

## Central Bedfordshire Council

EXECUTIVE

Tuesday, 10 January 2017

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### **BT's Proposal to Remove 80 Payphones across Central Bedfordshire**

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**This report relates to a Key Issue**

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#### **Purpose of this report**

1. To provide the results of the consultation on the Council's First Decision in respect of the proposal from British Telecom (BT) to remove 80 payphones in Central Bedfordshire.
2. To make the Second Decision (and Final Notice) regarding BT's proposal, taking into account the response to the consultation.

#### **RECOMMENDATIONS**

##### **Executive is asked to:**

1. **approve the Second Decision, which is to object to 37 payphones being removed and to agree to the removal of 43 payphones as set out in Appendix 2;**
2. **remind BT of their duty under the Equality Act 2010 to ensure that services are accessible and that it is not indirectly discriminating against the disabled or elderly by removing these payphones; and**
3. **inform BT of any specific requests and suggestions received as part of the consultation regarding the future / alternative use of payphone kiosks.**

## **Overview and Scrutiny Comments/Recommendations**

3. This item has not been to Overview and Scrutiny due to the tight timetable for decision imposed by BT.

## **Issues**

4. BT has informed that there are 120 payphones in Central Bedfordshire. As part of a national rationalisation programme, BT has proposed to remove 80 of them. The Council was invited to respond to this proposal by following the guidelines set out by Ofcom regarding consultation.
5. The Council was informed by BT of its proposal in early November and notices were posted in each of the payphones proposed for removal advising people to contact the Local Planning Authority. To our knowledge only one response was received as a result of these notices and this was from a resident of Shillington.

## **BT procedure for publishing a notice**

6. The Council followed Ofcom's guidelines to carry out a two stage consultation exercise, which commenced immediately after receiving the notification. The first stage ran from 1 - 15 November 2016, when the Council made its First Decision (see Appendix 1). The second stage, which was a consultation on the Council's First Decision, took place from 15 November - 15 December 2016. The Council must publish its Second Decision, known as the 'Final Notice', and the reasons behind it by 27 January 2017. The Council is now required to make its Second Decision and notify BT and the Secretary of State for Culture Media and Sport.
7. The Council must communicate the Final Notice to all of the local people who are affected. We will do this through the town and parish councils and on our website.

## **First Stage Consultation**

8. All of the payphones proposed for removal were grouped by parish and showed the number of calls that had been made on each phone in the last 12 months (detailed in Appendix 1). Of the 80 payphones proposed for removal, records showed that no calls had been made in the last 12 months from 43 payphones. Where calls had been made, usage ranged from 1 call to 630 calls.
9. Consultees were asked whether they objected to or supported BT's proposal to remove their payphone.
10. As part of the consultation we included information regarding BT's 'adopt a phone box' scheme so that communities could also consider an alternative use for the phone box or kiosk if the phone was removed.

## **Results of the First Stage consultation**

11. We received 10 responses to the first stage consultation, mostly from town and parish councils, as well as a number of general comments expressing overall concern about the principal of BT's proposal to remove the payphones. The responses received were as follows:
  1. Cranfield – object to removal of one, agree with removal of other two on the list
  2. Flitwick – object to the removal of two
  3. Heath & Reach – object to removal
  4. Marston Moretaine – object to removal
  5. Pulloxhill – object to removal
  6. Shillington – object to removal
  7. Steppingley – agree with removal
  8. Sutton – agree with removal of two
  9. Harlington – agree with removal
  10. Northill – agree with removal of two
  
12. The main issues and comments received are summarised below:
  1. Concern regarding the lack of reliable mobile coverage, especially in emergency situations, where there are elderly people, or in accident hot spots. Locations should be a consideration as well as usage.
  2. Many of the phone boxes listed have been non-operational for some time and so naturally show low usage / failure by BT to maintain / no statistics given on how many are out of order.
  3. There are phone boxes on the list that don't exist, and phone boxes that are not on the list but should be.
  4. Consultation only allows responses on each site, and not on the principle of removal as a whole.
  5. That red phone boxes and kiosks have a vital future role in alternative community uses, such as housing a defibrillator.
  
13. During the first stage consultation it became clear that the information supplied by BT was inaccurate. BT were challenged on this, but maintained that they had no further data to supply.

