

Report of	Meeting	Date
Director of Customer and Advice (Introduced by the Executive Member for Public Protection)	Executive Cabinet	08 December 2016

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 Advice in consultation with Executive Member for Planning.

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 21 December 2016 and the council must respond to BT by this date.
- There are 30 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.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

9. None

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. None

CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		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

12. 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.
13. 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.
14. 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 announce its initial decision and ask for opinions on it before arriving at its final decision a month later.
15. 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

16. 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 publishes a First Notification which sets out the draft decision and sends a copy to the Secretary of State
 - f. There is then a minimum consultation period of a month
 - g. The council then considers the responses to the First Notification and makes a final decision
 - h. The council publishes the Final Notification setting out its' decision and sends a copy to the Secretary of State and to BT

OPTIONS

17. 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.
18. 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.
19. 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

20. BT is currently carrying out a 90 day consultation period and put up notices in the relevant phone boxes on 14 September 2016.
21. The BT guidance on the consultation process recommended that the council consults with parish councils and this consultation period ran from 19 October to 14 November 2016.
22. The proposals were discussed at the Chorley Liaison meeting on 19th October 2016. An email was sent to all parish councils on 24 October 2016. They were also included in In the Boro on 7 November 2016.
23. Three responses have been received and these are attached at Appendix A. Objections were received in respect of three of the thirty payphones identified for removal.
24. The council issued its First Notification (ie. draft decision) based on the feedback from the consultation with parish councils on 18 November 2016.
25. This First Notification has been emailed to parish councils. Mobile phone coverage and the make-up of residents in the area are two factors that parish councils have been asked to particularly consider.
26. The council is required to issue its' Final Notification (ie. final decision) based on the responses to the First Notification and having had regard to certain other considerations at 28 to 32.

CONSIDERATIONS

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. The lack of mobile phone coverage may also be an important factor in the decision
33. BT have confirmed that the criteria used to identify payphones for removal was the level of use of the phones.
34. There is one phone box that has the incorrect address on the list. BT have confirmed the location of the phone box as being opposite 1 Chorley Road, Heath Charnock and this has been noted on the list.

35. 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.
36. 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

37. The council will continue to consider feedback received on the First Notification and the other relevant factors before preparing and issuing the Final Notification to BT and the Secretary of State by 21 December 2016.
38. Subject to Executive Cabinet authorisation the 'Final Notification' will be issued by the Director of Customer and Advice in consultation with Executive Member for Planning under delegated powers.

IMPLICATIONS OF REPORT

39. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	√	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

40. None.

COMMENTS OF THE MONITORING OFFICER

41. None.

ASIM KHAN
DIRECTOR OF CUSTOMER AND ADVICE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Helen Sutton	5449	17 November 2016	***

Appendix A

Consultation Responses

Phone box	Response
OPPOSITE OF 47 CHORLEY ROAD CHORLEY ROAD ADLINGTON CHORLEY (Correct Address is OPP 1, CHORLEY ROAD, HEATH CHARNOCK)	There are some very vulnerable residents who use this phone. There is no other affordable alternative for them to use.
OPP. THE PLAYING FIELDS WATER STREET BRINDLE CHORLEY	The Parish Council objects to this in the strongest possible terms. (NB. Further clarification has been sought on the reasons for the objection)
NEAR LANE END FARM POMPIAN BROW BRETHEERTON LEYLAND	The Parish Council object to the decommissioning of the kiosk on the basis that it is a much needed communication amenity and is used by the community especially elderly resident. This part of the village is remote and there are no public buildings in the area to gain access to emergency services if required.

