

Report of	Meeting	Date
Service Lead Planning	Planning Committee	12 November 2019

## DRAFT DECISION IN RESPONSE TO BT CONSULTATION ON PAYPHONE REMOVAL

### PURPOSE OF REPORT

- To present the council's draft decision in response to the proposal by British Telecom (BT) to remove a number of public call boxes in the borough.

### RECOMMENDATION(S)

- That the report is noted.
- That the preparation and issuing of the Final Notification to BT and the Secretary of State be delegated to the Director of Customer and Digital in consultation with Chair and Vice Chair.

### EXECUTIVE SUMMARY OF REPORT

- When BT announces plans to remove a phone box the council, as the local planning authority, is consulted and must decide whether to use its local veto to object. To do this the council needs to consider the views of the local community, announce its initial decision and ask for opinions on it before arriving at its final decision a month later.
- The council may also consider a number of other factors including the nature of the local area and proximity of other phone boxes but must be able to objectively justify its decision.
- The consultation ends on 26 November 2019 and the council must respond to BT by this date.
- There are 8 payphones in the borough that are proposed for removal. A list of these is attached including their location and usage over the last twelve months (Appendix B).
- The council is currently in the consultation period and has issued a draft decision based on the responses. The decision is indicated in Appendix B.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

## **BACKGROUND**

10. British Telecom is currently undertaking a programme of intended public payphone removals and is undertaking a formal consultation process with the council and the local community.
11. BT has a duty known as the Universal Service Obligation to provide a reasonable number of phone boxes where they are most needed. Ofcom guidance has also been issued in respect of the process of removing payphones.
12. When British Telecom announces plans to remove a phone box the council must decide whether to use its local veto to object. To do this the council needs to consider the views of the local community. Following this consideration, the council needs to issue its decision.
13. BT has a right of appeal against the council's decision to use its local veto to object.

## **PROCEDURE FOR REMOVAL OF PUBLIC CALL BOXES**

14. BT has provided the council with Ofcom guidance which sets out the procedure for the removal of public call boxes (PCBs). The procedure involves a consultation period of a maximum of 90 days. The procedure can be summarised as follows:
  - a. BT display a notice in the payphones identified for removal. This notice asks members of the public to contact the local planning department with any comments
  - b. BT give written notice of the proposals to the local council
  - c. The council consults with other public bodies such as parish councils
  - d. The council considers the responses to the consultation including any received from members of the public to the payphone notice
  - e. The council then considers the responses and makes a decision
  - f. The council publishes the notification setting out its' decision and sends a copy to the Secretary of State and to BT

## **OPTIONS**

15. The council needs to advise BT of its decision in respect of each payphone: whether to agree to the removal, object to the removal or whether the local community wishes to adopt the phone box.
16. As part of the consultation process, BT is giving communities the opportunity to adopt a traditional red 'heritage' phone box and make them an asset that people can benefit from, such as a book store or a defibrillator station. This costs £1 and more details about how to do this were included in the consultation information.
17. The council must work within the terms of the Communications Act 2003 when making its decision. This means that it must be able to objectively justify its decisions, as well as encourage competition and look after the interests of all members of the community. The decisions must be proportionate to what is trying to be achieved and transparent.

## **CONSULTATION**

18. BT is currently carrying out a 90-day consultation period and put up notices in the relevant phone boxes between 14 - 16 August 2019.
19. The BT guidance on the consultation process recommended that the council consults with parish councils and this consultation period ran from 10 September to 10 October 2019.
20. An email was sent to all affected parish councils and ward councillors on 10 September 2019.
21. Details of the proposed phone box removal have also been published in 'In the Know'.
22. Three responses have been received from Parish Councils and these are attached at Appendix A. One response has been received from a member of the public with respect to

the box at Rawlinson Lane, Hearth Charnock. This objection has been noted and is included at Appendix A.

23. The council is required to issue its Final Notification (i.e. final decision) based on the responses received and having had regard to certain other considerations detailed below.

## CONSIDERATIONS

24. The council must be able to objectively justify its decisions. This means that we must be able to provide reasons in the case that we object to the removal of an individual payphone.
25. In addition to the responses from the consultation the council is advised to consider some other factors when making the decision on whether or not to use its local veto to object to the removal. The council should look at the area that surrounds the phone box and the people who live there.
26. The type of housing around a phone box may indicate how important the phone box is. Where there are a large number of homeowners it is likely they will have mobiles as well.
27. The number of households is another consideration as there may be concerns about alternative access where there is a low population density in an area.
28. The use of the phone box for emergency calls should also be a consideration. For example, if the phone box is near to an accident blackspot it may strengthen the argument to keep it.
29. The lack of mobile phone coverage may also be an important factor in the decision.
30. BT has confirmed that the criteria used to identify payphones for removal was the level of use of the phones.
31. The council would not have been able to assess these proposals on an individual phone box basis without the investment of significant resources and so has worked closely with parish councils.
32. There may be concerns from residents that a valuable and longstanding service has been withdrawn. The parish council's unique position enables them to best understand the needs of the local community.

## NEXT STEPS

33. Subject to Planning Committee authorisation the decision will be issued by the Director of Customer and Digital in consultation with Chair and Vice Chair.

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	October 2019	***

## Appendix A

### Consultation Responses

Phone box	Response
Opposite 184 Rawlinson Lane, Heath Charnock, PR7 4DJ	Heath Charnock Parish Council has no objections and wishes to adopt the phone box One neighbour who does not have a telephone land line and does not use the internet has raised an objection to the decommissioning of this box as she has no other means of telephone communication at her disposal.
Opposite South Road/Spendmore Lane, Coppull, PR7 5BY	No objections from Coppull Parish Council and does not wish to adopt the phone box
Outside 528 Preston Road, Clayton-le-Woods, PR6 7JB	No objections from Clayton-le-Woods Parish Council and does not wish to adopt the phone box
Meadow Lane, Bamber Bridge, PR5 8LN	No objections from Clayton-le-Woods Parish Council and does not wish to adopt the phone box

## Appendix B

List of phone boxes identified for proposed removal

Chorley District

Telephone Number	Address	Post Code	Number of calls in last 12 months	Posting Completed Date	Agree/ Adopt/ Object	Comments/Reasons
01254830262	Opp Police Station PC01 Blackburn Road Wheelton	PR6 8EY	11	15/08/2019	Agree to removal	
01254830318	Jnc Derby Road PC01 railway Road Brinscall	PR6 8RJ	14	16/08/2019	Agree to removal	
01257270745	Opposite 184 Rawlinson Lane PC01 Rawlinson Lane Heath Charnock	PR7 4DJ	32	15/08/2019	Adopt	
01257275399	Junction of Eaves Lane PC01 Harpers Lane Chorley	PR6 0HU	326	15/08/219	Agree to removal	
01257275444	Jnc of Comm Rd & Parker St PC01 Parker Street Chorley	PR7 1ES	254	15/08/219	Agree to removal	
01257791261	O/S SPO South Road PC01 Spendmore Road Coppull	PR7 5BY	8	14/08/219	Agree to removal	
01772335904	Outside of 528 Preston Road PC01 Preston Road Clayton-le-Woods	PR6 7JB	42	16/08/2019	Agree to removal	
01772628823	PCO PC01 Meadow Lane Bamber Bridge	PR5 8LN	52	15/08/219	Agree to removal	

Signature: .....

Area: Chorley District