



Cabinet 20 January 2010

BT Public Payphone Removal: Consultation 2009

1. Summary and Reasons for Recommendation

- 1.1 On 6 October 2009, St Edmundsbury Borough Council received a notification from British Telecommunications plc (BT) of intent to remove 53 public payphones within the Borough. This is under the required process of the Communications Act 2003 within which the local authority must be notified and given the opportunity to agree or object to the removal of any of the payphones proposed for removal. In the period since receipt of the notification, extensive consultation has taken place with parish councils and the public. Draft decisions on each payphone have also been advertised and reviewed to form these final decisions.
- 1.2 An objection to this form of consultation is known as a "local veto" and BT will not be able to remove any payphone to which this applies. BT must be notified of the Borough Council's final decision by 27 January 2010. All objections must be justified and BT have the right of appeal on any of these.
- 1.3 This notification follows a similar notification received and considered by the Council in 2008. This sought the removal of 42 payphones. Following consultation a final decision was made agreeing to the removal of 22 of these payphones. This current notification includes 21 of those 42 payphones for reconsideration.
- 1.4 The 53 payphones proposed to be removed are listed in Appendix A attached. No objection is raised to the removal of 23 of these payphones. It is recommended that the Borough Council objects to the removal of 30 of the payphones by placing a "local veto" on these, retaining them as a fully functioning service.

2. Recommendation

- 2.1 Appendix A to Report A462 form the basis of the response to BT's notification of intent to remove 53 public payphones within the Borough.

3. Corporate Objectives

3.1 The recommendation meets the following as contained within the corporate plan:-

(a) Corporate priorities: *'To improve the safety and well-being of the community';* and
'securing a sustainable and attractive environment';

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4. Key Issues

- 4.1 The majority of payphones within this notification are in rural village locations. Public payphones provide an important service to local communities and have often been regarded as a key feature in many villages. Current communications culture has seen a decline in the use of payphones, with an increase in home phones to 99% of households, along with a more recent rise in the use of mobile phones. BT claims that there are currently 61,792 public payphones in Great Britain and the usage of 60% of these no longer cover their operating costs.
- 4.2 Ofcom is the governing body on the removals procedure for public payphones and sets out both the requirements of BT and the local authority. The decision making process is set out below:-
- (a) BT displays a notice in the phone box stating its intent to remove payphone facility;
 - (b) BT writes to the local authority notifying them of the payphone proposed for removal;
 - (c) the local authority consults parish and community councils;
 - (d) 42 days should be the minimum period between receipt of the notification and the draft decision;
 - (e) a draft decision is made considering representations made;
 - (f) the draft decision is made public for at least 1 month;
 - (g) the local authority considers any representations made on the draft decision; and
 - (h) a final decision is made and forwarded to BT.
- 4.3 Ofcom recommend that the local authority consider the following:-
- (a) **The housing type in the area**
Areas of lower income housing, predominantly rented and local authority or registered social landlord managed housing, are less likely to have access to a home phone or mobile phones.
 - (b) **The number of households in the area**
The catchment area for a phone box can be considered as the households within 400 metres. This, however, will not take into account passing traffic such as those on a busy road and, therefore, each payphone should be assessed on a site by site basis.
 - (c) **Public call revenue**
Figures have been received from BT indicating the total usage of the payphones to be considered over the past year. A number of these have had no use at all but some have been used over 100 times. Whilst this degree of use may not be profitable to BT it does indicate a local need for the phone.
 - (d) **Emergency use**
Data is not available for emergency calls but when examining this form of use the available alternatives for making emergency calls in the area must be considered, e.g. adjacent dwellings, public services and mobile phone coverage. Payphones in locations that are accident prone such as busy junctions may warrant retention on this basis.
 - (e) **Mobile phone coverage**
Poor or sporadic mobile network coverage can be an important factor in considerations. BT have provided details on the network coverage of the four main network operators, O2, Orange, T-Mobile and Vodafone for each payphone location. Local knowledge of mobile network coverage through parish council

consultations has also been considered. A number of locations do suffer from sporadic coverage and representations have been received confirming this.

- 4.4 The visual importance of the phone boxes in their setting is not a recommended consideration but in some villages the traditional red phone boxes make an important contribution to the character of the location. BT has offered Parish Councils the opportunity to 'adopt' their red kiosk, without the payphone facility, for £1. This transfer in ownership would put the responsibility for maintenance of the kiosk in the hands of the respective parish council although they would also have the freedom to use the kiosk for alternative purposes. Kiosks that have already been adopted elsewhere in the country have been used as local information points, libraries and art galleries. The adoption of a kiosk would only take place if the Borough Council agreed to the removal of the payphone facility.
- 4.5 17 of the kiosks forming part of this notification are Grade II Listed Buildings. Although the payphone facility could be removed from these kiosks without Listed Building Consent the kiosks would have to remain in place. BT would continue to be responsible for these listed kiosks and would have a statutory duty to maintain the kiosk to an acceptable standard under the Planning (Listed Buildings and Conservation Areas) Act 1990. Parish Councils have been advised that adoption of these listed kiosks would carry this responsibility.
- 4.6 Following these considerations the Borough Council has the option to agree or object to the removal of each of the 53 payphones. Reasons to justify the objection must be included although only brief space on the return form is given for this purpose.
- 4.7 The full list of payphones affected and the justifications for the final decisions are detailed in Appendix A of this report. This recommends no objection be raised to the removal of 23 of the 53 payphones. A local veto (objection) would be placed on 30 of the payphones recognised as providing a significant service to the area. There are some examples where local information on mobile coverage in the area conflicts with the information provided by BT. There are also examples of payphones with surprisingly low use for their location or significantly reduced use since the previous consultation in 2008. In such circumstances there is a presumption that there may have been a fault with the phone over the past year. It is considered reasonable that an objection should be placed on the removal of such phones until further information may come forward to overcome this opinion.

