

Delegated Officer Decision

Report Title

Proposal by BT to permanently remove 42 public phone boxes throughout the borough

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
Brinsworth And Catcliffe Ward
Dinnington Ward
Keppel Ward
Hellaby Ward
Holderness Ward
Hoover Ward
Rawmarsh Ward
Rotherham East Ward
Rother Vale Ward
Silverwood Ward
Sitwell Ward
Valley Ward
Wales Ward
Wath Ward
Wickersley Ward
Wingfield Ward

Report Summary

BT has proposed removal of 42 public phone boxes around the borough which they consider are no longer viable to keep. Subsequently three pay phones were withdrawn by BT, leaving 39 for the Council to consider. Ofcom guidance requires a final decision on pay 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 to the removal of 16 phone boxes but to retain 23 phone boxes under the local veto.

Recommendations

1. That the schedule showing the decision on each public phone box at Appendix 4 is approved, where the local veto is recommended to be applied to 23 of the 39 public phone boxes that BT has proposed for closure.
2. That the Final Notification is published, BT are 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 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 42 public phone boxes throughout the borough

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1.	Background
1.1	<p>BT notified the Council that they wished to remove 42 payphones they identified as unviable to keep and are considered unnecessary. BT will not remove payphones that fall within the parameters of those with a social and reasonable need as follows:</p> <ul style="list-style-type: none"> • Located in suicide hotspots. • A payphone near a coastline where there's no other within 400m. • The payphone is the only one within 800 metres (this is the distance you can expect to walk to find a motorway emergency phone - not provided by BT- and are spaced at approximately 1,600 metre intervals). • The payphone has had at least 120 calls made from it in the last 12 months. • There are more than 500 households within 1 kilometre of the payphone (obviously very rural areas without households or mobile signal will still be protected by the overriding social need criteria). <p>Ofcom Guidance outlines a procedure for phone box removal. This necessitates a final decision to be made in 90 days; however, an extension until 30 October 2020 was granted by BT. Under Ofcom guidance the Council is required to undertake a two stage public consultation on the proposal. 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 telephone equipment and phone box or decide that it should remain in active use for public calls. The Secretary of State will be provided with a Final Notification setting out the Council's final decision.</p>
1.2	<p>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 2). Ofcom has included in its guidance those factors which it considers relevant to the decision (see Background Paper 1). 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". Should the Council object to the removal of the phone box then BT must retain it in place and continue to maintain it for public calls. Where it is agreed that BT can remove the phone box they will do so unless the kiosk is adopted by an appropriate group (following removal of the phone equipment). Background Paper 2 provides detail of the Adopt a Kiosk scheme.</p>
1.3	<p>The pay phone located at Fitzwilliam Street, Wath-Upon-Dearne, Rotherham was withdrawn by BT from its schedule of proposed closures on 3 September 2020. This was due to a discrepancy with its address. In addition, two further phone boxes located outside the Yellow Lion Hotel, Aston and at the junction of Pleasley Road and High Street Whiston were withdrawn by BT on 13 and 8 October 2020 respectively as they were located on private land.</p>

1.4	<p>Two red pay phones of the K6 type are proposed for closure, their location is shown below:</p> <ul style="list-style-type: none"> • PCO1 Dawson Avenue, Rawmarsh, Rotherham • PCO1 Mappins Road, Catcliffe, Rotherham <p>The Council previously included a local criterion based on red phone boxes which are considered to make a contribution to the setting of the Conservation Area. However, BT have confirmed that to comply with Ofcom guidance, objections to pay phone removal may only be made based on telephony need.</p> <p>As such only one of these red phone box closures (at Mappins Road) is objected to, based on telephony need (as it has over 52 or more calls in 12 months).</p>
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	<p>Options available are to agree a Final Notification either to object or agree to the proposals for public phone box removal. 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).</p>
4.	Consultation on proposal
4.1	<p>In line with Ofcom guidance the Council has consulted on the proposals by BT. A first public consultation was carried out from 20 July to 16 August 2020 prior to a draft decision being made where the Council consented to the removal of 12 payphones and objected to the removal of 30. A second public consultation was carried out from 7 September to 7 October on the draft decision. Notifications of the</p>

	public consultation were sent to: BT, all ward members, relevant parish and town councils, Rotherham MPs, emergency services, and the Council's Neighbourhoods Team.										
4.2	Payphone "PCO1 Fitzwilliam Street Wath-Upon-Deerne Rotherham" was withdrawn by BT from proposed closure on 3 September 2020 and this withdrawal was publicised on the Council's website in the second consultation. Payphones located outside the Yellow Lion Hotel, Aston and at the junction of Pleasley Road and High Street, Whiston were withdrawn by BT after the final public consultation on 13 and 8 October 2020 respectively.										
4.3	Consultations were carried out through the Council's website.										
5.	Timetable and Accountability for Implementing this Decision										
5.1	Ofcom guidance requires that the Council prepare a Final Notification objecting or consenting to public phone box removal within a time frame of 90 days of the initial notice being received. An extension to 30 October 2020 was granted by BT. The table below sets out the key dates relating to this process.										
	<table border="1"> <tr> <td>Receipt of notice from BT</td> <td>29 June 2020</td> </tr> <tr> <td>First consultation</td> <td>20 – 16 August 2020</td> </tr> <tr> <td>Consultation on First Notification</td> <td>7 September – 7 October 2020</td> </tr> <tr> <td>Decision by Assistant Director on Final Notification</td> <td>14- 21 October 2020</td> </tr> <tr> <td>Deadline for response to BT and Secretary of State</td> <td>30 October 2020</td> </tr> </table>	Receipt of notice from BT	29 June 2020	First consultation	20 – 16 August 2020	Consultation on First Notification	7 September – 7 October 2020	Decision by Assistant Director on Final Notification	14- 21 October 2020	Deadline for response to BT and Secretary of State	30 October 2020
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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. Should any inspection identify any safety concerns following phone box removal, then the Council will serve a notice on BT to make good any reinstatement and recover costs.										
6.2	Procurement are satisfied with this approach, the services will be terminated by BT at no cost to the authority. There maybe some costs around the maintaining of the phone boxes once they have been adopted however a decision is still to be made around who will be the adopter. 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	There are no 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 section 2 has been used to assess this proposal by BT.
10.	Equalities and Human Rights Advice and Implications
10.1	An initial equality screening assessment and 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 section 2 have been used to assess phone box removal.
11.	Implications for Ward Priorities
11.1	The consent to the removal of particular payphones may contribute to tackling crime and anti-social behaviour. The objection to the removal of some payphones might contribute to the health and wellbeing of local residents, help reducing loneliness and social isolation and provide a facility for children, young people and families if residents cannot afford to use private phone services.
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 mitigate these risks.
14.	Accountable Officers
	Rachel Overfield, Planning Officer, Planning, Regeneration and Transport
	Simon Moss, Assistant Director – Planning, 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,
racheloverfield@rotherham.gov.uk*

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