



Cabinet 30 July 2008

BT Public Payphone Removal: Consultation Response

1. Background

- 1.1 On 2 April 2008 the Council received a notification of intent from British Telecommunications Plc (BT) to remove 42 public payphones within the Borough. Under the Communications Act 2003 the local authority must be notified and given the opportunity to agree or object to the removal of any of the payphones within the proposal. Any objection to a payphone removal is known as a local veto, and has to be justified, and BT has a right of appeal through the Competition Appeals Tribunal where unreasonable local vetoes have been made.
- 1.2 On 4 June 2008, the Overview and Scrutiny Committee considered a report (Z22 refers) which provided information regarding each of the 42 payphones concerned. Officers had inspected each payphone, checked the telephone usage records supplied and written to all parish councils for comments. Using this information, a draft comment in relation to each of these payphones was put forward for consideration by the Committee.
- 1.3 The Committee considered the information provided by officers, parish council comments received, and an addendum to the report circulated at the meeting which outlined additional information and representations received since publication of the agenda. The Committee recommended and on 25 June 2008 Cabinet endorsed, (Minute 16 refers) that:-
- (a) *the draft response to BT's notification of intent to remove 42 public payphones within the Borough, as set out in Report Z22, be published for one month as the Council's draft decision on each of the payphones concerned; and*
 - (b) *following the required one-month publication of the Council's draft decision, the Cabinet make a final decision, taking into account any responses received to the draft decision, at its meeting on 30 July 2008, and forward this to BT as this Council's final response to its consultation.*

2. Consultation Responses

- 2.1 Representations have been made by the public, parish councils and Members in this period. These are summarised in the Appendix A attached to this report and have been thoroughly considered in the recommendations made for the final notification to BT. Any representations received following despatch of the Cabinet agenda will be reported orally.

- 2.2 In considering the 42 payphones a number of discrepancies in the information supplied by BT have arisen, this most specifically refers to the three payphones in Rougham. Due to conflicting information from BT and the local knowledge of the Member and Parish Council the following alteration to the recommendation is considered appropriate.
- 2.3 Three payphones are proposed for removal in Rougham, located at The Downs, The Green and Kingshall Street. The payphone in Kingshall Street has been identified for objection to its removal due to its being the most centrally located telephone in the village. The other two telephones are in locations less physically proximate to the Village and their removal has not been objected to in the draft report. Representations have been made indicating that the payphones located at the Downs and Kingshall Street have not been consistently in working order and, therefore, the usage figures provided by BT are inaccurate in considering the importance of these payphones.
- 2.4 It is, therefore, considered that the draft report be amended to object to the removal of all three payphones in Rougham until BT maintain the telephones to working order. Following a 6 month period of trouble free operation a resubmitted notification for the removal of these three phones could be considered based on the usage figures through this period.
- 2.5 All representations received to the consultation on the Council's draft position are summarised in Appendix A to this report. Seven new representations have been received as a result of advertising the Council's intended response.
- 2.6 All of the representations have been carefully considered and comments in relation to each objection are noted in the Appendix. None of the further representations received indicate the need to alter the draft decision as set out in the previous report (Report Z22). The justification for the recommended use of the Council's objection veto in relation to each proposed payphone removal was addressed in Appendix A of Report Z22.
- 2.7 The Borough Council's response on each payphone has been considered in accordance with Section 49(4) of the Communications Act 2003.

3. Recommendations

- 3.1 It is **RECOMMENDED**: That
- (a) **the draft response to BT's notification of intent to remove 42 public payphones within the Borough, as set out in Report Z22, be amended to object to the removal of payphones located at The Downs and The Green in Rougham based on the consideration in paragraphs 2.3 and 2.4 of this report ; and**
 - (b) **the draft response to BT's notification of intent to remove 42 public payphones within the Borough, as set out in Report Z22(Amended), be authorised as a the final notification to BT.**

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Appendix A

Additional representations received following advertising – plus officer comments (responses received up to the time of preparing and despatching the agenda).

1. Emergency Planning – The position regarding the removal of telephone boxes has been raised at the Civil Contingencies Secretariat, especially with regard to community resilience. There was a scheme which could have retained their use, but in view of modern technology it is unlikely that this system would ever be invoked. Whilst we agree that any viable communications should be retained and maintained, as you never know what you may need and when, the position is that we are unable to progress beyond this. In conjunction with the potential for removal it is also important to educate communities that cordless phones and mobiles may not work during power outages, but that the standard PSTN phone does work as the power is via the telephone line and not from the mains supply (sic).

