

Notice of Non-key Executive Decision

Subject Heading:	Agree to a variation to the NDA for the GLA's Infrastructure Mapping Application (IMA)
Decision Maker:	Helen Oakerbee – Director of Planning & Public Protection
Cabinet Member:	Cllr Graham Williamson, Cabinet Member for Development and Regeneration
SLT Lead:	Neil Stubbings – Strategic Director of Place
Report Author and contact details:	Ben Dixon Infrastructure Planning Team Leader ben.dixon@havering.gov.uk 01708 433030
Policy context:	Delivering improved processes and efficiency through better use of existing data
Financial summary:	Agreeing to the variation to the existing NDA will have no cost implications
Relevant Overview & Scrutiny Sub Committee:	Place
Is this decision exempt from being called-in?	<i>The decision will be exempt from call in as it is a Non key Decision</i>

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The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy - X

Resources - A well run Council that delivers for People and Place - X

Part A – Report seeking decision

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DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Director of Planning & Public Protection is recommended to approve:

Agreeing to a variation to the existing Non-Disclosure Agreement (NDA) for the GLA's Infrastructure Mapping Application (IMA) online digital platform.

AUTHORITY UNDER WHICH DECISION IS MADE

3.3 Powers of Members of the Senior Leadership Team

General powers

(a) To take any steps necessary for proper management and administration of allocated portfolios.

STATEMENT OF THE REASONS FOR THE DECISION

The reason for the decision is:

Agreement to execute the variation to the current NDA will allow the GLA to introduce telecoms providers' data into the IMA. This will improve the functionality of the platform and provide benefits to the Council in terms of increased potential for collaborative streetworks with reduced cost and disruption within the borough.

Background

The Infrastructure Mapping Application (IMA) is an online digital platform managed by the GLA's Infrastructure Coordination Service (ICS), which delivers a Streets Service. ICS Streets Service convenes collaborative streetworks, bringing together utilities, telecoms and highway authorities to undertake a 'dig once' approach.

To date the Streets Service has engaged infrastructure providers from across the water, gas and power sectors to deliver collaborative streetwork projects. This has delivered multiple benefits in terms of reduced disruption on London's roads, cost savings to works promoters, more efficient working and healthier streets.

The IMA is a core tool underpinning the Streets Service, which contains geospatial data on works promoters' confirmed and speculative future investment plans. The Streets Service Team reviews new data on the IMA each quarter to identify opportunities for collaborative streetworks.

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The IMA has three sites:

- a public site, accessible by all accessed at the following link:
<https://maps.london.gov.uk/ima/>
- a private site, accessible only by NDA signatories; and
- ICS site, accessible only by the ICS Team

The Council is a signatory to the current multi-party Non-Disclosure Agreement (NDA) for the IMA. The existing NDA has been in place since 2018 and underpins all data sharing between asset owners and the GLA for the purposes of infrastructure coordination. In 2018 the NDA had 11 original signatories: GLA, London Councils, EA, Cadent, SGN, National Grid, Thames Water, Network Rail, TfL, SSE, and UKPN. The NDA is an accession agreement, meaning new parties can be added without requiring all existing signatories to agree to vary the agreement to add a new party. However, when a new party wants to sign the NDA, all existing signatories are asked if they have any objections to the new party joining and can raise objections within a 14 day period. Provided no objections are raised in the 14 day period then the new party is invited to join. Through the accession mechanism the number of signatories to the NDA has now reached 42.

At the Mayor's London Infrastructure Group (LIG) meeting in October 2022, members asked that telecoms sector be incorporated into to the GLA's collaborative streetwork process, which is managed through the IMA platform. Given the huge growth in digital infrastructure across London, and as demand on the street space increases, there is lots of potential benefit from engaging telecoms in the collaborative streetworks – reducing road network disruption for Londoners, and offering cost saving opportunities for works promoters.

The Telecoms sector is different to the other utilities sectors that are already party to the NDA as they operate in a more competitive market. This presents challenges to the usual ways of working that have previously been established under the current NDA. In particular there are issues with the accession mechanism – as under the current mechanism, the first telecoms signatory could in theory block subsequent telecoms providers (its competitors) from signing the NDA. Therefore, it is necessary for the NDA to be varied to amend the accession mechanism for the telecoms sector only to prevent any blocking. Another issue is the visibility of future investment data – telecoms providers are happy for the GLA to see their future investment data to identify collaborative streetworks, but not for other telecoms providers to see this commercially sensitive information. Therefore, an amended way of working with telecoms data only stored in the ICS site of the IMA and not the Private site, accessible by all NDA signatories, needs to be provided within the varied NDA.

OTHER OPTIONS CONSIDERED AND REJECTED

The alternative option considered and rejected would be to not agree to sign the variation to the NDA. As the Council are an existing signatory to the NDA, and the

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variation to the NDA only becomes effective once all existing signatories have executed it, if the Council does not agree to the variation, then the NDA variation cannot become effective. Consequently, the inclusion of telecoms providers into the IMA would effectively be blocked by the Council's decision, which would have a negative impact on the Council's reputation and would be of no benefit to the Council.

PRE-DECISION CONSULTATION

None

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Ben Dixon

Designation: Infrastructure Planning Team Leader

Signature:



Date: 19/10/2023

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council is a signatory to the current multi-party Non-Disclosure Agreement (NDA) for the GLA's Infrastructure Mapping Application (IMA) online digital platform.

The Council has the power to vary the NDA through section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions, or through its general power of competence in section 1 of the Localism Act 2011 to do anything that individuals generally may do. There are limitations on the general power of competence, but the limitations do not apply to this decision.

The variation of the NDA will not incur any additional spending for the Council.

Therefore, the Council can vary the NDA.

FINANCIAL IMPLICATIONS AND RISKS

There are no costs to the Council to sign the variation of the NDA.

There are no current licence fees or proposed future fees. The GLA fund the IMA through charging developers for their infrastructure coordination service.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, sexual orientation.

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The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

It is considered that an Equalities Health Impact Assessment is not necessary, as this is just a decision as to whether to authorise a variation to an existing NDA which would not result in any material equalities impacts.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The variation to the NDA for the IMA platform is expected to lead to efficiencies and reduce the number of digging projects through a coordinated 'dig once' approach. This is expected to have a positive impact on the environment and climate change by minimising the timescale, impact and disruption caused by such works.

BACKGROUND PAPERS

None

APPENDICES

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed 

Name: Helen Oakerbee
Director of Planning & Public Protection

Cabinet Portfolio held:
CMT Member title:
Head of Service title
Other manager title:

Date: 7th November 2023

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____