

# Councils, Phone Masts and Improving Public Health

## 1. Councils' obligation to improve the health of the people in their areas

All councils have a duty to improve the health of their constituents:

*Each local authority must take such steps as it considers appropriate for improving the health of the people in its area. (Health and Social Care Act 2012, 12.1)*

## 2. Councillors' personal liability; insurance problems for 2B/1 carcinogen

The government does not indemnify local councillors against action over their failure to improve the health of their constituents. Most underwriters refuse all Radio Frequency Radiation (RFR) risks, or classify them as high-risk, like asbestos. IARC classified RFR as a 2B carcinogen in 2011. Experts say it should now be a class 1 certain carcinogen. Many studies show cancers and electrosensitivity symptoms near phone masts.

## 3. Conflict with NPPF's reference to ICNIRP 's short-term heating guidelines

In relation to planning applications for phone masts, the NPPF (2019) states:

*116. Local planning authorities must determine applications on planning grounds only. They should not ... set health safeguards different from the International Commission guidelines for public exposure.*

The ICNIRP do not issue certificates of compliance with their short-term heating limits. The ICNIRP guidelines protect only against short-term (6 or 30 minutes) and heating effects, and not the relevant long-term and non-thermal effects like cancers and EHS.

## 4. Health considerations for people severely affected by phone mast radiation

Over 800,000 people in the UK (1.2%) are severely affected by RFR, or suffer electromagnetic hypersensitivity (EHS). As an employer, a council must ensure the safety of its workers and visitors under the Health & Safety at Work Act 1974, and provide for and make accommodations for people with protected characteristics such as this electrical allergy to phone masts and Wifi RFR under the Equality Act 2010 and the Care Act 2014.

## 5. Councils should consider other evidence in addition to DHSC's PHE guidance

DLA Piper, UK solicitors for PHE, to Leigh Day solicitors (letter dated August 8 2019):

*"A public body must determine how much weight to put on the PHE guidance.*

*Equally that body must determine what other evidence from your client or other members of the public or interested parties to consider in making any decision."*

PHE relies on the ICNIRP cartel's minority viewpoint, rejected as biased by Italian courts.

## 6. Other possible complaints against a local council and councillors

A Statutory Nuisance Complaint over RFR as an injury risk, Common Assault with RFR as a weapon, RFR assessments under the Environmental Protection Act 1990, the Pollution Prevention and Control Act 1999, the Nuremberg Code, and the Precautionary Principle.

## 7. Health considerations must take precedence; misfeasance in public office

The statutory obligation to improve health is a positive duty for local councils. This duty is in conflict with the NPPF, DHSC's PHE and ICNIRP's short-term heating limits. Where there is a conflict, health considerations must take precedence. Wilful neglect of public duty may count as misfeasance (2004), and even lead to corporate homicide (Act 2007).

### Further information and compatibility of planning decisions with human rights to health:

- [Internat. EMF Scientist Appeal](#); [The EMF Call](#); [The 5G Appeal](#); [Stop 5G ... Internat. Appeal](#).
- ES-UK website, under [Resources](#) and [Research](#)
- Jessica Learmond-Criqui (solicitor): [A report on the health impacts of 5G](#); [Schedules in support](#)
- Legal actions: <https://www.5gemfreview2020.com/>; <https://actionagainst5g.org/>
- OUNHCHR & WHO: [The Right to Health](#) (2008); ECHR: Article 6: [Right to a Fair Trial](#) and hearing.
- [Liability Issues and Legal Duties of the Council](#). [Nunn , R. v. First Secretary of State ...](#) (2005).
- Long-term and non-thermal Guidelines, for more than 6 or 30 minutes, e.g.: <https://iqnir.org/>