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
01254201765	OPP THE ROYAL OAK HOTEL BOLTON ROAD HOGHTON PRESTON	PR5 0SP	3	14/09/2016	Agree	
01254830112	JUNCTION OF BETT LANE BLACKBURN ROAD HIGHER WHEELTON CHORLEY	PR6 8HX	0	14/09/2016	Agree	
01254830151	JUNC OF OAKMERE AVENUE. CHORLEY ROAD WITHNELL CHORLEY	PR6 8AU	5	14/09/2016	Agree	
01254830300	JUNC OF OLLERTON LANE CHORLEY ROAD WITHNELL CHORLEY	PR6 8BQ	0	14/09/2016	Agree	
01254852339	PCO STATION ROAD HOGHTON PRESTON	PR5 0DD	1	14/09/2016	Agree	
01254852523	OPP. THE PLAYING FIELDS WATER STREET BRINDLE CHORLEY	PR6 8NH	0	14/09/2016	Object	Awaiting further comments from the parish council to justify the objection
01254852990	OPPOSITE BELL VILLAS GIB LANE HOGHTON PRESTON	PR5 0RU	0	14/09/2016	Agree	
01257270007	O/S93 COLLINGWOOD ROAD CHORLEY	PR7 2PT	87	14/09/2016	Agree	
01257270346	OUTSIDE SHOPS RUNSHAW LANE EUXTON CHORLEY	PR7 6AX	27	14/09/2016	Agree	
01257270407	JNC OF PRESTON & SWANSEY LN PRESTON ROAD CLAYTON LE WOODS CHORLEY	PR6 7JE	13	14/09/2016	Agree	
01257270444	JUNCTION OF CHORLEY OLD ROAD HILLSIDE CRESCENT WHITTLE LE WOODS CHORLEY	PR6 7LU	16	14/09/2016	Agree	
01257270536	NR THE ORDNANCE PUBLIC HOUSE WIGAN ROAD EUXTON CHORLEY	PR7 6LA	2	14/09/2016	Agree	
01257270627	O/S BRYANT HOMES EAST TERRACE EUXTON LANE EUXTON CHORLEY	PR7 6TE	51	14/09/2016	Agree	

01257275454	ADJ. EAGLE HOTEL BOLTON STREET CHORLEY	PR7 3DX	165	14/09/2016	Agree	
01257451193	OUTSIDE 166 WOOD LANE WOOD LANE HESKIN CHORLEY	PR7 5NP	2	14/09/2016	Agree	
01257451201	OUTSIDE 295 THE GREEN. THE GREEN ECCLESTON CHORLEY	PR7 5TJ	2	14/09/2016	Agree	

01257451390	OPPOSITE 190/192 THE GREEN. THE GREEN ECCLESTON CHORLEY	PR7 5SU	4	14/09/2016	Agree	
01257480109	OPPOSITE 11/13 BOLTON ROAD BOLTON ROAD ANDERTON CHORLEY	PR6 9HJ	0	14/09/2016	Agree	
01257480110	NEAR BAY HORSE HOTEL BABYLON LANE ADLINGTON CHORLEY	PR6 9NN	9	14/09/2016	Agree	
01257480199	OUTSIDE 111 PARK ROAD PARK ROAD ADLINGTON CHORLEY	PR7 4JW	82	14/09/2016	Agree	
01257480246	OPPOSITE OF 47 CHORLEY ROAD CHORLEY ROAD ADLINGTON CHORLEY	PR6 9LH	28	14/09/2016	Object	(The address is incorrect and should be 1, Chorley Road Heath Charnock) There are some very vulnerable residents who use this phone. There is no other affordable alternative for them to use.
01257480407	OPPOSITE SHAWS DRIVE BOLTON ROAD ANDERTON CHORLEY	PR6 9HN	4	14/09/2016	Agree	
01257480410	O/S OF 42 WESTHOUGHTON ROAD. WESTHOUGHTON ROAD ADLINGTON CHORLEY	PR7 4ET	0	14/09/2016	Agree	
01257480599	O/S 174 CHORLEY ROAD CHORLEY ROAD ADLINGTON CHORLEY	PR6 9LQ	6	14/09/2016	Agree	

01257480735	O/S GREY HORSE P/HOUSE WIGAN LANE COPPULL CHORLEY	PR7 4BN	0	14/09/2016	Agree	
01257791083	OPPOSITE OF ALLISON ARMS P/H PRESTON ROAD COPPULL CHORLEY	PR7 5DU	0	14/09/2016	Agree	
01257792984	JNC OF SPENDMORE LANE & TANSLEY AVENUE COPPULL CHORLEY	PR7 5DJ	39	14/09/2016	Agree	
01704822201	OPP 27 NEW STREET MAWDESLEY ORMSKIRK	L40 2QP	1	14/09/2016	Agree	

01772423509	OPP WYMOTT DRIVE (PRISON) MOSS LANE LEYLAND	PR26 8LX	43	14/09/2016	Agree	
01772600410	NEAR LANE END FARM POMPIAN BROW BRETHERTON LEYLAND	PR26 9AQ	53	14/09/2016	Object	This is a much needed communication amenity and is used by the community especially elderly residents. This part of the village is remote and there are no public buildings in the area to gain access to emergency services if required.

Signature:

Area: Chorley District