

Committee Name and Date of Committee Meeting

Cabinet – 25 January 2021

Report Title

BT payphone removals

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

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Rachel Overfield, Planning Officer, Planning, Regeneration and Transport

Ward(s) Affected tbc Boston Castle Ward

Brinsworth and Catcliffe Ward

Dinnington Ward

Keppel Ward

Hellaby Ward

Holderness Ward

Hooper 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 proposed the removal of 42 payphones across the borough and subsequently the removal of the telephony service from the phone box on Moorgate Road, at the junction with Boston Castle Grove, Rotherham, S60 2BQ.

Following two periods of separate public consultation for each proposal delegated officer decisions were made by the Assistant Director of Planning Regeneration and Transport under the Council's scheme of delegation.

Regarding the proposal to close 42 payphones across the borough, a final decision was made in which 16 phone boxes were agreed for removal and the local veto was applied to the remaining phones in the consultation.

The final decision on the proposal to remove the telephony service at the public payphone on Moorgate Road consented to its closure. This means that telephony equipment will be removed from the phone box and Start-a-Heart 24:7 (Charitable Incorporated Organisation 1157638) can apply to BT under the "Adopt a Kiosk" scheme to take on the kiosk. Start-a-Heart 24:7 intend to install a defibrillator in the kiosk that will be available to the public 24 hours a day.

Both decisions were made in line with Ofcom requirements, and BT and the Secretary of State have been informed.

Recommendations

1. That Cabinet notes the final decisions made on the 42 payphones proposed for closure by BT as shown in Appendix 5.
2. That Cabinet notes the final decision consenting to the closure of the telephony service at the payphone on Moorgate Road, at the junction with Boston Castle Grove, Rotherham S60 2BQ.

List of Appendices Included

Appendix 1 Equality Analysis Screening - 42 public phone boxes.

Appendix 2 Equality Analysis - 42 public phone boxes.

Appendix 3 Equality Analysis Screening - phone box on Moorgate Road, at the junction with Boston Castle Grove.

Appendix 4 Equality Analysis - phone box on Moorgate Road, at the junction with Boston Castle Grove.

Appendix 5 Schedule showing the final decisions on the 42 payphones proposed for closure by BT.

Background Papers

1. Communications Act 2003

<http://www.legislation.gov.uk/ukpga/2003/21/contents>

2. Guidance on procedures for the removal of public call boxes

https://www.ofcom.org.uk/data/assets/pdf_file/0022/28507/removals.pdf

3. BT Adopt a Kiosk scheme

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

4. Local criteria for phone box retention for removal

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

BT payphone removals

1.	Background
1.1	BT notified the Council of their proposal to remove 42 public phone boxes across the borough on 29 June 2020. BT agreed an extension to the 90 day response deadline to 30 October 2020. Three phone boxes were subsequently withdrawn by BT, leaving 39 for the Council to consider. Having regard to the consultation comments received, in line with Ofcom requirements, a final decision was made to agree to the removal of 16 phone boxes but to retain the remainder under the local veto as set out in Appendix 5, and BT and the Secretary of State were notified. Under the local veto BT must continue to maintain these public phone boxes and call equipment.
1.2	BT notified the Council of their proposal to remove the telephony service from the telephone box on Moorgate Road, at the junction with Boston Castle Grove, Rotherham, S60 2BQ on 30 July 2020. Start-a-Heart 24:7 (Charitable Incorporated Organisation 1157638) expressed an interest in adopting this phone box and housing within it a defibrillator that will be available to the public 24 hours a day. Having regard to the consultation comments received and in line with Ofcom requirements, a final decision was made consenting to the removal of the telephony service from the phone box. This means that Start-a-Heart can apply to BT under the “Adopt a Kiosk” scheme to take on the kiosk to house a defibrillator.
2.	Key Issues
2.1	<p>The proposals by BT were considered having regard to the guidance published by Ofcom and also assessed against the Council’s locally 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, are in an area of below national average home ownership and have fewer than 50 properties within 400 metres.
2.2	The local criteria previously included a consideration of whether proposals related to K6 phone boxes (traditional red telephone boxes) within Conservation Areas. The Council was informed by BT on 10 September

