecoms

	operators request access to publicly-owned buildings and curbside infrastructure.
Objectives:	Improved mobile phone connectivity.
Outcomes:	This will lead to faster roll-out of and improved connectivity to 4G and 5G for local businesses and residents across the District.
Benefits:	Residents and businesses in West Berkshire, particularly those in rural areas currently experiencing barriers to digital inclusion.

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation)

Group Affected	What might be the effect?	Information to support this
Age		
Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		

Further Comments:

The proposal will have a positive impact on the lives of all people with protected characteristics, in that it will contribute towards increasing digital inclusion for these groups.

(3) Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?

Yes No

The proposal will have a positive impact on inequality, in that it will contribute towards increasing digital inclusion.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The proposal will have a positive impact on the lives of people with protected characteristics, in that it will contribute towards increasing digital inclusion for these groups.	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name:

Date:

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website