

## Delegated Officer Decision

### Report Title

Proposal by BT to permanently remove the telephony service and kiosk on Canklow Road S60 2XA (Telephone Number 01709 377489)

### 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,  
Racheloveryfield@rotherham.gov.uk

### Ward(s) Affected

Boston Castle Ward

### Report Summary

BT has proposed to close the telephony service at this phone box. Should the Council consent to the removal of the telephony service then BT would remove the phone equipment and the phone service would cease. This kiosk was included in the consultation on the proposed closure of 42 phone box in 2020, when the Council applied the local veto to retain the phone box due to it meeting the local criteria for usage ('Over 52 or more calls in 12 months'). BT now advise the telephone kiosk has been the subject of 2 arson attacks in the last 3 months and that residents have approached BT asking for its removal. BT have said due to the arson attacks that complete renewal of both the kiosk and the underground services is required, they are therefore proposing to remove the service at this location. Call data provided a trigger for a RMBC local criterion for payphone retention (this is where payphones are recorded as having had 52 or more calls in 12 months equivalent to one call per week which is considered to be a reasonable level of usage). The views of two ward members who have supported payphone closure have also been considered.

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 support telephony service closure and the removal of the telephone kiosk.

### 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>

**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 and remove the kiosk on Canklow Road S60 2XA (Telephone Number 01709 377489)**

<b>1.</b>	<b>Background</b>
1.1	BT notified the Council of their intention to close the telephony service at this phone box on 18 <sup>th</sup> January 2021 as the telephone kiosk has been the subject of 2 arson attacks in the previous 3 months, the latest damage was extensive, needing complete renewal of both the kiosk and the underground services. BT advise the kiosk's removal is supported by residents who have approached BT asking for it to be removed.
1.2	This kiosk was included in the consultation on the proposed closure of 42 phone boxes in 2020 when the Council applied the local veto to retain the phone box due to it meeting the local criteria for usage ('Over 52 or more calls in 12 months'). No comments were submitted in the 2020 consultation regarding this pay phone.
1.3	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.
<b>2.</b>	<b>Key Issues</b>
2.1	<p>The Council has considered whether to support or object to the proposed public phone box closure based on internally derived criteria:</p> <ol style="list-style-type: none"> <li>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).</li> <li>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).</li> <li>3. Whether sites are located in areas at high risk of flooding (Zone 3 Flood Area).</li> <li>4. Whether phone boxes are in areas with a high level of population</li> </ol>

	over 75 years of age, is in an area of below national average home ownership and has fewer than 50 properties within 400 metres.										
2.2	When a proposal for phone closure triggers the local criteria for retention usually the Council would seek to apply the local veto and object to its removal, but if the consultation demonstrates significant community support for removal then this will be reflected in the report and in our overall recommendation. A case by case approach is taken.										
<b>3.</b>	<b>Options considered and recommended proposal</b>										
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).										
<b>4.</b>	<b>Consultation on proposal</b>										
4.1	In line with Ofcom guidance the Council has consulted on the proposals by BT. A first public consultation was carried out from 9 February to 1 March 2020, prior to a draft decision being made. Two ward members (Cllr Taiba Yasseen and Cllr Rose McNeely) expressed support for the payphone closure. A second public consultation was carried out from Thursday 11 March - 11 April 2021. In which one ward member (Cllr Rose McNeely) had no objection to the proposal of closure and removal of the kiosk. 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.										
<b>5.</b>	<b>Timetable and Accountability for Implementing this Decision</b>										
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>18 January 2021</td></tr> <tr> <td>First consultation</td><td>9 February to 1 March 2021</td></tr> <tr> <td>Consultation on First Notification</td><td>11 March to 11 April 2021</td></tr> <tr> <td>Decision by Assistant Director on Final Notification</td><td>14 April 2021</td></tr> <tr> <td>Deadline for response to BT and Secretary of State</td><td>16 April 2021</td></tr> </table>	Receipt of notice from BT	18 January 2021	First consultation	9 February to 1 March 2021	Consultation on First Notification	11 March to 11 April 2021	Decision by Assistant Director on Final Notification	14 April 2021	Deadline for response to BT and Secretary of State	16 April 2021
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<b>6.</b>	<b>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)</b>
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. Any chargeable goods or services required by the Council should be sought in accordance with section 52 of the financial and procurement procedure rules.
<b>7.</b>	<b>Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)</b>
7.1	The legislative and procedural requirements are set out in the body of and the Appendices to the report.
<b>8.</b>	<b>Human Resources Advice and Implications</b>
8.1	No direct human resources implications arising from this report.
<b>9.</b>	<b>Implications for Children and Young People and Vulnerable Adults</b>
9.1	Not everyone has their own landline or mobile phone and therefore the criteria in paragraph 2.4 has been used to assess this request for removal.
<b>10.</b>	<b>Equalities and Human Rights Advice and Implications</b>
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 Section 2.1 have been used to assess phone box removal.
<b>11.</b>	<b>Implications for Ward Priorities</b>
11.1	No implications have been identified.
<b>12.</b>	<b>Implications for Partners</b>
12.1	No implications have been identified.
<b>13.</b>	<b>Risks and Mitigation</b>

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.
<b>14.</b>	<b>Accountable Officers</b>
	Rachel Overfield, Planning Officer, Planning, Regeneration and Transport
	Simon Moss, Assistant Director Regeneration and Transport

Approvals obtained on behalf of Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
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.

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