	2020 that to comply with Ofcom guidance objections to service closure may only be made based on telephony need. As such this criterion was not applied in making the final decisions, and will not be applied to future proposals by BT.															
2.3	BT and the Secretary of State were advised of the final decisions within the agreed deadlines.															
3.	Options considered and recommended proposal															
3.1	Due to the time constraints of the statutory consultation procedure, the process of responding to the proposals by BT to remove 42 public phone boxes and also the removal of the telephony service from the phone box on Moorgate Road, has now been completed.															
4.	Consultation on proposal															
4.1	<p>Two periods of consultation have taken place in line with Ofcom guidance for each of the two proposals from BT. At each stage key stakeholders were also notified (emergency services, town and parish councils, relevant ward members, relevant Members of Parliament and the Council's Neighbourhoods Team). Press notices were published giving details of how to comment. The consultation was undertaken online via the Council's consultation website. The table below shows responses for each event.</p> <table border="1"> <thead> <tr> <th>Consultation</th> <th>Date of consultation</th> <th>Online Responses</th> </tr> </thead> <tbody> <tr> <td>Proposal to close 42 telephone boxes</td> <td>20 July to 16 August 2020</td> <td>9</td> </tr> <tr> <td>Draft decision on the proposal to close 42 telephone boxes</td> <td>7 September to 7 October 2020</td> <td>7</td> </tr> <tr> <td>Proposal to close the telephone service at Moorgate Road, at the junction with Boston Castle Grove</td> <td>20 August 2020 to 10 September 2020</td> <td>7</td> </tr> <tr> <td>Draft decision on the proposal to close the telephone service at Moorgate Road, at the junction with Boston Castle Grove</td> <td>18 September to 18 October 2020</td> <td>1</td> </tr> </tbody> </table>	Consultation	Date of consultation	Online Responses	Proposal to close 42 telephone boxes	20 July to 16 August 2020	9	Draft decision on the proposal to close 42 telephone boxes	7 September to 7 October 2020	7	Proposal to close the telephone service at Moorgate Road, at the junction with Boston Castle Grove	20 August 2020 to 10 September 2020	7	Draft decision on the proposal to close the telephone service at Moorgate Road, at the junction with Boston Castle Grove	18 September to 18 October 2020	1
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4.2	The first consultation on the proposal to close 42 phone boxes took place between 20 July to 16 August 2020, after which the Council made a draft decision to consent to the proposed removal of 12 phone boxes but objecting to the removal of 30 phone boxes under the local veto. A second consultation on this draft decision then took place between 7 September to 7 October 2020, during which further objections to phone box removal were received. The outcome was a final decision agreed to the removal of 16 phone boxes but to retain 23 phone boxes. (Three payphones were withdrawn by BT, leaving 39 for the Council to consider.)															

4.3	The first consultation on the proposal to close the telephony service from the phone box on Moorgate Road, at the junction with Boston Castle Grove took place from 20 August 2020 to 10 September 2020 where most responses supported the telephony service closure. A second consultation on this draft decision then took place between 18 Sept to 18 October 2020. The outcome was a final decision consenting to the removal of the telephony equipment.
5.	Timetable and Accountability for Implementing this Decision
5.1	The notification from BT of the proposal to close 42 public phone boxes across the borough was received by the Council on 29 June 2020. The deadline for a final decision was 30 October 2020. Under the Council's scheme of delegation, the final decision, shown in Appendix 5, was made on 22 October by the Assistant Director for Planning, Regeneration and Transport. BT and the Secretary of State were notified of this decision on 23 October 2020.
5.2	The notification from BT of the proposal to close the telephony service at the phone box on Moorgate Road, at the junction with Boston Castle Grove was received by the Council on 30 July 2020. The deadline for a final decision was 28 October 2020. Under the Council's scheme of delegation, a final decision consenting to the removal of the telephone equipment was made on 22 October by the Assistant Director for Planning, Regeneration and Transport. BT and the Secretary of State were notified of this decision on 23 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. Should an inspection identify any safety concerns following the 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 may be 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 required by the Council 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.
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 internal criteria has been used to consider this request for phone box removal.
10.	Equalities and Human Rights Advice and Implications
10.1	Equalities screening and analysis forms have been completed and are attached as appendices.
11.	Implications for Ward Priorities
11.1	As set out in section 4 above, relevant ward members were consulted on BT's proposed removal of the phone boxes and any comments taken into account, eg Wickersley ward members comments relating to the retention/removal of certain boxes in that ward due to community concerns.
12.	Implications for Partners
12.1	Relevant services were consulted on the proposed phone box closures and no implications for partners or other directorates were 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. The criteria set out in the Communications Act 2003 and the Council's locally derived criteria have been used to assess the proposed phone box removals and mitigate any risks.
14.	Accountable Officers
	Simon Moss, Assistant Director, Planning, Regeneration and Transport

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	11/01/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	04/01/21
Head of Legal Services (Monitoring Officer)	Bal Nahal	23/12/20

Report Author: Rachel Overfield, Planning Officer, Planning,
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This report is published on the Council's [website](#).