

Delegated Officer Decision

Report Title

Proposal by BT to permanently remove the telephony service from the phone box on Moorgate Road, at the junction with Boston Castle Grove, Rotherham, S60 2BQ

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

No, but it has been included on the Forward Plan

Assistant Director Approving Submission of the Report

Simon Moss, Assistant Director – Planning, Regeneration and Transport

Report Author(s)

Rachel Overfield, Planning Officer,
Racheloverfield@rotherham.gov.uk

Ward(s) Affected

Boston Castle Ward

Report Summary

Start-a-Heart 24:7 (Charitable Incorporated Organisation 1157638) have expressed an interest in adopting the phone box and housing within it a defibrillator that will be available to the public 24 hours a day. BT proposed the removal of the telephony service from the phone box to the Council on 30 July 2020. Ofcom guidance on the removal of public phone boxes requires a final decision on phone removal to be made by the Council and set out in the Final Notification, and the Secretary of State to be notified. Following assessment, and having regard to the consultation comments received, it is proposed to agree with the removal the telephony service. This means Start-a-Heart can apply to BT under the “Adopt a Kiosk” scheme to take on the kiosk and install a defibrillator within it.

Recommendations

1. That the schedule showing the decision on the public phone box at Appendix 4 is approved.
2. That the Final Notification is published, BT notified and the Secretary of State informed of the decision made.

List of Appendices Included

Appendix 1 Equality Screening
Appendix 2 Equality Analysis
Appendix 3 Legislative information and procedures
Appendix 4 Final Notification and Schedule

Background Papers

1. 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>

2. BT Adopt a Kiosk scheme

https://business.bt.com/campaigns/communities/adopt-a-kiosk/?s_cid=btb_FURL_adopt

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

Proposal by BT to permanently remove the telephony service from the phone box on Moorgate Road, at the junction with Boston Castle Grove, Rotherham, S60 2BQ

1.	Background
1.1	BT notified the Council of their intention to close the telephony service at this phone box on 30 July 2020. Rotherham based charity Start-a-Heart 24:7 (Charitable Incorporated Organisation 1157638) wish to adopt the telephone box and adapt it to house a defibrillator available to the public 24 hours a day.
1.2	Ofcom Guidance outlines a procedure for phone box removal. This necessitates a final decision to be made in 90 days. Under Ofcom guidance the Council is required to undertake a two stage public consultation on the proposal from BT. After considering any comments made in the consultation process, the Council can then make a final decision on the phone box and either agree with BT removing the phone service or decide that it should remain in active use for public calls. The Council must be satisfied that it acted in accordance with the six Community requirements set out in section 4 of the Communications Act 2003 (see Appendix 3). Ofcom has included in its guidance those factors which it considers relevant to the decision (see Background Paper 1). BT cannot proceed to close any telephony service that is the subject of objections supported by the Council in the Final Notification - known as the "local veto". Should the Council object to the removal of the telephony service then BT must retain it in place and continue to maintain it for public calls. Should the Council consent to the removal of the telephony service then BT would remove the phone equipment, the phone service would cease and only the phone box housing would remain. Ownership of the phone box would be transferred to the charity who would be responsible for looking after the phone box. Charity Start-a-Heart 24:7 have said they will refurbish the phone box and provide a defibrillator for public use within it.
2.	Key Issues
2.1	<p>The Council has considered whether to support or object to the proposed public phone box closures based on internally derived criteria:</p> <ol style="list-style-type: none"> 1. 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). 2. Whether phone boxes are close to areas where highways injury incidents have been recorded (that is 5 injury collisions within 100m radius and within a three year period). 3. Whether sites are located in areas at high risk of flooding (Zone 3 Flood Area). 4. 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.

3.	Options considered and recommended proposal										
3.1	Options available are to agree a Final Notification either to object or agree to the proposals for public phone box telephony service removal. The Council must be satisfied that it acted in accordance with the six community requirements set out in section 4 of the Communications Act (2003).										
4.	Consultation on proposal										
4.1	In line with Ofcom guidance the Council has consulted on the proposals by BT. A first public consultation was carried out from 20 August to 10 September 2020, prior to a draft decision being made. A second public consultation was carried out from 18 September to 18 October 2020 on the draft decision. Notifications of the public consultation were sent to: BT, relevant ward members, Sarah Champion MP, emergency services, and the Council's Neighbourhoods Team.										
4.2	Consultations were carried out through the Council's website.										
5.	Timetable and Accountability for Implementing this Decision										
5.1	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 table below sets out the key dates relating to this process.										
	<table border="1"> <tr> <td>Receipt of notice from BT</td> <td>30 July 2020</td> </tr> <tr> <td>First consultation</td> <td>20 August 20 – 10 September 2020</td> </tr> <tr> <td>Consultation on First Notification</td> <td>18 September to 18 October 2020</td> </tr> <tr> <td>Decision by Assistant Director on Final Notification</td> <td>22 October 2020</td> </tr> <tr> <td>Deadline for response to BT and Secretary of State</td> <td>28 October 2020</td> </tr> </table>	Receipt of notice from BT	30 July 2020	First consultation	20 August 20 – 10 September 2020	Consultation on First Notification	18 September to 18 October 2020	Decision by Assistant Director on Final Notification	22 October 2020	Deadline for response to BT and Secretary of State	28 October 2020
Receipt of notice from BT	30 July 2020										
First consultation	20 August 20 – 10 September 2020										
Consultation on First Notification	18 September to 18 October 2020										
Decision by Assistant Director on Final Notification	22 October 2020										
Deadline for response to BT and Secretary of State	28 October 2020										
6.	Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)										
6.1	The consultation and associated administration costs of the public phone box removal proposals have been met within existing approved revenue budgets.										
6.2	Procurement are satisfied with this approach, the services will be terminated by BT at no cost to the authority. There may be some costs around the maintaining of the phone box and the defib machine and any chargeable goods or services										

	should be sought in accordance with section 52 of the financial and procurement procedure rules.
7.	Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)
7.1	The process set out in this report, and which has been followed in respect of these proposed public phone box removals is compliant with the Communications Act 2003 as required, as well as the relevant guidance issued by Ofcom. Further information as to these legislative and procedural requirements is contained in Appendix 3.

8.	Human Resources Advice and Implications
8.1	No direct HR implications arising from this report.
9.	Implications for Children and Young People and Vulnerable Adults
9.1	Not everyone has their own landline or mobile phone and therefore the criteria in paragraph 4.4 has been used to asses this request for removal.
10.	Equalities and Human Rights Advice and Implications
10.1	An initial screening equality analysis has been completed. 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 4.4 have been used to assess phone box removal.
11.	Implications for Ward Priorities
11.1	No implications have been identified.
12.	Implications for Partners
12.1	No implications have been identified.
13.	Risks and Mitigation
13.1.	There may be residents who have limited access to mobile phones and land line connections, particularly those on low incomes and elderly people. Limited access to call boxes for emergency purposes could jeopardise a timely response to an emergency situation. The public consultation carried out enables comments from stakeholders, and the Council to veto removal where appropriate, to mititgate these risks
14.	Accountable Officers
	Rachel Overfield, Planning Officer, Planning, Regeneration and Transport

Simon Moss, Assistant Director Regeneration and Transport

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Graham Saxton	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	Click here to enter a date.

Report Author: Rachel Overfield, Planning Officer, Planning, Regeneration and Transport, Rachel Overfield, Planning Officer, Racheloverfield@rotherham.gov.uk

This report is published on the Council's [website](#).