

Council Report

Cabinet and Commissioners' Decision Making Meeting – 13 February 2017

Title

Proposal to permanently remove public phone boxes in the Borough

Is this a Key Decision and has it been included on the Forward Plan?

Yes, this item has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration & Environment

Report Author

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Ward(s) Affected

All wards are affected except for Rotherham East

Summary

BT has proposed the removal of 48 public phone boxes around the Borough which they consider are no longer viable to maintain in use. Under Ofcom guidance the Council is required to undertake a two stage public consultation on the proposal from BT. After considering comments, raised from the consultation process, the Council can then make a final decision on any phone boxes which it agrees that BT could remove or any which it considers should remain in active use for public calls.

Should the Council object to the removal of any phone boxes then BT must retain these in place and continue to maintain them for public calls (referred to as the 'local veto'). Where it is agreed that BT can remove phone boxes they will do so unless the kiosks are adopted by an appropriate group (following removal of the phone equipment).

It is proposed that the Council agree to the removal of 25 of the 48 phone boxes but that 23 are retained for public calls under the local veto. The list of all 48 phone boxes is detailed in Appendix 1.

Recommendations

That approval be given to the closure of public phone boxes in the Borough and a veto be exercised where an objection has been detailed in Appendix 1.

List of Appendices Included

Appendix 1: Proposed decision on each public phone box

Appendix 2: Legislative information and procedures

Background Papers

Ofcom guidance on procedures for the removal of public phone boxes (including required consultation requirements):

<http://stakeholders.ofcom.org.uk/binaries/consultations/uso/statement/removals.pdf>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Title: Proposal to permanently remove public phone boxes in the Borough

1. Recommendations

- 1.1 That approval be given to the closure of public phone boxes in the Borough and a veto be exercised where an objection has been detailed in Appendix 1.

2. Background

- 2.1 BT wish to remove 48 payphones which have been identified as unviable for public calls. BT propose not to remove any public payphones located in suicide hotspots, accident blackspots, or in areas without any mobile coverage. Payphones will only be removed if the following criteria are met: if it is the only payphone within 800 metres and had at least 12 calls of any type within 12 months; and that the local population is not fewer than 500 households within 1 kilometre of the payphone.
- 2.2 Ofcom guidance outlines a procedure for phone box removal, which necessitates the Council to consult on the proposals and a final decision to be made within 90 days of receiving the proposals from BT. A request for an extension has been granted until 14 February 2017 which will allow consideration by Cabinet on 13 February 2017 (subject to agreement to waive the call in period for decisions).

3. Key Issues

- 3.1 The Council is obliged to consult on proposals by BT to remove public phone boxes. The Council considers the responses to the consultation, including any responses from stakeholders and members of the public before making a draft decision. Following a further consultation period a final decision can be made. The Council should consider any objections received prior to making its final decision.
- 3.2 The Council must be satisfied that it has acted in accordance with the six community requirements set out in Section 4 of the Communications Act 2003 (see Appendix 2). Ofcom has included in its guidance the factors which it considers relevant to the decision. BT cannot proceed to remove any call box that is the subject of objections supported by the Council in the Final Notification - known as the "local veto".

4. Options considered and recommended proposal

- 4.1 Options available are to make a final decision either to object or agree to the proposal for public phone box removals. The recommended proposal is set out at Appendix 1.

5. Consultation

- 5.1 In line with Ofcom guidance the Council has consulted on the proposals by BT. In addition to comments received during the public consultation, the Council has considered whether to support or object to the proposed public phone box closures based on internally derived criteria:

- Whether phone boxes are recorded as having had 52 or more calls in 12 months (this is equivalent to one call per week which is considered to be a reasonable level of usage).
- Whether phone boxes are close to areas where highways injury incidents have been recorded.
- Whether the subject is a red phone box (typically a “K6” box) located in a Conservation Area.
- Whether sites are located in areas at high risk of flooding.
- Whether phone boxes are in areas with a high level of population over 75 years of age, is in an area of below national average home ownership and has fewer than 50 properties within 400 metres.

