

To: Alan Dransfield
By email only: alanmdransfield@gmail.com

Our Ref: MB/FOI 64515

Tel No:
Email: Informationrights@gateshead.gov.uk

Date:

Dear Mr Dransfield,

Internal Review of Information Request

An internal review of your information request has been carried out as you have expressed dissatisfaction with the response provided.

On 17 June you asked :

Please provide me with copies of the 5GTest Certificates for all premises under your remit which has been provisioned with 5G. Data to include all original certificates and periodical annual test certificates.

On 3 July your request was refused with the following explanation:

Some information in scope of your request is held by Gateshead Council. Any mast or transmitter for which a planning application was submitted can be found by searching the Planning Portal (Applications Search (gateshead.gov.uk) using the application types 'Telecommunications'. If a test or safety certificate is held as part of a planning application it can be accessed via this route. The exemption under Regulation 12(4)(b) means that we are not required to provide this information. It would create an undue burden for the Council to collate and provide information that is already easily accessible to members of the public and the public interest lies in appropriate allocation of council resources. Not all transmitters require planning permission. Some can be placed under permitted development rights for electronic communications infrastructure as set out in Part 16 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Where no permission is required, the Council does not hold details of transmitter locations or any documentation from an associated planning application.

You responded the same day requesting an internal review of this decision:

Dear Sir

*Please review your decision to refuse my FOI request under section 12 b.
I would envisage it would cost 5/10 pence for every safety certificate for your 5G mast
because I would accept the certificate in PDF format
Moreover and more importantly I consider you are willfully breaching . Sect 77 of the
said act*

Review

The Council has no role in inspecting or testing 5G infrastructure. Information about safety standards for mobile technology and non-ionising radiation can be found on the gov.uk website [Mobile phone base stations: radio waves and health - GOV.UK \(www.gov.uk\)](https://www.gov.uk/mobile-phones-radio-waves-and-health)

As the government guidance explains, standards are applied through the government's [National Planning Policy Framework for England](#). The framework describes the information about local community consultation and compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) exposure guidelines that should accompany planning applications and also explains that local planning authorities should not set health safeguards different from the ICNIRP guidelines for public exposure. Industry has voluntarily committed to comply with the ICNIRP guidelines and to provide certificates of compliance with planning applications for base stations.

The response provided to you must be read in this context. The Council may hold some safety certificates relating to 5G installations within relevant planning applications made to the authority. There is no routine collection of this data by the Council. Thus, any information that is held will be available to you via the route explained in the original response. As pointed out in the original response, not all installations require planning permission. No information will be held for locations or premises where equipment was installed under permitted development rights.

Your request was considered under the Environmental Information Regulations (EIR) as 5G pertains to emissions which is considered environmental information. Regulation 12(4)b allows for the refusal of a request where the burden of complying makes the request manifestly unreasonable. Burden can be thought of in terms of cost, including the cost of staff time spent dealing with the request. It can also take account of the distraction of resources, i.e. the disruption to the delivery of other services caused by staff having to spend time dealing with the request.

In this instance, officer time would have to be diverted to carry out the searches of the planning portal described to you in the original response. As it is open to you to carry out these searches yourself it is considered that the burden created in diverting resources to this task is not justifiable when council resources are limited. Therefore, the public interest lies in maintaining the exemption.

The Council's decision

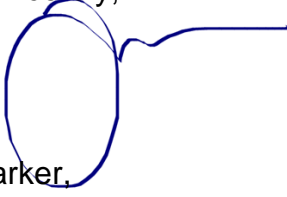
I am satisfied that the exemption was appropriately applied to information that the Council holds in scope of this request.

If you remain dissatisfied with this response you may apply under Regulation 18 to the Information Commissioner at the address given below for a decision whether, in any specified respect, a request for information made by you to the Council has been dealt with in accordance with the requirements of the Environmental Information Regulations.

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. [FOI and EIR complaints | ICO](#)

The Information Commissioner shall consider the matter fully and make a fresh decision.

Yours sincerely,
P.P.



Mike Barker,
Strategic Director, Corporate Services and Governance.