

# Government reviews law on access to land for digital infrastructure

A government [consultation has been launched](#) on whether to make changes to the law around digital infrastructure, such as phone masts and broadband cabinets, with a view to providing more homes with improved internet and mobile coverage.

Announced by Digital Minister Matt Warman, the consultation will review the legal framework for building and maintaining these structures on private and public land.

While progress has been made since the UK's Electronic Communications Code was reformed in 2017, stakeholders have reported that negotiations do not always progress smoothly and agreements can take a long time to complete. This is holding back homes and businesses from accessing better mobile coverage and much faster gigabit broadband.

The consultation will explore whether changes to the Code are required to encourage faster and more collaborative negotiations between landowners and telecoms providers. It will also examine whether there are ways that the use of existing infrastructure can be improved.

Matt Warman, Minister for Digital Infrastructure, said:

As part of our vision to level up the UK with better connectivity and faster broadband speeds, we're looking at reforming the law so people can get the benefits of better connectivity as soon as possible.

We're also investing £5.5 billion to roll out nationwide gigabit broadband and improve poor mobile coverage.

The consultation seeks views on: issues that have arisen relating to obtaining and using Code agreements; rights to upgrade and share infrastructure; and difficulties relating to the renewal of expired agreements.

The consultation proposes reviewing automatic rights which can be used when a phone mast needs to be upgraded from 4G to 5G or shared among operators to remove coverage blackspots, to make clear when these rights should be available.

Views are also being sought on whether greater certainty is needed for operators and landowners about what will happen when their land agreements come to an end and how they can be renewed.

The 2017 reforms to the Electronic Communications Code were made to support

faster and easier rollout in rural areas, balancing the need for digital infrastructure with the rights of landowners and other site providers.

Hamish MacLeod, Director at Mobile UK, said:

The Government has set ambitious targets on extending coverage and capacity and getting the regulatory framework right to enable operators to deploy their networks is essential. We welcome the consultation on the Electronic Communications Code as a vital part of this strategy.

**ENDS**

#### **Notes to Editors**

- The consultation will provide all interested parties with the opportunity to comment on the scale and scope of potential reforms. The deadline for responses is 24 March 2021.
- The Electronic Communications Code is the legal framework underpinning agreements between landowners and communications operators in the UK. The Code was substantially reformed in 2017 to make it cheaper and easier for electronic communications apparatus to be deployed, maintained, shared and upgraded. Now, more than ever, it is important that operators are able to do this at pace.
- The purpose of this consultation is to understand whether changes to the Code are needed. Whether changes are introduced will depend on our findings from this consultation. A full response to the consultation will be published in due course, and will provide further information on any changes to be made and, if so, the timescales for that. Should the government decide that reforms to the Electronic Communications Code are needed, this would require primary legislation.

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## **Domestic Abuse Bill 2020: letter from Baroness Williams to Peers following second reading**

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# **OPSS Awards return to celebrate regulatory excellence in challenging times**

The Office for Product Safety and Standards (OPSS) will hold the Regulatory Excellence Awards 2021 on 10 June 2021. We will be highlighting current excellent regulatory practice by hosting a showcase virtual event for our stakeholders.

This year more than ever it is important to celebrate outstanding regulatory practice that has achieved positive outcomes in supporting businesses and protecting consumers. The awards will also demonstrate to the public the vital role that regulation can play in supporting and rebuilding the economy.

We have included four categories from previous years: Primary Authority, Better Business for All, Innovation and Technical, and Product Safety, and have introduced a new Coronavirus category. The judging panel will consider entries in these categories with a timeline that includes the second half of the 2019 calendar year, 2020, and the first quarter of 2021. We encourage stakeholders who submitted entries for the cancelled Regulatory Excellence Awards 2020 to resubmit them.

The five categories are open to individuals, and organisations of any size, whose work is relevant to operations in the UK. We look forward to receiving entries from a wide range of stakeholders including engineers, scientists, technicians, businesses, trade associations, and frontline regulators. The awards for all categories are winner, highly commended, and commended.

- Primary Authority: for anyone involved in the development and management of primary authority partnerships.
- Better Business for All (BBfA): open to BBfA partnerships, organisations, and individuals working in the BBfA programme.
- Product Safety: open to individuals or teams in business or regulatory organisations who have made a significant contribution to product safety.
- Innovation and Technical: open to anyone working in technical and scientific fields (including metrology and hallmarking) who have developed novel or technical solutions that have in some way contributed to protecting consumers and supporting business.

- **Coronavirus:** open to anyone who have demonstrated excellent regulatory practice in their response to the pandemic. This may include helping keep people safe whilst businesses trade, supporting businesses to comply with new regulations, and aiding businesses economic recovery by helping them reopen.

Entry is simple, via a 500-word statement which demonstrates how the individual or organisation has made a real difference in protecting citizens and supporting the business community, using better regulation tools and principles. We are asking all stakeholders to submit a simple video with their entry. All finalists will be asked to make a video that may be shown at the virtual awards ceremony.

Follow #RegEx2021 on Twitter and help spread the word.

### **Criteria and entry**

The Awards are open to anyone involved in the delivery of regulation and compliance e.g., local authorities, national regulators, businesses, and trade associations.

Individuals, teams, or organisations can be nominated by others and/or themselves.

Entry forms are available from [Regulatory Excellence Awards 2021 Entry Form](#) (MS Word Document, 345KB) or from [OPSSRegExAwards@beis.gov.uk](mailto:OPSSRegExAwards@beis.gov.uk)

Deadline: entry forms must be returned to the Office for Product Safety and Standards by Friday 30 April 2021. Entries must be submitted online.

Short external endorsements may be included with entries.

## **UKEF supports iRob through Coronavirus pandemic**

### **About the transaction: iRob**

<b>Region</b>	Warwickshire
<b>Sector</b>	Manufacturing/Automotive
<b>UKEF support</b>	Export Working Capital Scheme

Warwickshire-based iRob specialises in robotics and automation, providing a range of manufacturing services to large scale exporters in the automotive industry. The company turned to UKEF after securing a high-value contract with Jaguar Land Rover to deliver new automated facilities for a range of new models.

UKEF's local export finance manager, Jane Cooper, worked with Barclays to put a [working capital facility](#) in place that would allow the company to buy materials and pay staff while retaining cash in the business. We were also able to help extend the payment deadline after COVID-19 disruptions led to factory shutdowns and inevitable changes to the project timelines.

Giles Oberheim, Managing Director of iRob, says the impact of the support has been transformational:

This support has been the difference in being able to deliver this project and not. We wouldn't have been able to do this alone without the support of both UKEF and Barclays.

Barclays and UKEF worked tirelessly to get us going. We fully intend to carry on expanding as a business and see UKEF as a key part of our future.

Jane Cooper, Export Finance Manager for Birmingham, Coventry and Warwickshire, Leicestershire, said:

UKEF's mission is to ensure no viable UK export fails for lack of finance from the private sector. That mission remains the same in all economic climates. I urge every UK exporter who is concerned about their ability to continue trading overseas to look at how UKEF can support them through the pandemic.

Putting the right finance and insurance in place can give you the exporting edge, helping you to win contracts, fulfil orders and get paid.

[Tell us about your business](#)

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## **Pension schemes and climate-related risks**

Good morning and welcome. My apologies I cannot be with you here today. But I am recording this in advance because I have the delights of the Work and Pensions Select Committee at exactly the same time as your conference.

And we decided to come outside to record this video because after all, this is a video, and a message, that relates to climate change, and the natural world, in which we all enjoy and want to enjoy for the future.

So, my first duty is to thank the Professional Pensions Conference for inviting me to speak.

We know that climate change is the defining challenge of our time. Our response will determine the future health and prosperity of the world.

Climate change is a major systemic financial risk and threat to the long-term sustainability of private pensions.

With £2 trillion in assets under management, all occupational pension schemes are exposed to climate-related risks.

You will all know that in late 2020, we consulted about: 'Taking action on climate risk: improving governance and reporting by occupational pension schemes'.

Today, I am delighted to announce the publication of the Government's response to that consultation.

Our proposals are world leading. The UK is set to become the first major economy to require climate risks to be specifically considered and then reported on by pension schemes.

The new measures will ensure trustees are legally required to assess and report on the financial risks of climate change within their portfolios.

I am extremely proud of these proposals, and my team, and we are now seeking views on the draft regulations and statutory guidance which will bring our policies into effect.

The government has also been working closely with The Pensions Climate Risk Industry Group to produce non-statutory guidance.

This will be a vital resource for all trustees when considering how to improve climate change governance and make disclosures in line with TCFD recommendations.

I am committed to ensuring that trustees do everything they can to limit this risk to their members' future income.

I thank the industry for the significant engagement with our consultation – this played a key part in helping to shape the policy.

I recognise there are some legitimate and constructive concerns. We have sought to amend our policy according to these particular concerns.

The key issues we are changing are as follows.

Firstly, I have decided to simplify requirements on publication timings, to allow all schemes a full 7 calendar months from the scheme year end date in which to prepare and publish their TCFD report.

It is vitally important that these disclosures are as robust and set a

positive benchmark for subsequent schemes that later come into scope.

Secondly, I have kept the scope of these requirements the same – authorised master trusts and schemes with £5bn or more in assets will be in scope from October 2021.

As a consequence of that, “buy-in contracts”, which involve a more or less irreversible surrender of decision making by trustees to an insurer, will not be counted towards that threshold.

We cannot afford delays to address the risk presented by the climate risk, therefore, I am bringing forward the commitment to conduct an interim review to 2023.

This will allow government to identify best practice and – subject to consultation – extend the measures to smaller schemes as soon as 2024.

The publication of the government’s Green Finance Strategy was a clear signal to larger pension schemes that there would be an ambitious timescale for these regulations coming into force.

We have been true to our word and as such, smaller schemes should interpret the bringing forward of this review in the same way.

The consultation acknowledged that conducting scenario analysis is one of the most complex and costly sections of TCFD.

