

Council Report

Cabinet and Commissioners' Decision Making Meeting – 6 August 2018

Title

Removal of the public phone box at the junction of Chadwick Drive and Braithwell Road, Maltby

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

No

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration and Environment

Report Author

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Ward(s) Affected

Maltby

Summary

BT has notified the Council of the proposed closure and removal of a phone box at Maltby. 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 Economy (as detailed in Appendix 1). This decision took into account an assessment of the phone box against a number of criteria and that no consultation responses were received objecting to its removal.

Recommendation

That the final decision agreeing to the proposal to permanently remove the public phone box at the junction of Chadwick Drive and Braithwell Road, Maltby, Rotherham, be endorsed.

List of Appendices Included

- Appendix 1 Final decision on the public phone box at the junction of Chadwick Drive and Braithwell Road, Maltby, Rotherham, S66 8AD
- 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 Chadwick Drive and Braithwell Road, Maltby

1. Recommendations

- 1.1 That the final decision agreeing to the proposal to permanently remove the public phone box at the junction of Chadwick Drive and Braithwell Road, Maltby, Rotherham, be endorsed.

2. Background

- 2.1 On 26 March 2018, BT notified the Council of the proposed closure and removal of this phone box. This has been prompted by concerns from the Council's Strategic Housing and Development Service that the telegraph pole providing overhead cabling to the telephone box and to a lesser extent the phone-box itself, were now obstructing the delivery of the housing redevelopment scheme at Braithwell Road. There were fears the regularly vandalised and damaged phone box detracted from the area and may have a negative impact on housing sales.
- 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 phone boxes are adopted by an appropriate group (following removal of the phone equipment).

3. Key Issues

- 3.1 The deadline to make a final decision and inform BT was 22 June 2018, however it was not possible for the Council's final decision to be made by Cabinet by this date, as the end of the 90 day consultation period was prior to the next available scheduled Cabinet meeting. 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 To formally endorse the final decision 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; however one consultation response was received which supported removal. The phone box was considered against the local criteria for removal (see Appendix 2). In particular, it was 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 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. The table below sets out the key dates relating to this process.

Receipt of notice from BT	26 March 2018
First consultation	26 March to 6 May 2018
Draft Decision made in consultation with the Cabinet Member for Jobs and the Local Economy	9 May 2018
Consultation on Draft Decision	18 May 2018 to 17 June 2018
Final Decision made in consultation with the Cabinet Member for Jobs and the Local Economy	18 June 2018 to 20 June 2018
Deadline for response to BT and Secretary of State	22 June 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 has 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 the proposed 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, although removal of the phonebox may assist the Council's Strategic Housing and Development Service in taking forward redevelopment of the adjacent Braithwell Road site.

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, Regeneration & Environment

Approvals obtained on behalf of:

	Named Officer	Date
Strategic Director of Finance and Customer Services	Jon Baggaley	5 July 2018
Director of Legal Services	Ian Gledhill	5 July 2018
Head of Procurement (if appropriate)	Lorna Byne	5 July 2018
Head of Human Resources (if appropriate)	Odette Stringwell	6 July 2018

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Appendix 1: Final decision on the public phone box at the junction of Chadwick Drive and Braithwell Road, Maltby, Rotherham, S66 8AD

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

Telephone number	Address	Postcode	Decision (consent/object)	Reasons
(01709) 812646	Junction of Chadwick Drive and Braithwell Road, Maltby, Rotherham	S66 8AD	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	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. 0 calls over the last 12 months.
Whether phone boxes are close to areas where highways injury incidents have been recorded.	One recorded collision within the last three years; recorded as slight injury. As such, this location does not feature as a site of concern in terms of injury collisions.
Whether the subject is a red phone box (typically a “K6” box) located in a Conservation Area.	This is not a red phone box, nor is it in a Conservation Area.
Whether sites are located in areas at high risk of flooding.	The site is at low risk of flooding (Flood Zone 1 of the Environment Agency’s flood maps).
Whether phone boxes are in areas with: <ul style="list-style-type: none"> • 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. 	Phone box is in an area with: <ul style="list-style-type: none"> • There are 843 properties within 400 metres. • Home ownership is 73.9%; above the national average home ownership level of 63.6% (England & Wales). • At 15.8% the population of those over 75 years of age is above the borough average of 7.8%.
BT criteria for the removal of payphones	
BT indicated that they do not propose to remove any public payphones located in <ul style="list-style-type: none"> • suicide hotspots, • accident blackspots, or in • areas without any mobile coverage • 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. 	<ul style="list-style-type: none"> • Suicide Hot Spot: status unknown • The collision record is as set out above. • Mobile coverage is available by at least 3 networks • Nearest Payphone over 1KM away, 0 calls from the phone over the last 12 months and fewer than 50 properties within 400 metres of the phone box.

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>