



Battisford Parish Council

CK/ha

15 October 2013

Councillor Mark Bee
Suffolk County Council
Endeavour House
8 Russell Road
Ipswich, Suffolk
IP1 2BX

Dear Mr Bee

LETTER BEFORE ACTION

We write further to the public meeting which was held at Battisford Village Community Centre on 21 September 2013. You were assisted at that time by your colleagues Mr Jonathan Chown and Mr Peter Ingram. Our local MP, Mr David Ruffley, was also in attendance.

This public meeting was held due to the volume and strength of correspondence received by the Council from the residents of Battisford. As a rural village we suffer from extremely poor broadband speeds of approximately 0.5mg and less depending upon how many people are using the service at any one time. We have no alternative internet solutions within this rural village. We had been assured by Jonathan Chown in writing on 20th December 2012 that "(the council) will intervene in any area which does not get a commercial upgrade - therefore filling in the gaps where the market has not identified commercial viability to provide upgrades and risks leaving gaps in coverage. It follows therefore that all premises in Suffolk will receive an upgrade (2mg minimum speeds) either via commercial activity entirely at an operators own cost, or via the state funded intervention". We were shocked therefore to be advised by you on 9 August 2013 that we were not included within the BDUK intervention area (funded by the £11million public money) and therefore we were entirely the responsibility of BT as part of their "Commercial Footprint".



We have engaged in lengthy discussion with BT by way of both written correspondence with Bill Murphy and via a public meeting with Annette Thorpe (both UK Directors of BT) and it has been confirmed that there are no plans, nor have there ever been plans to upgrade the village of Battsford. The village of Battsford is serviced by an exchange cabinet in Combs Ford which is over 8km away and as a result, we will never receive a better service than that which we currently receive. We have students who cannot study from home due to the poor service, professionals who cannot work from home due to the unreliable service, residents who cannot perform the most basic of online housekeeping tasks from tax returns to online banking due to the poor speeds and capabilities.

Several admissions were made during the meeting with you and your colleagues regarding the contractual process you engaged in, during which the services of BT were secured to roll out your "Better Broadband for Suffolk" initiative. Most surprisingly, was the admission by Mr Ingram that despite the fact the Council was not convinced BT could deliver what they promised, an unenforceable contract was entered into for the sum of £11million of public funds. Furthermore, concerns were raised when admissions were made regarding the fact that there is no contingency plan for the 20+ rural villages you advised us are currently in the same position. You had been made aware, months in advance, that BT had no plans to provide a solution to the abysmal broadband service currently delivered to our rural village due to our village not being "commercially viable".

This, it transpires is as a result of BT advising you, during the first stages of your publicly funded project, of all the areas they intended to upgrade themselves. This information was provided in an alternative format to that which you had asked for, and as a result, you dedicated the public money to areas which would not be covered by BT's projected "commercial footprint". It is disappointing to hear therefore, that during that process, Mr Ingram was not convinced that BT could in fact deliver a minimum of 2mg broadband speeds (your goal) to those areas you were advised of. Not least because Mr Ingram advised he had engaged in "lengthy dialogue" with BT and despite not being convinced he felt he had "no choice" but to accept their word and enter into an "unenforceable contract" which was clearly favourable to BT and has certainly done nothing but ensure that the gap in services enjoyed by the urban areas and suffered by the rural areas is greater than ever.

We are disappointed that no real due diligence was performed on the data provided by BT and further alarmed that you did not go back to Central Government to alert them as to the unenforceable nature of the contracts, given your doubts. Furthermore it seems that you did not approach the European Commission, as their spending rules clearly show that they are in a position to fund areas of "market failure", as this is clearly the situation since you extracted us from the BDUK funded intervention area.



We have been advised by BT that if we wish to receive minimum 2mg broadband speeds (which are still greatly below the super-fast 24mg speeds enjoyed by the urban areas) we will require at least one, but preferably two new exchange cabinets within the village at a cost of £35-40k per cabinet. It has been made clear that BT will not be providing the necessary works as we are not "commercially viable". Therefore, we look to you as those who decided to extract us (as well as over 20 other villages) from the BDUK funded scheme to rectify this problem. If you are not able to confirm within the next 14 days that you will provide a solution for us in the immediate future, whether it be by funding the fibre optic cabinet infrastructure or a wireless solution, we will be left with no option but to instigate a judicial review of your actions in respect of which preliminary legal advice has already been obtained.

We await confirmation of whether you will, or will not, provide a solution in line with your promise that every home in Suffolk will receive 2mg broadband speeds within the immediate future, either as part of the BDUK funded work or funded by alternative means. We will not be appeased by your idea of possibly applying for further state aid after April 2014 to further pay BT (on another unenforceable contract) under the guise of an extended phase of the same BDUK project. There is clearly a risk that we will end up in exactly the same position and given the recommendation of Margaret Hodge MP that any further funding for this mis-managed project be frozen, we are sceptical of your ability to apply and secure further funding on the same terms.

Failure to respond to this letter will result in Judicial Review proceedings being issued automatically.

Yours sincerely

Chris Knock
Chair - Battisford Parish Council