

## Summary Sheet

### **Name of Committee and Date of Committee Meeting**

Cabinet and Commissioners' Decision Making Meeting – 21 May 2018

### **Report Title**

Removal of the public phone box at the junction of Stubbin Road and Cortworth Lane, Nether Haugh, S62 7RZ

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

No, but it has been included on the Forward Plan

### **Strategic Director Approving Submission of the Report**

Damien Wilson, Strategic Director, Regeneration & Environment

### **Report Author**

Rachel Overfield, Planning Officer  
01709 254746 or rachel.overfield@rotherham.gov.uk

### **Ward(s) Affected**

Hoover

### **Summary**

BT has notified the Council of the proposed closure and removal of a phone box at Nether Haugh. Under Ofcom guidance the Council is required to undertake a two stage public consultation on the proposal. After considering any consultation responses the Council must then make a final decision as to whether it agrees or objects to removal of the phone box. This final decision must be made within 90 days of the Council being notified of the proposal by BT.

It was not possible within the 90 day timeframe for the Council's final decision to be made by Cabinet; thus the final decision to agree to the closure and removal of the phone box was made in consultation with the Cabinet Member for Jobs and the Local (as detailed in Appendix 1). This decision took into account an assessment of the phone box against a number of criteria, that the request for phone removal came from the community and not through a cost cutting exercise from BT, and that no consultation responses were received objecting to the removal.

### **Recommendation**

That the final decision agreeing to the proposal to permanently remove the public phone box at the junction of Stubbin Road and Cortworth Lane, Nether Haugh be noted.

**List of Appendices Included**

Appendix 1: Final decision on the public phone box at the junction of Stubbin Road and Cortworth Lane, Nether Haugh, S62 7RZ

Appendix 2: Criteria for phone box retention

Appendix 3: Legislative information and procedures or removal

**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

## **Removal of the public phone box at the junction of Stubbin Road and Cortworth Lane, Nether Haugh, S62 7RZ**

### **1. Recommendations**

- 1.1 That the final decision agreeing to the proposal to permanently remove the public phone box at the junction of Stubbin Road and Cortworth Lane, Nether Haugh be noted.

### **2. Background**

- 2.1 On 8 December 2017, BT notified the Council of the proposed closure and removal of this phone box. BT reported that a local resident has asked them to consider removing the phone box as it had become “a magnet for vandalism”.
- 2.2 Ofcom guidance outlines a procedure for phone box removal, which necessitates that the Council consults on the proposal and that a final decision is made within 90 days of receiving the proposal from BT. 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).

### **3. Key Issues**

- 3.1 Whilst an extension of time until 19 March 2018 was granted by BT, it was still not possible for the Council’s final decision to be made by Cabinet by this date. Therefore a final decision to agree to the closure of the phone box was made in consultation with the Cabinet Member for Jobs and the Local Economy (see Appendix 1).
- 3.2 The final decision has been published and the Secretary of State and BT have been notified accordingly in line with the Ofcom guidance.

### **4. Options considered and recommended proposal**

- 4.1 This report is for information and therefore Cabinet is recommended to note the submission made in consultation with the Cabinet Member for Jobs and the Local Economy.

### **5. Consultation**

- 5.1 In line with Ofcom guidance the Council has consulted on the proposals by BT. No responses objecting to the removal of the phone box were received. The phone box was considered against the local criteria for removal (see Appendix 2).

- 5.2 In particular, it is noted that the phone box is located in an area of higher than average level of population over 75 years of age, in an area of below national average home ownership, and where there are fewer than 50 properties within 400 metres of the phone box. Normally, this would have resulted in the Council considering applying its local veto to prevent the removal of this phone box. However, it is recognised that there have been no calls from the phone box over the past 12 months and the area has mobile phone coverage by at least 3 networks. Taking these factors into account, and that the request for phone removal came from the community and not through a cost cutting exercise from BT, and that no responses were received objecting to the removal, a decision was made to agree to the phone box removal.

## **6. Timetable and Accountability for Implementing this Decision**

- 6.1 Ofcom guidance advises on the role of the Council in objecting or consenting to public phone box removal within a time frame of 90 days of the initial notice being received. Following agreement with BT the 90 day period was extended and a final decision was required by 19 March 2018. The table below sets out the key dates relating to this process.

|                                                                                            |                                    |
|--------------------------------------------------------------------------------------------|------------------------------------|
| Receipt of notice from BT                                                                  | 8 December 2017                    |
| First consultation                                                                         | 8 December 2017 to 18 January 2018 |
| Draft Decision made in consultation with the Cabinet Member for Jobs and the Local Economy | 23 January 2018                    |
| Consultation on Draft Decision                                                             | 29 January to 2 March 2018         |
| Final Decision made in consultation with the Cabinet Member for Jobs and the Local Economy | 8 March 2018                       |
| Deadline for response to BT and Secretary of State                                         | 19 March 2018                      |

## **7. Financial and Procurement Implications**

- 7.1 The consultation and associated administration costs of the public phone box removal proposals have been met from existing approved revenue budgets. BT previously 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, if any safety concerns are identified, then the Council can serve a notice on BT to make good any reinstatement and recover any costs incurred.

