

Decision maker:	Director of adults and communities
Decision date:	Thursday 7 November 2019
Title of report:	BT consultation on phone box removal 2019
Report by:	Local Resources and Assets Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To seek approval for 69 BT public call boxes in the county to be removed, adopted or be retained in full working order, in response to a formal consultation by BT.

There are currently 118 public payphones in Herefordshire. Herefordshire Council has received a listing from BT of 69 payphones in the county that it is proposing to permanently remove from service. BT has an obligation to consult with Herefordshire Council with regard to the proposed removals, as set out by Ofcom, with a 90-day consultation process.

Despite low use (several of the 69 payphones have had few or no calls in the last 12 months), for some communities and individuals, these payphones are still a vital or even sole means of telephone communication. The rurality of the county can mean unreliable mobile coverage in remote areas and in the absence of mobile access, or alternative communication, the payphone can still be essential in an emergency. In some communities the kiosks are an integral part of the landscape and adoption by the local community provides an opportunity to put the kiosks to practical alternative uses.

Recommendation(s)

That:

- (a) the council object to the removal of 36 public call boxes in the county due to relevant factors e.g. need for emergency calls, poor mobile phone coverage as detailed in appendix 2; and**
- (b) the council agrees to the removal of 21 public call boxes in the county due to the low usage levels, availability of acceptable/good mobile coverage as well as lack of objections from local communities, as detailed in appendix 2; and**
- (c) the council supports the adoption of 12 public call boxes in the county by parish councils (or community groups) in order for those kiosks, once decommissioned, to be used for community benefit as detailed in appendix 2.**

Alternative options

1. There are no alternative options which are practicable. It is the role of Herefordshire Council to consult locally and to make a decision based on the responses, as to whether the payphones can be removed, adopted or are retained. In accordance with section 49 of the Communications Act 2003 ('the Act'), Herefordshire Council is required to make a decision "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." More detail is set out in Appendix 1, BT notification letter and list of phone boxes affected.

Key considerations

2. There are currently 118 public payphones in Herefordshire. Of these, 69 have been identified and proposed for removal by BT under the 90-day consultation process. By negotiation with BT, the deadline was extended from 28 October to 12 November, to allow sufficient time for parish councils to be engaged.
3. To ensure that the local communities are informed, BT has placed consultation notices in the relevant payphones. Specifically, all affected parish and town councils have been consulted, through targeted communication from Herefordshire Council.
4. This consultation process gave local community groups, particularly parish councils, the opportunity to adopt a traditional red 'heritage' phone box as an asset for the local community. Other options for consideration include agreement to remove or the right to object to the removal of the payphone.
5. Relevant factors for the council in considering objecting include:
 - Adequacy of mobile coverage, using local knowledge and the website <https://checker.ofcom.org.uk/mobile-coverage>
 - Proximity to road traffic collision sites and traffic management sites.
 - Amount of phone usage, including for emergency calls.
 - Local need, supported by resident / parish council local knowledge on where the phone may be someone's only form of communication and consideration of housing type.
 - Conservation aspects, if the telephone box is listed, it can be adopted and/or permission from the Local Planning Authority is required for removal.

6. The council has encouraged adoption of decommissioned phone boxes, where this would provide a good outcome for that area. Indeed, some communities have identified an alternative use such as defibrillator storage. A constituted community group or the parish council can adopt the phone box.
7. The overall decision for each phone box is based on relevant factors listed above in paragraph 5 and contained in the Appendix 2 schedule. Where any factors indicate there is a need for the phone to be kept, the default decision is to object.

Community impact

8. Nationally, overall use of payphones has declined by over 90 per cent in the last decade. Several of the 69 payphones on the list have had few or no calls made from them in the past year.
9. Despite low use, for some communities and individuals, these payphones are still a vital or even sole means of telephone communication. The rurality of the county can mean unreliable mobile coverage in many remote areas, despite 'optimistic' signal assessments on national websites. In the absence of mobile access, or alternative communication, the payphone can still be essential in an emergency situation.
10. In some communities the kiosks are an integral part of the landscape and adoption by the local community provides an opportunity to put the kiosks to practical alternative uses. Many parish councils in Herefordshire have already adopted their phone kiosk to provide defibrillator housing and easy access, a local lending library or a local and tourism information site.

Equality duty

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
12. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.
 13. As part of the consultation with parish councils, local knowledge has helped identify where residents have specific needs for access to the public phone, due to personal circumstances, adding to evidence where a phone box should be retained.

Resource implications

14. The phone boxes are owned and managed by BT. Adopting a phone box and then maintaining it, would be a cost to the local parish council. There is no direct cost to Herefordshire Council other than the officer time to consult, collect evidence and respond to BT's consultation, which is done within existing staff resources.

Legal implications

15. The content of the report complies with the legal requirements under the Communications Act 2003.

Risk management

16. By carrying out the consultation and working in partnership with parish and town councils, including through local ward members, Herefordshire Council has been able to support local councils in either protecting a local service or developing new services (e.g. defibrillator installation in adopted kiosks).
17. Insufficient consultation and support would risk phone boxes being removed, in spite of specific local need, adversely affecting local residents and if in an accident black spot area, putting people health and safety at risk. A concerted effort has been made to ensure that sufficient notice, information and time has been given to be able to incorporate local knowledge and views.
18. The phone boxes are not the responsibility of the council, but they do provide a service, and if adopted, a resource that can be utilised by the community as part of their provision of local services.

Consultees

19. BT commenced the consultation by putting up posters in the phone boxes between the dates of 23 and 26 July and then notified Herefordshire council that the consultation had started.
20. On 1 August notification of phones affected went out to all parish councils, enabling them to consider the options and come back to Herefordshire Council with their proposals, supported by local knowledge.
21. Notice of BT's consultation and who to contact to input, was placed on the 'Save our local services' section of the council website.
22. During August, a copy of the parish council communication went to all ward members through the ward member update. On the 27 August, each ward member who had a phone(s) affected in their area, was sent information about the phone location, annual usage, the process and timing, asking them to support to their parish councils in considering the available options. Appendix 2 lists all 69 telephone boxes, with the detailed responses from local residents, parish councils and ward members as well as information on mobile phone coverage and road accidents. The council's conservation officer has also recommended the retention / adoption of all of the archetypal K6 telephone

kiosks on the list. If a parish council has objected to the removal or if a parish council has not objected but there is another reason to retain, then the decision has been to object to the removal.

23. The final submission will be shared with all relevant parish councils and ward members, along with details of the final outcome in each case.

Appendices

24. Appendix 1- BT notification letter and list of phone boxes affected.

Appendix 2 - Schedule of 69 Payphones and responses to consultation

Background papers

None identified