5. Other Options considered

- 5.1 Object to the removal of all proposed removals. This option is potentially unreasonable and indefensible and leaves the Borough Council open to appeal. Without sufficient justification for retention this could result in unnecessary use of resources.
- 5.2 Allow the removal of all proposed payphones. This option would not thoroughly consider the local need and importance of each payphone on its own merits. Furthermore, it would indicate a lack of consideration for the responses to the consultation process.

6. Community impact

- 6.1 Public payphones are considered as a service to the local community. It is clear that their importance has declined in the increase in home phones and mobile phone ownership but a certain level of the community may still consider the phones an essential provision. Where the use figures indicate a low level of use this may dictate that the local community have no requirement for the phone but to dismiss the community use without thorough consideration would discriminate against those who may be users of the service. Such users may be those on lower incomes and the elderly.

It is also recognised that public payphones may be used by those who are vulnerable, such as children and people suffering domestic violence, requiring help and guidance in privacy from confidential help lines.

6.2 Public payphones offer a degree of service to community safety allowing the public to report emergencies, crimes and anti-social behaviour. On the counter argument it should also be considered that public payphones are a regular target for vandalism and congregation points for anti social behaviour.

7. Consultation

7.1 BT placed public notices within all of the kiosks of payphones covered by this notification between 5 and 25 September 2009.

7.2 All parish and community councils were initially consulted on 20 October 2009 to allow them to express their views on the removal of their relevant payphone. Representations were considered up until 18 December 2009. All Members were also notified of the consultation through the Members' Bulletin issued on 16 October 2009.

7.3 A draft decision on the 53 payphones was made public on 5 November 2009, this was advertised in the local press and on the St Edmundsbury website.

7.4 Details on the notification were presented to the Rural Area Working Party on 12 November 2009 for information purposes.

8. Resource implications

8.1 The loss of any of these payphones will not have implications on the Council's resources. The future submission of further notifications and the possibility of an appeal against an objection would impact on officer time.

9. Risk Assessment

Risk area	Inherent level of Risk (before controls)	Controls	Residual Risk (after controls)
Depriving local communities of a payphone service	Low	Evaluation of each payphone in its location against recommended assessment criteria	Low

10. Legal or policy implications

10.1 BT has a statutory responsibility to consult with the local authority.

Wards affected	All	Portfolio Holder	Transport and Planning
Background Papers		Subject Area	Community Safety

Appendix A

Village	No. of Calls in past 12 months	Mobile Coverage	Parish response	Notes	Parish seeking to adopt?	Listed kiosks	Agree or Object to removal
Ampton The Street	20	Full	Object	Isolated small village, low calls, full mobile coverage		Listed	Agree
Barnardiston Water Lane	4	Full		Isolated location, few dwellings surrounding, very few calls			Agree
Barnham St. Martins Lane	95	Full		Significant calls, village centre			Object
Barrow Brittons Rd	0	Full		Large village, central location, appears that 0 calls is too low for the size of the village and location, may have been faulty?		Listed	Object
Bradfield Combust The Street	0	Full	Agree - Would like to adopt	No calls, full mobile coverage, busy main road	Yes	Listed	Agree
Bradfield St Clare	3	Full	Object plus MP objection	Previously agreed to removal, full mobile coverage, small village, very low calls			Agree
Bradfield St George Hollybush Corner	0	Full		No calls, small village, full mobile coverage			Agree
Brockley Bury Road	12	3 of 4	Object - Would like to adopt	Low use, small village	Yes		Agree
Chedurgh Lancaster Close	102	Full		Significant calls, medium size village			Object
Chevington Hargrave Road	23	Full	Object - Mobile coverage is poor	Village centre, quiet road, contrary report on mobile coverage from Parish Council			Object
Clare Stoke Rd	16	Full	Object	Increase in use, new parish objection to removal (not received previously), busy road and built up residential area of small town			Object
Clare Market Hill	198	Full	Object	Significant calls, centre of small town		Listed	Object
Denston Top Green	0	Full		Small village, no calls, full mobile coverage		Listed	Agree
Euston	22	Full	Object	Small sparse village, on busy road (A1088), some calls indicating use		Listed	Object
Fakenham Magna Thetford Road	15	2 of 4	Object - Mobile coverage is poor	Small village, on busy road (A1088), poor mobile coverage, some calls indicating use		Listed	Object
Flempton The Green	18	Full		Village centre, busy road/junction		Listed	Object
Fornham All Saints The Green	25	Full	Object - Would like to adopt	Village centre, larger village, next to village hall		Listed	Object
Great Barton Conyers Green	68	Full	Object plus MP objection	Large village, significant calls			Object