## **First Decision**

14. Taking into account the views received, the Council's First Decision was made by a Planning Officer in consultation with the Chairman of Development Management Committee. The First Decision agreed with the removal of payphones where no calls had been made in the last 12 months, and objected to the removal of the payphone if one or more calls had been made in the last 12 months and/or the parish council objected to its removal. We also considered other factors, such as

housing type in the area, the number of households, emergency calls, mobile phone coverage and phone box revenue.

This was felt to be a fair set of criteria upon which to move to the second stage consultation. The Council's First Decision Notice is attached in Appendix 1. This was sent to BT and the Secretary of State for Culture Media and Sport, as required by Ofcom's process.

### **Second Stage Consultation**

15. The second consultation began on 15 November and closed on 15 December. Consultees were asked whether they supported, or not, the Council's First Decision. The local Fire, Police and Ambulance services were also invited to respond to the consultation - no responses were received.
16. The main issues and comments received included:
  1. A request that BT payphones in Central Bedfordshire follow the London trend to become free Wi-Fi points.
  2. There should be at least one payphone in larger towns.
  3. Concern that older and more vulnerable people would be affected significantly if the payphone was removed.
  4. Concern regarding the lack of reliable mobile coverage, especially in emergency situations, where there are elderly people, or in accident hot spots.
  5. Other alternative uses such as a base for salt bins.

### **Options for consideration**

17. Based on the consultation feedback and information supplied by BT, the Council could decide to:
  - a. object to 37 payphones being removed and agree to the removal of 43 payphones as per the consultation feedback (Appendix 2);
  - b. object to the removal of all 80 payphones, given that the data supplied by BT regarding the number of calls recorded is unreliable; or
  - c. agree to all 80 payphones being removed on the basis that most people have access to a mobile phone or landline.

### **Reason/s for decision**

18. The results of the second stage consultation show that 75% of respondents supported our First Decision - to agree to the removal of 43 payphones and object to 37 being removed. There is a clear rationale for keeping or removing each payphone, which is supported by the consultation feedback. The Second Decision Notice is attached in Appendix 2.

## **Council Priorities**

19. The proposed action supports the Council's priorities, listed below:

- Great resident services.
- Protecting the vulnerable; improving wellbeing.
- Creating stronger communities.

## **Corporate Implications**

20. Additional corporate implications exist for public health and community safety whereby the removal of a payphone may limit access to an emergency service.

## **Legal Implications**

21. There are no legal implications attached to this decision. The Council has followed the guidelines for consultation as set down by Ofcom and kept BT informed of the process being followed.

## **Financial and Risk Implications**

22. There are no financial implications to the Council from this decision.

## **Equalities Implications**

23. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity race, religion or belief, sex and sexual orientation. The removal of payphones, particularly in areas where there is limited mobile phone network coverage or a predominance of elderly / vulnerable residents who may not have access to a mobile phone or landline, will create a variety of disadvantages for those residents and the wider community to engage. However, BT has a duty under the Equality Act 2010 to ensure that services are accessible and that it is not indirectly discriminating against the disabled or elderly. The corporate Equality Advisor suggests that we should raise this with BT when responding with our Final Decision.

## **Implications for Work Programming**

24. There are no implications to work programming.

## Conclusion and next steps

25. BT's proposal to remove 80 of the 120 payphones in Central Bedfordshire is part of a nationwide rationalisation programme. BT will not bring its proposal into effect if it has received any written objection to the proposal by the Council within the period ending 90 days after the day on which notice was given. The deadline for reporting our decision notice to BT is 27 January 2017.
26. The recommended Second Decision (Final Notice) reflects the views received in both consultations. Executive is asked to:
  - approve the Second Decision, which is to **object** to 37 payphones being removed and to **agree** to the removal of 43 payphones as set out in Appendix 2;
  - remind BT of their duty under the Equality Act 2010 to ensure that services are accessible and that it is not indirectly discriminating against the disabled or elderly by removing these payphones; and
  - inform BT of any specific requests and suggestions received as part of the consultation regarding the future / alternative use of payphone kiosks.

## Appendices

Appendix 1 - The Council's First Decision

Appendix 2 - The response to the Council's First Decision and recommended Second Decision

## Background Papers

None