- 5.2 The first consultation on the proposals from BT was undertaken from 1st to 16th November 2016. Objections to closure were received for some of the public phone boxes. Following the first consultation a draft decision on whether to agree or object to the removal of phone boxes was made. This draft decision was then subject to a final consultation between 29th November and 30th December 2016. Further responses were received to this final consultation.
- 5.3 As a result it is proposed to agree to the removal of 25 of the phone boxes and object to the removal of 23 phone boxes. The recommendations for each phone box are set out at Appendix 1. Where the Council objects to the removal of phone boxes BT must retain these in use for public calls. Where the Council agrees with the removal of phone boxes BT will remove the phone box, including phone equipment.
- 5.4 It is proposed to object to the removal of a number of traditional red telephone boxes within Conservation Areas however, a number red phone boxes outside these areas are agreed for removal. The traditional boxes are often considered by communities to make an important contribution to the character of areas. A web link providing information regarding phone kiosk adoption was provided in the consultation and BT’s “Adopt a kiosk scheme” detailed in the consultation web pages.
- 5.5 No organisations have come forward committing to adopt the traditional (K6) phone boxes proposed for removal. Should an organisation come forward to adopt a phone proposed for removal BT would remove the telephone equipment but the physical phone box housing would be retained.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Ofcom guidance advises on the role of the local planning authority in objecting or consenting to public phone box removal within a time frame of 90 days of the initial notice being received. The 90 day period originally concluded on 6th January 2017; however following negotiation with BT this has been extended to 14 February 2017 to enable a final decision to be made by Cabinet at its meeting on 13 February 2017. The Chair of Overview and Scrutiny Management Board has agreed to waive the call in period for any decision, based on the exceptional circumstances relating to the timescales determined by the Communications Act 2003. The table below sets out the key dates relating to this process.

Receipt of notice from BT	6th October 2016
First consultation	1st November to 16th November 2016
Consultation on Draft Decision	29th November to 30th December 2016
Final Decision	13th February 2017 (Cabinet decision)
Deadline for response to BT and Secretary of State	14th February 2017

7. Financial and Procurement Implications

- 7.1 The consultation and associated administration costs of the public phone box removal proposals have been met within existing budgets. BT has confirmed that on removal of a telephone box their contractors will reinstate the ground surface to match the surroundings. Where these works are carried out on land owned by the Council, should any safety concerns be identified, then the Council will serve a notice on BT to make good any reinstatement and recover costs.

8. Legal Implications

- 8.1 The Council must ensure that the final decision made complies with the requirements of the Communications Act 2003 (set out in Appendix 2).

9. Human Resources Implications

- 9.1 None.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 Not everyone has their own landline or mobile phone and therefore the criteria in paragraph 5.1 has been used to assess each phone box.

11. Equalities and Human Rights Implications

- 11.1 There may be residents who have limited access to mobile phones and land line connections, particularly those on low incomes and elderly people. The criteria set out in the Communications Act 2003 and the internally derived criteria as set out in Paragraph 5.1 have been used to assess phone box removal.

12. Implications for Partners and Other Directorates

- 12.1 No implications have been identified.

13. Risks and Mitigation

- 13.1 The risk to communities and individuals in having the phone boxes removed has been reduced through criteria for phone box retention, public consultation on BT's proposals and the application of the local veto.

14. Accountable Officer(s)

Damien Wilson, Strategic Director, Regeneration & Environment

Approvals Obtained from:

Strategic Director of Finance and Customer Services:
Jon Baggaley, Finance Manager

Assistant Director of Legal Services:
Ian Gledhill, Principal Officer, Legal Services

Head of Procurement (if appropriate):
N/A

Appendix 1: Extract of schedule showing the proposed final decision on each public phone box

