

**Committee Name and Date of Committee Meeting**

Delegated Officer Decision – 5 December 2019

**Title**

Proposal by BT to permanently remove 33 public phone boxes throughout the borough

**Assistant Director Approving Submission of the Report**

Simon Moss, Assistant Director, Planning Regeneration and Transport

**Report Author**

Rachel Overfield, Planning Officer, Planning, Regeneration and Transport

**Ward(s) Affected**

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

**Executive Summary**

BT has proposed removal of 33 public phone boxes around the borough which they consider are no longer viable to keep. 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 of 12 phone boxes but to retain 21 phone boxes under the local veto.

## **Recommendations**

1. That the Final Notification at Appendix 3 is approved, where the local veto is recommended to be applied to 21 of the 33 public phone boxes proposed for closure.
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: Extract of schedule showing the decision on each public phone box

Appendix 2: Legislative information and procedures

Appendix 3: Final Notification and Schedule

## **Background Papers**

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>

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**

No

## **Council Approval Required**

No

## **Exempt from the Press and Public**

No

**Title:** Proposal by BT to permanently remove 33 public phone boxes throughout the borough

## **1. Recommendations**

1. That the Final Notification at Appendix 3 is approved, where the local veto is recommended to be applied to 21 of the 33 public phone boxes proposed for closure.
2. That the Final Notification is published, BT notified and the Secretary of State informed of the decision made.

## **2. Background**

- 2.1 BT wish to remove 33 payphones they have identified as unviable to keep and are considered unnecessary. BT have said they are not proposing to remove any public payphones where they are located in suicide hotspots, accident blackspots, or in areas without any mobile coverage. They also will not remove payphones which satisfy **all** of the following criteria: are the only payphone within 800 meters and had at least 120 calls of any type within 12 months, that the local population is not fewer than 500 households within 1 kilometre of the payphone. 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 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.
- 2.2 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). 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). Local communities can do this for a nominal sum of £1, the background paper provides more detail.

## **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 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).

3.2 21 payphones are proposed to be subject to a local veto. The most frequent reason for objection was the 52 or more calls in 12 months criterion. Reasons for Council objection to payphone removal included one or more of the following:

- 52 or more calls in 12 months (this is equivalent to one call per week which is considered to be a reasonable level of use age).
- Highways injury comments.
- Red Phone Box (typically a “K6” box) located in a Conservation Area.
- Location in Zone 3 Flood area.
- A high level of over 75 years demographic, plus below national average home ownership and phone box in which calls had been made).

3.3 The Council will consider any objections received prior to making its final decision.

#### **4. Consultation**

4.1 In line with Ofcom guidance the Council has consulted on the proposals by BT. A first public consultation was carried out from 4 October to 24 October 2019 prior to a draft decision being made. A second public consultation was carried out from 1 November to 1 December 2019 on the draft decision. Notifications of the public consultation were distributed as follows: notice in each affected telephone box, email notification to: BT, all ward members, relevant parish and town councils, Rotherham MPs, emergency services, and the Council’s Neighbourhood Team.

4.2 Web based consultations were carried out on the Council’s website.

##### First consultation

4.3 In the first consultation period, 150 comments were received regarding 10 payphones. Two locations received the majority of comments:

- the phone box opposite no 36 occupation Rd Harley, Rotherham
- the phone box near the Yellow Lion Hotel, Worksop Road Aston.

Woodsetts Parish Council and Wales Parish Council informed the Council they were unable to return a response in time (as their respective Parish Council meeting date was after the consultation

closed). They were advised there would be a second consultation and that their comments at that time would be welcomed.

- 4.4 For the phone box opposite no 36 occupation Rd, Harley, 69 comments were received objecting to the proposed closure and removal. However none of the comments received supported the retention of payphone equipment and all referred to use of the payphone to house a defibrillator. Should the Council utilise its local veto BT would be required to maintain the kiosk for public call use, and it would not be available for alternative uses. Therefore the Council proposes to agree to the proposed closure. BT would remove the kiosk unless adopted by an appropriate group. This will allow the community within Harley the opportunity to adopt the kiosk and adapt it to meet local aspirations.
- 4.5 For the phone box near the Yellow Lion Hotel, Worksop Road Aston, 72 objections were received to the proposed closure and removal. A range of comments were received. The Parish Council noted that there is no telephone equipment in the box and also identified a wish to adopt the kiosk for local heritage and use purposes. Notwithstanding the current lack of equipment, a number of comments highlighted the role of the payphone for making emergency calls. As such the Council proposes to object to the closure and removal of the payphone. BT would be required to replace the telephone equipment in the box and maintain the kiosk for public call use.

