

**Committee Name and Date of Committee Meeting**

Cabinet – 20 January 2020

**Report Title**

BT proposals to permanently remove the public phone box adjacent to 268 Kimberworth Road and 33 phone boxes across 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

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Anston And Woodsetts  
Boston Castle  
Brinsworth And Catcliffe  
Dinnington  
Hellaby  
Holderness  
Hoover  
Keppel  
Maltby  
Rawmarsh  
Rotherham West  
Rother Vale  
Silverwood  
Sitwell  
Swinton  
Wales  
Wath  
Wickersley  
Wingfield

**Report Summary**

BT proposed the removal of the public phone box adjacent to 268 Kimberworth Road and, as a separate process, the removal 33 public phone boxes across the borough. Following two periods of public consultation and in line with Ofcom guidance delegated officer decisions were made by the Assistant Director, Planning Regeneration and Transport on the proposals. The decision on the phone box

adjacent to 268 Kimberworth Road was to consent to its closure and removal. The decision on the 33 phone boxes was to consent to the closure and removal of 12 phone boxes, but to retain 21 phone boxes under the local veto.

### **Recommendations**

1. That Cabinet note the decision consenting to the closure and removal of the BT phone box adjacent to 268 Kimberworth Road.
2. That Cabinet note the decision regarding the 33 phone boxes consenting to the closure and removal of 12 BT phone boxes, but to retain 21 BT phone boxes under the local veto.

### **List of Appendices Included**

- Appendix 1 Equality Analysis Screening – Kimberworth Road
- Appendix 2 Equality Analysis – Kimberworth Road
- Appendix 3 Report to Assistant Director, Planning, Regeneration and Transport – Kimberworth Road
- Appendix 4 Equality Analysis Screening – 33 phones boxes
- Appendix 5 Equality Analysis – 33 phones boxes
- Appendix 6 Report to Assistant Director, Planning, Regeneration and Transport – 33 phones boxes

### **Background Papers**

Communications Act 2003

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

Guidance on procedures for the removal of public call boxes

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0022/28507/removals.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0022/28507/removals.pdf)

BT Adopt a Kiosk scheme

[https://business.bt.com/campaigns/communities/adopt-a-kiosk/?s\\_cid=btb\\_FURL\\_adopt](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

## **BT proposals to permanently remove the public phone box adjacent to 268 Kimberworth Road and 33 phone boxes across the borough**

### **1. Background**

- 1.1 BT notified the Council of their proposal to remove the public phone box adjacent to 268 Kimberworth Road S61 1HE. Following public consultation and in line with Ofcom requirements a final decision has been made consenting to the phone box closure.
- 1.2 BT subsequently notified the Council of their proposal to remove 33 public phone boxes across the borough, as a separate process. Following public consultation, and in line with Ofcom requirements, a final decision has been made consenting to the removal of 12 phone boxes but objecting to the removal of 21 phone boxes under the local veto.

### **2. Key Issues**

- 2.1 That the contents of this report are noted.

### **3. Options considered and recommended proposal**

- 3.1 Due to the constraints of the statutory consultation procedure, the process of responding to the proposals by BT to remove the public phone boxes has been completed.

### **4. Consultation on proposal**

- 4.1 The request to BT to remove the public phone box at Kimberworth Road originated from the local community. The Council, in line with Ofcom guidance, consulted on the proposal to close the phone box twice within a 90 day period. The first consultation took place between 16 September and 3 October 2019, after which the Council made a draft decision to consent to the proposed removal of the phone box. A second consultation on this draft decision then took place between 11 October and 11 November 2019. One consultation response was received supporting the phone box closure.
- 4.2 The Council, in line with Ofcom guidance, consulted on the proposal to close the 33 phone boxes twice within a 90 day period. The first consultation took place between 4 and 24 October 2019, after which the Council made a draft decision to consent to the proposed removal of 15 phone boxes but objecting to the removal of 18 phone boxes under the local veto. A second consultation on this draft decision then took place between 1 November and 1 December 2019 during which further objections to phone box removal were received. Details of the consultation responses received and the phone boxes where the Council has consented or objected to their removal are set out in Appendix 6.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 The notification from BT of the proposal to remove the public phone box at Kimberworth Road was received by the Council on 21 August 2019. Under the Council's scheme of delegation, a final decision was made on 12 November 2019 by the Assistant Director for Planning, Regeneration and Transport consenting to the removal of the public phone box. BT and the Secretary of State were notified of this decision on 18 November. The report to the Assistant Director for Planning, Regeneration and Transport is attached at Appendix 3.
- 5.2 The notification from BT of the proposal to close 33 public phone boxes across the borough was received by the Council on 12 September 2019. Under the Council's scheme of delegation, a final decision was made on 5 December 2019 by the Assistant Director for Planning, Regeneration and Transport consenting to the removal of 12 phone boxes but objecting to the removal of 21 phone boxes under the local veto. Under the local veto BT must continue to maintain these public phone boxes and call equipment. BT and the Secretary of State were notified of this decision on 11 December 2019. The report to the Assistant Director for Planning, Regeneration and Transport is attached at Appendix 6.

## **6. Financial and Procurement Advice and Implications**

- 6.1 There are no direct procurement or finance implications within this report.

## **7. Legal Advice and Implications**

- 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 Appendices 3 and 6.

## **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 these requests for phone box removal (the "Criteria for phone box retention or removal" is included within Appendices 3 and 6).

## **10. Equalities and Human Rights Advice and Implications**

- 10.1 Equalities screening and analysis forms have been completed and are attached at Appendices 1, 2, 4 and 5.

## **11. Implications for Partners**

- 11.1 Relevant services were consulted on the proposed phone box closures and no implications for partners or other directorates were identified.

## **12. Risks and Mitigation**

- 12.1. 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 paragraph 4.7 of Appendices 3 and 6 have been used to assess the proposed phone box removals and mitigate any risks.

## **13. Accountable Officers**

Simon Moss, Assistant Director, Planning, Regeneration and Transport

Approvals obtained on behalf of Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	05/01/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	23/12/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	23/12/19

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