Address	Post Code	Recommendation	Reasons
SCHOLES VILLAGE, ROTHERHAM	S61 2RQ	Agree to the removal	Rotherham District Civic Society objection received. However, as it is not a traditional red phone box the conservation area location in itself is not considered sufficient reason for its retention.
NR YELLOW LION HOTEL, WORKSOP ROAD, ASTON, SHEFFIELD	S26 2AN	Object to the removal	Red phone box located in Conservation Area. Aston Cum Aughton History Group objection received (and phone box address correction).
NR JNCT WORKSOP ROAD, AUGHTON LANE, ASTON, SHEFFIELD	S26 2AN	Agree	No objection was raised.
JCN HOLDERNESS DRIVE & WESLEY AVENUE, ASTON, SHEFFIELD	S26 2DU	Agree	No objection was raised.
STREET LANE, WENTWORTH, ROTHERHAM	S62 7SF	Object	Less than 50 properties within 400 metres; lower than national level of home ownership; level of over 75 population in the area. One objection received.
JCN PLEASLEY ROAD, HIGH STREET, WHISTON, ROTHERHAM	S60 4HH	Object	Over 52 calls in 12 months; red phone box located in Conservation Area; objections received from Whiston Parish Councillor, Whiston Parish Council, Rotherham District Civic Society and nine objections were received in the final public consultation.
MAPPINS ROAD, CATCLIFFE, ROTHERHAM	S60 5TH	Object	Over 52 calls in 12 months; located in high flood risk area.
JCN BOSTON CASTLE GROVE & MOORGATE ROAD, ROTHERHAM	S60 2BQ	Object	Red phone box located in Conservation Area; 5 objections received including Rotherham District Civic Society
KENT AVENUE, MONKWOOD ROAD, RAWMARSH, ROTHERHAM	S62 7JN	Agree	No objection was raised.
JCN WILLOWGARTH & CLAYPIT LANE, RAWMARSH, ROTHERHAM	S62 5HB	Object	Over 52 calls in 12 months; area below national average home ownership.
JCN HOOBER LANE & ANGEL LANE, HOOBER, ROTHERHAM	S62 7SA	Agree	No objection was raised.
JCN ELM GROVE & MUNSBROUGH RISE, ROTHERHAM	S61 4NN	Object	Over 52 calls in 12 months; area below national average home ownership.

Address	Post Code	Recommendation	Reasons
JCN BARING RD & THUNDERCLIFFE ROAD, ROTHERHAM	S61 2BY	Agree	No objection was raised.
O/S SCHOOL, KIMBERWORTH ROAD, ROTHERHAM	S61 1HF	Object	Over 52 calls in 12 months.
JCN JORDAN CRES & MEADOW BANK ROAD, ROTHERHAM	S61 2NF	Agree	No objection was raised.
JCN MEADOW VIEW RD & HIGHTHORN ROAD, KILNHURST, MEXBOROUGH	S64 5UP	Object	Over 52 calls in 12 months.
JNC CHURCH STREET & RACECOURSE ROAD, SWINTON, MEXBOROUGH	S64 8DW	Object	Location highlighted as one where there are significant number of injury collisions.
OFF LAWRENCE DRIVE, CALLADINE WAY, SWINTON, MEXBOROUGH	S64 8SA	Agree	One response received in agreement with phone removal.
WORRY GOOSE LANE, WHISTON, ROTHERHAM	S60 4AA	Object	Location highlighted as one where there a significant number of injury collisions
OPP JCN GILLOTT LANE, MORTHEN ROAD, WICKERSLEY, ROTHERHAM	S66 1DX	Agree	Rotherham District Civic Society objection received. However, as it is not a traditional red phone box the conservation area location in itself is not considered sufficient reason for its retention.
JCN BLACKTHORN AVE & SYCAMORE AVENUE, WICKERSLEY, ROTHERHAM	S66 2NW	Object	Over 52 calls in 12 months.
WOODHOUSE GREEN, THURCROFT, ROTHERHAM	S66 9AH	Object	Over 52 calls in 12 months.
JCN KATHERINE ROAD & BRAMPTON ROAD, THURCROFT, ROTHERHAM	S66 9AP	Agree	No objection was raised.
GREEN ARBOUR ROAD, THURCROFT, ROTHERHAM	S66 9LA	Object	Over 52 calls in 12 months.
JCN BRECKS LANE & WICKERSLEY ROAD, ROTHERHAM	S60 3PN	Object	Location highlighted as one where there are significant number of injury collisions.
SITWELL PARK ROAD, ROTHERHAM	S60 4BW	Agree	No objection was raised.
JCN CHADWICK DRIVE & BRAITHWELL ROAD, MALTBY, ROTHERHAM	S66 8AD	Object	Over 52 calls in 12 months.
JCN CARR LANE & ROTHERHAM ROAD, MALTBY, ROTHERHAM	S66 8ES	Agree	No objection was raised.
SALISBURY ROAD, MALTBY, ROTHERHAM	S66 7HD	Agree	No objection was raised.
JCN HAWKSWORTH & LAUDSDALE ROAD,	S65 3LY	Object	Over 52 calls in 12 months.