#### Second consultation

- 4.6 In the second consultation, further responses were submitted and considered. This raised the proposed total number of phone box closures to apply the local veto from 18 in the draft decision to 21 in this final report. Dinnington Town Council requested an extension, however this was refused as it would be after the programmed decision date to meet the 90 day deadline imposed by the Ofcom guidelines. If the Council does not respond to BT within the deadline, BT could remove all 33 phone boxes.
- 4.7 The Council has considered whether to support or object to the proposed public phone box closures based on internally derived criteria:
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 the subject is a red phone box (typically a “K6” box) located in a Conservation Area.
4. Whether sites are located in areas at high risk of flooding (Zone 3 Flood Area).
5. 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.

## **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 90 day period concludes on 11 December 2019. The table below sets out the key dates relating to this process.

Receipt of notice from BT	12 September 2019
First consultation	4 – 24 October 2019
Consultation on First Notification	1 November – 1 December 2019
Decision by Assistant Director on Final Notification	5 December 2019
Deadline for response to BT and Secretary of State	11 December 2019

## **6. Finance and Procurement Implications**

- 6.1 The consultation and associated administration costs of the public phone box removal proposals have been met within existing 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.

## **7. Legal Implications**

- 7.1 The process set out in this report, and which has been followed in respect of this proposed public phone box removal 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 2.

## **Human Resource Implications**

7.2 No HR implications were identified.

## **8. Implications for Children and Young People and Vulnerable Adults**

8.1 Not everyone has their own landline or mobile phone and therefore the criteria in paragraph 4.7 has been used to assess this request for removal.

## **9. Equalities and Human Rights Implications**

9.1 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 4.7 have been used to assess phone box removal.

## **10. Implications for Partners and Other Directorates**

10.1 No implications have been identified.

## **11. Risks and Mitigation**

11.1 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.

## **12. Accountable Officer(s)**

13.1 Rachel Overfield, Planning Officer, Planning, Regeneration and Transport

13.2 Simon Moss, Assistant Director Regeneration and Transport

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Richard Young Head of Finance (Regeneration & Environment)	22 November 2019
Assistant Director of Legal Services	Stuart Fletcher Service Manager (Property and Commercial)	25 November 2019

	Legal Services	
Head of Procurement (if appropriate)	Joanne Kirk, Purchase to Pay Manager, Corporate Procurement Service	22 November 2019
Head of Human Resources (if appropriate)	Kathryn Roberts Senior HR Consultant	25 November 2019



## Appendix 1: Extract of schedule showing the decision on each public phone box

Telephone number	Address	Decision	Reason(s)
01142468188	Upper Wortley Road Thorpe Hesley Rotherham S61 2TA	Consent	1 objection received on heritage grounds; however the kiosk is not a red telephone box within a Conservation Area.
01142872147	Outside Co Op Main Street Swallownest Sheffield S26 4TZ	Object	Over 52 calls in last 12 months Consultation responses support retention of payphone to support the community
01142872211	Nr Yellow Lion Hotel, Worksop Road Aston Sheffield S26 2EB	Object	<p>72 objections received to the proposed closure and removal. Comments highlighted:</p> <ul style="list-style-type: none"> <li>• It is a red phone box located in a Conservation Area</li> <li>• Symbol of heritage &amp; historic fixture.</li> <li>• Necessary for elderly people &amp; use in emergency.</li> <li>• Does not attract anti-social behaviour</li> <li>• Could be put to alternative use if phone equipment removed.</li> </ul> <p>The Parish Council noted that there is no telephone equipment in the box and also identified a wish to adopt the kiosk for local heritage and use purposes. Notwithstanding the current lack of equipment, in view of the comments above the Council proposes to object to the closure and removal of the payphone. BT would be required to maintain the kiosk for public call use.</p>
01226742234	Opposite No 36 Occupation Road Harley Rotherham S62 7UQ	Consent	69 comments received objecting to the proposed closure and removal. However none of the comments received supported the retention of payphone equipment and all referred to use of the kiosk to house a defibrillator. Should the Council utilise its local veto BT would be required to maintain the kiosk for public call use, and it would not be available for alternative uses. Therefore the Council proposes to agree to the proposed closure. BT would remove the kiosk unless adopted by an appropriate group. This will allow the community within Harley the opportunity to adopt the kiosk and adapt it to meet local aspirations.

