

Reference: 01853098

Information Requests
information.requests@ofcom.org.uk

7 August 2024

Freedom of Information request: Right to know request

Thank you for your request for information about the wayleave agreement for a BT Pole on your property.

Your request received was received by Ofcom's ECC team on 16 July 2024 and was passed to the Information Requests team. We have considered your request under the Freedom of Information Act 2000 ("the FOI Act")

Your request & our response

I am writing to formally request detailed information regarding the presence of a BT telegraph pole situated on my property, specifically located in front of my house. The details of my concern are as follows:

Property Address:

Address : [REDACTED] Bexleyheath DA6 [REDACTED]

** Location of Pole: The telegraph pole is located directly on our land in front of our house.*

** Recent Activities: There have been instances where individuals have accessed our premises and climbed the pole without prior notification or consent.*

Given these circumstances, I seek clarification on the following points:

1. Wayleave Agreement:

** Was a wayleave agreement ever established for the installation and maintenance of this telegraph pole on my property?*

** If so, please provide details of the agreement, including the parties involved, dates of agreement, and any compensation arrangements.*

We can confirm that we do not hold copies of any wayleave agreements relating to your residence. Pursuant to our duty under paragraph 90 of the Electronic Communications Code (the Code) found at Schedule 3A of the Communications Act 2003, we publish a set of template notices [here](#) for the purposes of the Code including notices for access to land to install apparatus/equipment. However, notices based on the templates issued by Code operators and landowners are not normally provided to us.

2. Legal Rights and Compensation:

** If no wayleave agreement exists, am I entitled to any compensation for the presence of this pole on my property?*

** What are my legal rights concerning the unauthorized access to my premises for maintenance or other purposes?*

Unfortunately, this is not within Ofcom's remit. Ofcom do not enforce the Code or have any role in relation to disputes about Code rights. We would therefore suggest that you seek independent legal advice.

To be helpful, you may find the [COP](#) (Code of practice) concerning agreements for access to private land and the associated templates useful.

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

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).