Address	Post Code	Recommendation	Reasons
ROTHERHAM			
JCN PINGLE LANE & MAIN STREET, RAVENFIELD, ROTHERHAM	S65 4NA	Agree	Rotherham District Civic Society objection received. However, as it is not a traditional red phone box the conservation area location in itself was not considered sufficient reason for its retention.
JCN GERARD AVE & MUSGROVE AVENUE, THRYBERGH, ROTHERHAM	S65 4EF	Object	Over 52 calls in 12 months.
KILNHURST ROAD, HOOTON ROBERTS, ROTHERHAM	S65 4PE	Agree	No objection was raised.
JCN QUARRY HILL RD & WATH WOOD ROAD, WATH UPON DEARNE, ROTHERHAM	S63 7TN	Object	Over 52 calls in 12 months.
WEST MOUNT AVENUE, WATH UPON DEARNE, ROTHERHAM	S63 6DW	Object	Lower than national level of home ownership; level of over 75 population in the area.
JCN NORTON LANE/NR NORTON RD, BARNESLEY ROAD, WATH UPON DEARNE, ROTHERHAM	S63 6PZ	Agree	No objection was raised.
THE CRESCENT, SWINTON, MEXBOROUGH	S64 8ET	Agree	No objection was raised.
JCN PACKMANS RD & ROTHERHAM ROAD, WATH UPON DEARNE, ROTHERHAM	S63 6AD	Agree	No objection was raised.
OUTGANG LANE, DINNINGTON, SHEFFIELD	S25 3QY	Agree	No objection was raised.
BROOKHOUSE, SHEFFIELD	S25 1YA	Agree	No objection was raised.
NR CHURCH LANE, MONKSBRIDGE ROAD, DINNINGTON, SHEFFIELD	S25 3QS	Object	Location highlighted as one where there are significant number of injury collisions.
JCN ST DAVIDS DRIVE & ST. JAMES AVENUE, SOUTH ANSTON, SHEFFIELD	S25 5DR	Agree	No objection was raised.
NEAR JCN BURRS LANE & ROTHERHAM BAULK, GILDINGWELLS, WORKSOP	S81 8DB	Agree	Rotherham District Civic Society objection received. However, as it is not a traditional red phone box the conservation area location it was not considered sufficient reason for its retention.
RED HILL, KIVETON PARK, SHEFFIELD	S26 6QA	Agree	No objection was raised.
JCN VICTORIA CLOSE & STATION ROAD, KIVETON PARK, SHEFFIELD	S26 6QQ	Agree	No objection was raised.
JCN UNION STREET & WOODALL LANE, HARTHILL, SHEFFIELD	S26 7YQ	Object	Red phone box located in Conservation Area; Rotherham District Civic Society objection received.
WINNEY HILL, HARTHILL, SHEFFIELD	S26 7YL	Agree	No objection was raised.

Address	Post Code	Recommendation	Reasons
JCN KIVETON PARK STATION ROAD, KIVETON PARK, SHEFFIELD	S26 6QP	Object	Over 52 calls in 12 months.

Appendix 2: Legislative information and procedures

1. Procedures set out by Ofcom, under the Communications Act 2003, require the Council to organise consultation with local communities about the proposed call box removal. Ofcom guidance on the removal of public phone boxes outlines a number of factors local planning authorities are advised to consider when making a decision over the proposed removal of public telephone boxes. It requires a draft decision to be made by the Council and the Secretary of State to be notified.
2. The Relevant Public Body must be satisfied that it acted in accordance with the six community requirements set out in Section 4 of the Communications Act 2003 ('the Act'). These are:
 - To promote competition in the provision of electronic communications networks and services, associated services and facilities and the supply of directories;
 - To contribute to the development of the European internal market;
 - To promote the interests of all persons who are citizens of the European Union;
 - Not to favour one form of, or means of, providing electronic communications networks or services i.e. to be technology neutral;
 - To encourage network access and service interoperability for the purpose of securing competition in the electronic communication networks and services markets and the maximum benefit for customers of communications providers; and
 - To encourage compliance with standards necessary for facilitating service interoperability and securing freedom of choice for the customers of communications providers.
3. The consultation procedure then requires the Council to consult on this draft decision for one month and subsequently come to a final decision. A Final Notification (of the outcome of the second consultation) is published which details reasons for support or objection to BT's proposals. The Final Notification is to be sent to BT and the Secretary of State for Business, Enterprise and Regulatory Reform within 90 days of the original Council receipt of notification of the proposal for phone service closure from BT. BT cannot proceed to remove any call box that is the subject of objections supported by the Council in the Final Notification - known as the "local veto".
4. Full information on procedure and legislative requirements is given in Ofcom guidance on procedures for the removal of public call boxes:

<http://stakeholders.ofcom.org.uk/binaries/consultations/uso/statement/removals.pdf>