Appendix A

Village	No. of Calls in past 12 months	Mobile Coverage	Parish response	Notes	Parish seeking to adopt?	Listed kiosks	Agree or Object to removal
Great Livermere Street Farm	1	Full	Agree	Previously agreed to removal, full mobile coverage, small village, very low calls	Yes		Agree
Great Wratting School Road	16	3 of 4		Med village, next to pub, low calls		Listed	Agree
Hawkedon Queens Head	10	3 of 4		Small village, low calls		Listed	Agree
Pinford End Bull Lane	1	Full		Small isolated village, very low calls, full mobile coverage			Agree
Honington Ixworth Road	30	3 of 4		No change from previous decision			Object
RAF Honington Suffolk Ave.	102	Full	Object - These phones are important for military families	Significant calls, large village area			Object
RAF Honington Guard Room	204	Full	Object - These phones are important for military families	Significant calls, large village area			Object
Hopton Bury Road	45	2 of 4	Agree but would like to adopt	No change from previous, lower calls due to fault			Object
Horringer The Street	25	Full		Previously agreed to removal, full mobile coverage		Listed	Agree
Hundon North Street	19	3 of 4	Object - Poor mobile coverage	Village centre opposite pub, medium sized village		Listed	Object
Ingham The Street	28	Full	Object - Has been faulty	Lower calls than previous but has been out of order			Object
Ixworth Stow Road	89	Full	Object - Has been faulty	Little change from previous, has been faulty			Object
Ixworth Thorpe Green Lane	0	Full	Object - Phone not working	Small village, low calls, phone not working so call data is not accurate			Object
Lackford Old Bury Road	6	Full	Object - Poor mobile coverage retention for emergencies	Small village, low calls, not directly on main road, objecting to removal of Flempton nearby which has been used more.			Agree
Little Bradley Opp. Malting House	0	2 of 4		Isolated position, serving small village, no calls			Agree
Market Weston The Street	13	Full	Agree but would like to adopt	Small village, low calls, parish agreement	Yes		Agree
Ousden Opp. East Lodge	11	3 of 4	Object - Poor mobile coverage	Village centre location, previously had more calls (144) may have been faulty?			Object
Pakenham Grimstone End	4	Full	Agree but would like to adopt Neighbour would like to adopt	Isolated small part of village, low calls, full mobile coverage	Yes		Agree

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Village	No. of Calls in past 12 months	Mobile Coverage	Parish response	Notes	Parish seeking to adopt?	Listed kiosks	Agree or Object to removal
Pakenham The Street	152	Full	Object plus MP objection	Significant calls, village centre			Object
Poslingford The Street	5	2 of 4	Object - No mobile coverage	Small village, low calls, poor mobile coverage		Listed	Object
Risby School Road	21	Full	Object - Mobile coverage is poor	Emergency planning requested retention due to importance for A14 emergencies, Parish council state mobile coverage is poor			Object
Rougham Kingshall Street	0	Full		No change from previous, issues with fault to payphone			Object
Rougham The Downs	22	Full		Severely neglected and vandalised, two other Rougham payphones retained, full mobile coverage			Agree
Stanningfield The Green	34	2 of 4	Agree but would like to adopt	No change from previous decision, moderate calls, poor mobile coverage			Object
Stansfield High Street	0	3 of 4	Agree but would like to adopt	Small village, no calls, parish agreement	Yes		Agree
Stanton Barningham Road	11	Full	Agree, no aims to adopt	Smaller part of village, low calls, full mobile coverage			Agree
Stoke by Clare The Street	34	Full	Object - Mobile coverage is poor	Village centre, busy road, moderate calls, Parish council state mobile coverage is poor		Listed	Object
Stradishall The Street	17	3 of 4	Object	Small village, low calls		Listed	Agree
Great Saxham Twites Corner	12	1 of 4	Agree, no aims to adopt	Small village, low calls, very poor mobile coverage		Listed	Object
Thelnetham Hopton Road	10	Full		Low calls, small village, full mobile coverage			Agree
Troston	0	Full	Object plus MP objection	Big change from previous amount of calls (96), may be faulty			Object
West Stow Icklingham Road	20	Full	Agree but would like to adopt	Small village, central, quiet road, full mobile coverage	Yes		Agree
Whepstead Bury Road	21	3 of 4	Agree - Not a red box	Previously agreed to removal, edge of village, parish agreement			Agree
Wickhambrook Thorns Corner	58	Full	Object plus one public objection	Previously objected to removal, use significant and has increased, next to busy junction			Object
Wickham Street	6	3 of 4	Object	Previously objected to removal, next to lay-by on busy road, limited mobile coverage			Object