

# **Title of report: BT Consultation on phone box removal Autumn 23**

**Decision maker: Corporate Director – Community Wellbeing**

**Decision date: 21 December 2023**

**Talk Community Development Support Officer**

## **Classification**

Open

## **Decision type**

Non-key

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **Wards affected**

Aylestone Hill; Central; Newton Farm; Ross North;

## **Purpose**

To approve the objection to the removal of five public payphones, as proposed by British Telecom (BT). As set out by The Office of Communications (Ofcom), BT has an obligation to consult with Herefordshire Council with regard to the proposed removals. In some cases, a payphone can still be an essential local service, due to local circumstances.

## **Recommendation(s)**

- (a) That the council submits an objection to the removal of five public payphones in Herefordshire, 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 payphones 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 which includes the list of phone boxes affected.

### **Key considerations**

1. Herefordshire Council has received a letter and list from BT (see Appendix A) proposing that five payphones be permanently removed from service.
2. The consultation process provides Herefordshire Council the options to agree with removal of the payphone, adopt a phone box as an asset for the local community or the right to object to the removal. The overall decision for each payphone for this consultation is based on relevant factors listed below in paragraph 4 and specified in the Appendix A schedule. Where any factors indicate there is a need for the payphone to be kept, the default decision is to object.
3. The council encourages adoption of decommissioned payphones, where this would provide a good outcome for that area and current usage is very low. A constituted community group or parish council can adopt the p
4. 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 frequent 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.

5. To ensure that local communities and regular users of the payphones are informed, BT has placed consultation notices in the relevant payphones and Herefordshire Council has directly contacted all the affected parish/town councils and ward members.
6. We are aware that BT only provides information on calls out of payphones and that some residents rely on calls in from relatives, where they have no phone. This use shows that for some people, these payphones are still a vital or even sole means of telephone communication.
7. 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 consider any representations that the local authority has made regarding the proposals. 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 payphones in Herefordshire, which could include any in previous consultations.

### **Community Impact**

8. 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, the 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)
9. 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.
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, a local lending library or tourism information site.

The two payphones in Ross are located by schools and it would be desirable if these were to stay in use. This was confirmed at a Ross Town Council meeting on 11 December. The Council strongly opposes the removal of these boxes due to their close proximity to the High School in town. The information supplied

showed that both boxes have been used during the last year and that helpline calls were made from both. Given their location the Council feels that to remove these could cause potential harm to vulnerable people, and young children.

The Council did not want to consider their adoption at present as it hopes that BT will review its decision and look kindly on this request to retain the boxes for their original use by the public.

11. Herefordshire residents will be potentially affected by the switch to BT Digital Voice as of Spring 2024 and using a public payphone could be the only means of communication.

<https://business.bt.com/why-choose-bt/insights/digital-transformation/uk-pstn-switch-off/>

### **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. 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**

13. 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.
14. 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 payphones 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**

15. The payphones 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**

16. The obligations pursuant to the Communications Act 2003 must be complied with.

### **Risk management**

17. 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.
18. The payphones 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 kiosks on 8th September 2023 and then notified Herefordshire Council that the consultation had started.
20. On 10th November 2023 notification of payphones 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 were also able to feed in their views.
21. Appendix A lists the locations of the five payphones, with the mobile phone coverage.
22. By negotiation with BT, the deadline for this consultation has been extended from 4th January 2024, to 11 February 2024, to allow sufficient

time for parish councils to be engaged. The final submission will be shared with all relevant parish councils and ward members.

### Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 11/12/2023
Finance	Wendy Pickering	Date 02/12/2023
Legal	Emma-Jane Brewerton	Date 15/12/2023
Communications	Luenne Featherstone	Date 04/12/2023
Equality Duty	Harriet Yellin	Date 12/12/2023
Procurement	Lee Robertson	Date 07/12/2023
Risk	Jo Needs	Date 04/12/2023

Approved by	Hilary Hall, Corporate Director Community Wellbeing	Date 15/12/2023
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**Please include a glossary of terms, abbreviations and acronyms used in this report.**

British Telecom (BT) The Office for Communications (Ofcom)