This is why I have reduced the frequency by which trustees are required to carry it out.

Instead of annually, scenario analysis must now be carried out in the first year that trustees are subject to the requirements and every three years thereafter.

This is not an invitation for trustees to do scenario analysis and forget about it. In the intervening years, trustees must do an annual review of their most recent scenario analysis and determine whether or not it is still “fit for purpose” or whether there are circumstances which make it appropriate for them to carry out fresh analysis.

As methodologies and data are evolving rapidly, we see a strong possibility that in practice, at least initially, trustees will need to do scenario analysis more frequently than every 3 years.

I have also sought to reduce the administrative and financial burden on trustees in relation to obtaining the data for calculating emissions-based metrics. This has been changed to an annual requirement.

Likewise, performance against targets is now to be monitored annually rather than quarterly. We have also provided for there to be an annual review of any targets, to determine whether they should be maintained or replaced.

Trustees must recognise that methodologies and data are evolving rapidly, and

recognise the value in schemes regularly updating their calculations to ensure consistency and attention to risks and opportunities.

Indeed, government has recognised the evolution in this space in just the short few months since we consulted.

On metrics, we have made changes to our original proposals so that trustees will be required to select at least two emission-based metrics, one of which must be absolute and one which must be intensity-based – emissions per pound invested.

Data concerns and the TCFD Roadmap are absolutely crucial. And metrics leads on to concerns about the availability of data vital to carrying out effective and robust climate governance.

Some of the TCFD recommendations require an evaluation of assets which relies on the quality and flow of data from investee companies – through asset managers and investment consultants – to institutional investors.

However, we cannot let our work to tackle climate change falter, on the basis that the solution is too complex.

The government is resolute in its ambition to tackle this issue wholeheartedly.

It is therefore hugely significant that the government has recognised calls for regulatory alignment by publishing the TCFD Roadmap last November.

We intend to make TCFD-aligned disclosures mandatory across the economy by 2025, with a significant portion of mandatory requirements in place by 2023.

It would not be right, in my view, to place a requirement on trustees whilst the rest of the investment chain – on which they rely for data – is not held to the same regulatory standards.

Challenges to our proposals are significant, but the reality is that the government's roadmap will go a significant distance to address some of these challenges we are going to meet these requirements.

Some say that government is directing trustee decisions and increasing pressure for divestment of pension schemes from high carbon sectors.

However, I have repeatedly stated in Parliament, and I make the point again today, that ultimately decision-making on climate risk and opportunities are matters for trustees alone. I'm wholeheartedly opposed to divestment.

We are not mandating that schemes commit to specified emissions reductions, and we continue to believe that divestment would be the wrong approach.

We believe encouraging company engagement will reduce the climate risk to which that scheme is exposed.

That is why I've set up a working group, chaired by Simon Howard, the former

Chief Executive of the UK Sustainable Investment and Finance Association, to look at how we can strengthen the trustee voice in engagement, and voting in particular.

If stewardship and voting are to be effective, we need to see improvement – the current system is not fit-for-purpose.

Trustees and asset managers need to work together to ensure scheme members' best interests are protected.

I intend to take steps to build trustee demand for better stewardship, which will drive failing firms to improve.

And as part of that, where trustees want to ask managers to follow their voting policy, I think they should be able to.

Investors should be clear that the transition to a low carbon economy is underway.

Our regulations will require trustees to act within their fiduciary duty by assessing their portfolio's susceptibility to this kind of transition risk.

It is then down to the trustees how they choose to act on that exposure to risk – I would encourage them to act quickly.

This transition also presents pension schemes with opportunities to invest in the real economy including the environmental infrastructure and businesses of the future that are emerging and are so needed.

These types of investments have the potential to offer pension schemes increased returns whilst driving the transition that we all want to 'net zero'.

That is why separate from our proposals on managing climate risk, the government is reviewing consultation responses on proposed changes to encourage greater allocation to these types of investments and other less liquid assets.

The most significant barrier that is holding the UK in that issue is the sheer number of members trapped in inadequate, poorly-performing schemes.

That is why I have been looking at a requirement for all occupational pension schemes with less than £100m in assets must either prove that they are offering that value or consolidate.

And consolidation will happen. It is not good enough that members are held back from accessing these types of investments because of historic choices made by their employers. Wholesale consolidation, I believe, is on its way, and is the right thing.

And on fees, last year, I also consulted on costs and changes to ensure that the fees that investors often pay for potential access to market-beating returns do not risk breaching the charge cap.

And we're smoothing the incurrence of performance fees over the course of five years which will provide many investors who are unsure about investing in such funds the confidence to make that leap.

I commend schemes that have already shown leadership by investing in infrastructure, property and private markets but we fall behind our global partners in our commitment to these asset classes and the economy as a whole suffers for it.

We have all been through an incredible journey this year, but there is an opportunity to contribute to a better financial future for ourselves and a future for our planet.

This challenge demands all of us to take action.

That is why I want every market participant to engage constructively with these proposals and these measures, to help us shape a policy that delivers the protection for members.

Together, we can build a better, safer and greener pensions system.