01709364226	Near Junction Of Ellis St And Brinsworth Lane Brinsworth Rotherham S60 5DL	Object	Object Over 52 calls in last 12 months
01709365673	Junction Of Pleasley Road And High Street Whiston Rotherham S60 4HH	Object	Red phone box located in Conservation Area Whiston Parish Council support an objection to the removal of this phone box.
01709369784	Junction Brinsworth Lane,1 Brinsworth Road S60 5EL Brinsworth Rotherham	Consent	No objection was raised.
01709372772	Junction Renway Rd ,1 Beaconsfield Road Rotherham S60 3HB	Consent	No objection was raised.
01709382008	Junction Boston Castle Grove ,1 Moorgate Road Rotherham S60 2BQ	Object	Red phone box located in Conservation Area. (One response was received in the second consultation supporting phone box closure due traffic hazard issues. However, highways injury collision internal criteria was not triggered, thus this opinion was therefore not supported).
01709522790	1 The Parade Thorogate Rawmarsh Rotherham S62 7HX	Object	Over 52 calls in last 12 months (Red Phone box) One response in the final consultation was received objecting to phone box closure.
01709551178	Junction Robinets Rd, 1 Wingfield Road Rotherham S61 4AQ	Object	Although 1 comment was received supporting removal on grounds of anti-social behaviour, over 52 calls have been in the last 12 months
01709551277	Junction Oaks Lane,1	Object	Over 52 calls in last 12 months

	Beevers Road Rotherham S61 3BG		
01709582570	Junction Victoria St 1 Springfield Road Kilnhurst Mexborough S64 5SN	Consent	No objection was raised.
01709582698	Junction Meadow View Rd,1 Highthorn Road Kilnhurst Mexborough S64 5UP	Consent	No objection was raised.
01709583193	Junction Market Street,1 Rowms Lane Swinton Mexborough S64 8AA	Object	Over 52 calls in last 12 months. One consultation response received objecting to removal.
01709583455	Junction Queen St,1 Bower Road Swinton Mexborough S64 8NU	Object	Over 52 calls in last 12 months. One consultation response received objecting to removal.
01709700463	Junction Blackthorn Ave ,1 Sycamore Avenue Wickersley Rotherham S66 2NW	Object	Over 52 calls in last 12 months.  One consultation response in the first consultation was received objecting to removal and noting that it is still of community value; ward representatives have opposed the closure of this box previously and continue to support its retention.  One consultation response was received in the second consultation supporting phone box closure due to it attracting antisocial behaviour and illegal activity.  Overall, however, considering both consultations, a greater response was received in favour of retaining the phone box then closing it.
01709700582	Junction School Rd,1	Consent	No objection was raised.

	Laughton Road Thurcroft Rotherham S66 9DW		
01709700631	Junction Central Ave, 1 Flanderwell Lane Sunnyside Rotherham S66 3QP	Object	Over 52 calls in last 12 months. One consultation response received objecting to removal, noting that it is within a relatively deprived community, close to the homes of a number of elderly residents.
01709700692	1 Woodhouse Green Thurcroft Rotherham S66 9AH	Object	Over 52 calls in last 12 months
01709700823	1 Green Arbour Road Thurcroft Rotherham S66 9LA	Object	Over 52 calls in last 12 months
01709812583	Junction Lansbury Ave, 1 Muglet Lane Maltby Rotherham S66 7NB	Object	Over 52 calls in last 12 months
01709812738	1 Addison Road Maltby Rotherham S66 8DG	Consent	No objection was raised.
01709872161	1 Saville Road Wath- Upon-Dearne Rotherham S63 6RX	Object	One consultation response received supporting closure and removal; however there have been over 52 calls in last 12 months.
01909562128	1 Hooton Lane Laughton Sheffield S25 1YG	Object	One objection to phone box closure was received in the second consultation stating that the community relies on the use of public telephone (particularly elderly people).
01909562201	Outside No 48, 1 Laughton Road Dinnington Sheffield S25 2PS	Object	Over 52 calls in last 12 months  One response was received in the second consultation objecting to the phone box closure, as it is important to elderly people.

01909562391	Nr Junction Doe Quarry Lane,1 Laughton Road Dinnington Sheffield S25 2PP	Object	Over 52 calls in last 12 months  One objection was received in the second consultation objecting to the phone box closure
01909562408	1 Oldcotes Road Dinnington Sheffield S25 2QS	Object	One objection was raised in the second consultation stating it was a valuable asset to the local residents.
01909562438	Nr Church Lane, 1 Monksbridge Road Dinnington Sheffield S25 3QS	Object	One objection was raised in the second consultation stating the community rely on this phone.
01909562815	1 Worksop Road Woodsetts Worksop S81 8AW	Consent	No objection was raised.
01909770313	Junction Union Street, 1 Woodall Lane Harthill Sheffield	Consent	No objection was raised.
01909770316	Junction Almond Tree Road,1 School Road Wales Sheffield S26 5QG	Consent	No objection was raised.
01909770429	Junction Kiveton Park, 1 Station Road Kiveton Park Sheffield S26 6QP	Consent	No objection was raised.