Response – This information is acknowledged but is not considered to indicate the need to alter any of the draft decisions.

2. Ousden Parish Council

- The phone box serves as a focal point in the centre of the village.
- There are still people in the village without a phone who use it.
- The mobile phone signal in Ousden is variable therefore the phone may be needed by some residents and people travelling through the village.
- The phone may be used in an emergency situation when domestic phones cannot be used, for example if there is a power cut.

Response – The payphone in Ousden is one of those identified for objection due to its level of use and proximity to the village centre.

3. Councillor Jim Thorndyke – Comments Summarised.

- The initial parish council consultation period was very short and a delay occurred in commencing the consultation process.
- No information is included as to the distance to the next public phone, before we say yes to their removal we should look closely at the resident's alternative public phones.
- The phone at Depden has appeared in the press and I have some sympathy with Depden's views, not sure what the comment about 'no relevance to village' in the Overview & Scrutiny Committee papers means, I think you have to live in Depden before you make that assumption.
- In Hepworth the modern call box is almost lost in the shrubbery, if you drive through Hepworth looking for the box you may well never find it. Our comments of 'outside village centre' are strange as Hepworth has long since lost its central pub and post office but they were just 300 metres from this call box, the Street in Hepworth is well over a mile long. Hepworth has two housing settlement boundaries and this call box sits between them and is central to the housing in the Street and just over 150 metres from the nearest social housing. Again I ask 'where is the next box?' As Hepworth is on the A143 and has many accidents in a half mile stretch there is some need for emergency planning just as there is apparently in School Road, Risby. I have to say that although I would note the presence of a call box it would not be something I would rely on in an emergency planning scenario.
- It would be easier to come to a decision if all boxes had been working 100% for the past years figures. Concern raised that there is some anomaly which will result us asking BT to remove what would still be the most used box. Maybe the suggestion here should be

based on bringing back usage figures after six months trouble free operation of all the boxes.

Response –

The period of consultation for this notification is challenging. Formally the Parish Councils were given 21 days although in practice all representations have been considered. It is unfortunate we could not allow longer but the 90 day time frame for the statutory process has impacted on this especially with the need for this matter to be considered by three committees and to allow time for the publication of the draft position for a 28 day consultation period.

The amount of information BT provided initially was poor and it has been a challenge to supplement the original information. Information on the next nearest pay phone to each one proposed for removal would have been useful, in the absence of this information an assessment was made when visiting each phone box. The statement "no relevance to village" is intended to reflect the fact that Depden is not a village with a clearly identified centre, rather it has a scattered form of development.

The phone in Hepworth is very under used, the siting of it is poor and the area around it is poorly maintained. The village does have two main groupings of buildings and the phone would be better located within either one of these defined settlement boundaries. The next phone box is Barningham which is identified for retention.

The situation with Rougham is certainly a valid one to make in our consultation response. The information that these boxes were not functioning for long periods of time has been considered and this material information has been incorporated into the revised recommendation of this report.

4. Barrow cum Denham Parish Council – Object to the removal of the payphone as it is a lifeline to villages in a fairly remote community.

Response – This payphone is in a very rural location and has no significant proximity to either Barrow or Denham. Its level of use is very low and the use of the local veto to object to the removal of this phone would not be justified.

5. Mr Ernie Goody - Asks the possibility of BT maintaining emergency only telephones rather on the lines of the AA / RAC breakdown telephones that used to be widespread throughout the countryside. Concern that some rural communities and visitors could in some circumstances be unable to call the emergency services when that need may arise should there be no access to some form of fixed lined telephone.

Response - It does not appear that BT intend to replace the phones with emergency phones and as a money saving operation it is likely that such a replacement is not one of their aims.

6. J. W. Garbutt – Objects to the removal of the payphone in Great Barton as BT has consistently failed to maintain the phone and it has normally been out of order over the last 3 years.

Response - The payphone in Great Barton is identified for objection to its removal due to its level of use and proximity to the village centre and main road.

7. CATRA - Chalkstone Association of Tenants and Residents - object to the removal of the telephone box on chalkstone way. It is a well used area with a lot of children playing and access to a phone box is essential as not always are mobiles available.

Response - The payphone on Chalkstone Way is identified for objection due to its level of use and proximity to a significant level of social housing and the main road.