

Reference: 01717434

Information Requests
information.requests@ofcom.org.uk

5 December 2023

Freedom of Information request: Right to know request

Thank you for your request for information concerning Three UK Ltd - a monopole in Bedford. Your request was received on 7 November 2023, with a further question received on 8 November 2023, and we have considered it under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Your request & our response

"I am writing with regards to this proposed monopole in Newnham Avenue, Bedford, Council Ref 23/00998/TELPN....."

"I understand that the Electronic Communications Code regulates the rights of telecommunications operators to install and maintain apparatus on public and private land.

In the case of this Bedford mast, the dissolved company, Three UK Limited, is the applicant. This company was never on the Ofcom register of 'persons with powers under the Electronic Communications Code', which is what is needed to be the applicant for a monopole under your own rules."

- 1. How was it possible for this application to proceed in the name of a dissolved company - Three UK Limited?*
- 2. If this company, Three UK Limited, is not on the Ofcom register of persons with powers under the Electronic Communications Code how can this monopole be erected?*
- 3. Who is liable for any damage from this monopole if the applicant company is dissolved?*
- 4. The name on the ICNIRP certificate is also Three UK Limited – how can this certificate be valid?*
- 5. How can the dissolved company Three UK Limited, hold funds or an insurance policy? Without this how can it be the applicant for a monopole?*

Ofcom does not hold any information on the requests above, however, below we provide some explanations that you may find helpful. These questions would be best directed to the local planning authority or council that is dealing with the application of the proposed monopole.

The Electronic Communications Code as set out in Schedule 3A to the Communications Act 2003 (the Code) is a set of powers/rights that the Government makes available to operators to facilitate the deployment of telecoms networks. This Ofcom webpage provides further details on the rights that operators obtain when granted powers under the Code: [Electronic Communications Code - Ofcom](#)

Ofcom processes applications for powers under the Code and maintains a [public register](#) of operators it has granted such powers (Code operators).

While ECC powers help facilitate the deployments of operators' networks, it is not necessary for them to have such powers in order for them to deploy their network or infrastructure. For example, Code operators benefit from certain permitted development rights under planning law that enable them to deploy certain types of infrastructure (including some types of mast) without applying for planning permission, although in some cases prior approval is required from the planning authority.

Although many telecoms operators have Code powers, there is no requirement for telecom operators to obtain these powers. A telecom operator without Code powers may therefore apply for planning permission to deploy infrastructure.

If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely

Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF