

Decision maker:	Director of adults and communities
Decision date:	Tuesday 8 December 2020
Title of report:	BT consultation on phone box removal Autumn 2020
Report by:	Local Resources and Assets Officer

Classification

Open

Decision type

Non-key

Wards affected

Alyestone Hill, Arrow, Backbury, Birch, Bircher, Bishops Frome and Cradley, Bromyard Bringsty, Bromyard West, Castle, Central, Dinedor Hill, Golden Valley North, Golden Valley South, Greyfriars, Hagley, Hampton, Hinton and Hunderton, Hope End, Kerne Bridge, Ledbury North, Mortimer, Redhill, Ross East, Three Crosses, Weobley,

Purpose

To approve the retaining of 34 at risk public phone boxes, in full working order, in response to a formal consultation by British Telecom (BT). As set out by Ofcom, BT has an obligation to consult with Herefordshire Council with regard to the proposed removals. In some cases, a payphone can still be essential local service, where there is unreliable mobile coverage and in the absence of mobile access.

Recommendation(s)

That:

- (a) the council object to the removal of 34 and agree with the removal of 5 public call boxes in the county, due to relevant factors, as detailed in Appendix A.**

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 and local information, on 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 A, BT notification letter and list of phone boxes affected.

Key considerations

2. Following a BT consultation in 2019, there remain 85 public payphones to be kept for call use in Herefordshire. Herefordshire Council has received a letter and list from BT (see Appendix A) proposing that 39 of these payphones be permanently removed from service.
3. The consultation process gives the options to agree with removal of the phone box, to adopt a phone box as an asset for the local community or the right to object to the removal. The overall decision for each phone box for this consultation is based on relevant factors listed below in paragraph 5 and specified in the Appendix A schedule. Where any factors indicate there is a need for the phone to be kept, the default decision is to object.
4. In previous consultations, the council has encouraged adoption of decommissioned phone boxes, where this would provide a good outcome for that area and current usage is very low. A constituted community group or the Parish council can adopt the phone box.
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 location in relation to schools and areas with high levels of rented housing.
 - 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. To ensure that local communities and regular users of the payphones are informed, BT has placed consultation notices in the relevant phone boxes and Herefordshire Council have directly contacted all the affected Parish/town councils and Ward members.
7. Use for these payphones varied last year from the lowest rate of 0 calls a year to 192 from St Martins Avenue, Hereford. In an unusual year, which included lockdown due to Covid19, this may have impacted on usual phone use. We are also aware that BT only provide information on calls out of phone boxes, and that some residents rely on calls in from relatives, where they have no phone, which is not always evident. This use shows that for some people, these payphones are still a vital or even sole means of telephone communication.
8. Once the local authority has made its decision through the approval of this report, a letter will be sent to BT and the Secretary of State at the Department for Digital, Culture, Media and Sport providing details of the decision for each telephone box included in the consultation. BT must not remove any telephone boxes if the local authority has sent a written objection in compliance with the Ofcom guidance. There is nothing in the guidance

for the length of time that should be observed by BT once an objection is received, before it issues another formal consultation for the removal of the telephone boxes in Herefordshire, which could include any in previous consultations.

Community impact

9. A stated aim in the County plan 2020 to 2024 is our commitment to working more closely in partnership with town and parish councils, community partners, private enterprise and our fellow public sector organisations. By carrying out the consultation and working in partnership with Parish and Town councils and Ward members, Herefordshire Council has been able to support local councils in either protecting a local service or consider new services (e.g. defibrillator installation in adopted kiosks).
10. Nationally, overall use of payphones has declined by over 90 per cent in the last decade. The rurality of the county can mean unreliable mobile coverage in many 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.
11. 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, a local lending library or tourism information site.

Environmental Impact

12. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
13. Whilst this is a decision on a service provided by BT and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

Equality duty

14. 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.
15. 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. The decision to retain these phone boxes will demonstrate the council's commitment to equality, as many that use the pay phones may share a protected characteristic and will support the accessibility of services in areas of deprivation.

Resource implications

16. 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

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

Risk management

18. Insufficient consultation and support would risk phone boxes being removed, in spite of specific local need, adversely affecting local residents and possibly putting people's 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.
19. 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

20. BT commenced the consultation by putting up posters in the phone boxes between the dates of 10 and 13 July and then notified Herefordshire council that the consultation had started.
21. On 30 July notification of phone boxes up for consultation went out to the relevant Parish councils and Ward members, enabling them to consider the options and come back to Herefordshire Council with their proposals. Residents that used the phones and saw the notice, have also fed in their views.
22. Appendix A lists the 39 telephone boxes, with the responses from Parish councils and Ward members, as well as information on local circumstances, mobile phone coverage and road accident maintenance sites. Where a Parish council has objected to the removal quoting a relevant factor, or not objected but there is another reason to retain, then the decision has been to object to the removal.
23. By negotiation with BT, the deadline for this consultation has been extended from 12 October to 18 December, to allow sufficient time for parish councils to be engaged. The final submission will be shared with all relevant Parish councils and Ward members.

Appendices

Appendix A- BT notification letter, schedule of 39 payphones and responses to consultation

Background papers

None identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

British Telecom (BT)

Ofcom - regulator for communications services.