## **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 3).

## **9. Human Resources Implications**

9.1 There are no Human Resources implications arising from this report.

## **10. Implications for Children and Young People and Vulnerable Adults**

10.1 There are no implications for Children, Young People and Vulnerable Adults arising from this report.

## **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 appendix 2 have been used to assess phone box removal. In this instance, the results of this assessment were not considered sufficient to apply the local veto.

## **12. Implications for Partners and Other Directorates**

12.1 There are no implications for Partners and Other Directorates arising from this report.

## **13. Risks and Mitigation**

13.1 The risk to communities and individuals of the phone box removal has been reduced by considering the proposal against the criteria for phone box retention and public consultation on BT's proposals.

## **14. Accountable Officer(s)**

Damien Wilson, Strategic Director of Regeneration & Environment

Approvals obtained on behalf of:

|                                                   | <b>Named Officer</b> | <b>Date</b> |
|---------------------------------------------------|----------------------|-------------|
| Strategic Director of Finance & Customer Services | Jon Baggaley         | 05.04.2018  |
| Assistant Director of Legal Services              | Sumera Shabir        | 09.04.2018  |
| Head of Procurement (if appropriate)              | Lorna Byne           | 10.04.2018  |
| Head of Human Resources (if appropriate)          | John Crutchley       | 05.04.2018  |

*Report Author: Rachel Overfield, Planning Officer  
01709 254746 or [rachel.overfield@rotherham.gov.uk](mailto:rachel.overfield@rotherham.gov.uk)*

This report is published on the Council's website or can be found at:  
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

## Appendix 1: Final decision on the public phone box at the junction of Stubbin Road and Cortworth Lane S62 7RZ

Decision by Rotherham Metropolitan Borough Council in response to a proposal by British Telecommunications plc for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

| <b>Telephone number</b> | <b>Address</b>                         | <b>Postcode</b> | <b>Decision (consent/object)</b> | <b>Reasons</b>                                                                                                                                                                                                                                                                                 |
|-------------------------|----------------------------------------|-----------------|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01709<br>522863         | Stubbin<br>Road /<br>Cortworth<br>Lane | S62 7RZ         | Consent                          | No objection was raised. Despite the phone box meeting local criteria developed for assessing phone boxes worthy of retention there has been no community support received in the consultation in favour of the phone box retention. It has been identified locally as a magnet for vandalism. |

## Appendix 2: Criteria for phone box retention or removal

The table below shows locally derived criteria and the criteria previously applied by BT for selecting phone boxes for removal

| Local Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Stubbin Road/Cortworth Lane Phone Box Assessment                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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).                                                                                                                                                                                                                                                                                                                                                     | No<br>0 calls over the last 12 months                                                                                                                                                                                                                                                                                                                                                                                                  |
| Whether phone boxes are close to areas where highways injury incidents have been recorded.                                                                                                                                                                                                                                                                                                                                                                                                                                        | Yes<br>The collision record for the last three year period 14/11/14 – 14/11/17 for the location has indicated there has been one recorded slight collision.                                                                                                                                                                                                                                                                            |
| Whether the subject is a red phone box (typically a “K6” box) located in a Conservation Area.                                                                                                                                                                                                                                                                                                                                                                                                                                     | No                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Whether sites are located in areas at high risk of flooding.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | No                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Whether phone boxes are in areas with: <ul style="list-style-type: none"> <li>• a high level of population over 75 years of age,</li> <li>• is in an area of below national average home ownership and has</li> <li>• Fewer than 50 properties within 400 metres.</li> </ul>                                                                                                                                                                                                                                                      | Yes<br>Phone box is in area with: <ul style="list-style-type: none"> <li>• A higher than average level of population over 75 years of age (10.4% whereas borough average is 7.8%),</li> <li>• In an area of below national average home ownership (Home ownership is 54.8% whereas the national figure (England &amp; Wales) is 63.6%) and has fewer than 50 properties within 400 metres of the phone box (46 properties).</li> </ul> |
| <b>BT criteria for the removal of payphones</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| BT indicated that they do not propose to remove any public payphones located in <ul style="list-style-type: none"> <li>• suicide hotspots,</li> <li>• accident blackspots, or in</li> <li>• areas without any mobile coverage</li> <li>• and BT would not remove payphones which satisfy all of the following criteria: are the only payphone within 800 metres and had at least 12 calls of any type within 12 months, that the local population is not fewer than 500 households within 1 kilometre of the payphone.</li> </ul> | <ul style="list-style-type: none"> <li>• Suicide Hot Spot: status unknwn</li> <li>• The collision record is as set out above.</li> <li>• Mobile coverage is available by at least 3 networks</li> <li>• Nearest Payphone over 1KM away,<br/>0 calls from the phone over the last 12 months and fewer than 50 properties within 400 metres of the phone box</li> </ul>                                                                  |

### Appendix 3: 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. The Ofcom guidance 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 the 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 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>