## **Appendix 2: Legislative information and procedures**

1. Procedures set out by Ofcom, under the Communications Act 2003, require the Council to organise consultation with local communities about the proposed call box removal. Ofcom guidance on the removal of public phone boxes outlines a number of factors local planning authorities are advised to consider when making a decision over the proposed removal of public telephone boxes. It requires a draft decision to be made by the Council (set out in the First Notification) and the Secretary of State to be notified.
2. The Relevant Public Body must be satisfied that it acted in accordance with the six community requirements set out in section 4 of the Communications Act 2003 ('the Act'). These are:
  - To promote competition in the provision of electronic communications networks and services, associated services and facilities and the supply of directories;
  - To contribute to the development of the European internal market;
  - To promote the interests of all persons who are citizens of the European Union;
  - Not to favour one form of, or means of, providing electronic communications networks or services i.e. to be technology neutral;
  - To encourage network access and service interoperability for the purpose of securing competition in the electronic communication networks and services markets and the maximum benefit for customers of communications providers; and
  - To encourage compliance with standards necessary for facilitating service interoperability and securing freedom of choice for the customers of communications providers.
3. The consultation procedure then requires the Council to consult on this for one month and subsequently come to a final decision. A Final Notification (of the outcome of the second consultation) is published which details reasons for support or objection to BT's proposals. The Final Notification is to be sent to BT and the Secretary of State for Business, Enterprise and Regulatory Reform within 90 days of the original Council receipt of notification of the proposal for phone service closure from BT. 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".
4. Full information on procedure and legislative requirements is given in Ofcom guidance on procedures for the removal of public call boxes:

<http://stakeholders.ofcom.org.uk/binaries/consultations/uso/statement/removals.pdf>

## **Appendix 3: Final Notification and Schedule**

Notification under section 49 of the Communications Act 2003

Decision by Rotherham Metropolitan Borough Council in response to a proposal by British Telecommunications plc for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

1. On 1 November 2019 Rotherham Metropolitan Borough Council in accordance with section 49(4) of the Communications Act 2003 ('the Act'), issued a notification setting out its draft decision in response to a proposal by British Telecommunications plc for the removal of public call boxes pursuant to Part 2 of the Direction ('the First Notification').
2. A copy of the First Notification was sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
3. In the First Notification, Rotherham Metropolitan Borough Council invited representations about the draft decision by 5 pm on 1 December 2019
4. Rotherham Metropolitan Borough Council has considered every representation duly made to it and Ofcom has not notified Rotherham Metropolitan Borough Council of any international obligation of the United Kingdom for this purpose.
5. The decision is set out in the Schedule to this Notification.
6. The effect of, and Rotherham Metropolitan Borough Council reasons for making, the decision is set out in the Schedule to this Notification.
7. Rotherham Metropolitan Borough Council consider that the decision complies with the requirements of sections 45 to 50 of the Act, as appropriate and relevant to the proposals.
8. In making the decision, Rotherham Metropolitan Borough Council has considered and acted in accordance with the six community requirements in section 4 of the Act.
9. A copy of this Notification has been sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
10. The Schedule to this Notification shall form part of this Notification.

## Schedule

**Decision by Rotherham Metropolitan Borough Council in response to a proposal by British Telecommunications plc for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').**

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			Council proposes to agree to the proposed closure. BT would remove the kiosk unless adopted by an appropriate group. This will allow the community within Harley the opportunity to adopt the kiosk and adapt it to meet local aspirations.
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			Overall, however, considering both consultations, a greater response was received in favour of retaining the phone box then closing it.
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01709872161	1 Saville Road Wath- Upon-Dearne Rotherham S63 6RX	Object	One consultation response received supporting closure and removal; however there have been over 52 calls in last 12 months.
01909562128	1 Hooton Lane Laughton Sheffield S25 1YG	Object	One objection to phone box closure was received in the second consultation stating that the community relies on the use of public telephone (particularly elderly people).
01909562201	Outside No	Object	Over 52 calls in last 12 months

	48,1 Laughton Road Dinnington Sheffield S25 2PS		One response was received in the second consultation objecting to the phone box closure, as it is important to elderly people.
01909562391	Nr Junction Doe Quarry Lane,1 Laughton Road Dinnington Sheffield S25 2PP	Object	Over 52 calls in last 12 months  One objection was received in the second consultation objecting to the phone box closure
01909562408	1 Oldcotes Road Dinnington Sheffield S25 2QS	Object	One objection was raised in the second consultation stating it was a valuable asset to the local residents.
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