

Committee: COMMUNITY COMMITTEE

Agenda Item

Date: November 20, 2008

9

Title: Red Payphone Box review by BT

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Item for decision

Summary

1. BT are seeking to rationalise those Payphone Boxes in the community that are not well used. They have identified 45 phones that meet the criteria. The consultation exercise identified that there was support for removal of three phones. BT have listened to our objections to the removal of the remainder and agreed that 12 of them will stay. The remaining 30 have been made available for adoption or sponsorship by Parishes. Some Parishes have progressed their wish to adopt. The District council must now release their objections to permit the Parishes to proceed.

Recommendations

2. That Members identify if any of BTs decisions that should be challenged and the reasons for doing so on an individual site basis and,
3. That Members withdraw all remaining objections to allow Parishes to proceed with their applications to adopt or sponsor their chosen sites.
4. That the Councils statement of its final decision is signed off by Director of Operations in consultation with the Chair of Community Committee and the Leader of the Council.

Background Papers

5.

Communication/Consultation	North and South Area Forums Community Committee Parish and Town Councils All District Council Members BT notices on phone boxes
Community Safety	Removal of payphones may detract from the Districts resilience.
Equalities	People without own phones will be disadvantaged. Needs to be balanced with

	current usage.
Finance	Parishes would need to fund any phones they choose to adopt/sponsor. Costs if there is a challenge to our decision.
Human Rights	The removal of some boxes could have a detrimental impact on local communities in terms of a community facility.
Legal implications	The decision requires completion of a statement to be signed on behalf of the council
Sustainability	None
Ward-specific impacts	As identified in the BT decision list
Workforce/Workplace	None unless there is a challenge.

Situation/Update

6. As part of BT's Universal Service Obligation it is required to provide adequate coverage of public payphones however the needs of consumers have changed drastically with the increase in mobile phone ownership leading to a complete change in the communications culture throughout the UK. In 2008 ninety nine per cent of UK homes now have a phone at home, 85 per cent have a mobile phone and in the previous two years the number of calls made from BT Payphones has halved. The demand, and usage, is just not what it was and therefore BT reviewed its public payphone provision so that it aligns closely with the demand that still exists.
7. BT are seeking to rationalise those Payphone Boxes in the community that are not well used. The running cost to BT of each payphone is £1,673 and this is not sustainable where usage is low. They identified 45 phones that meet the criteria and consulted the community via the District Council.
8. Members and Parish Councils were circulated the following documents on 17 October 2008, from the Director of Operations.

Three sets of documents were attached:

- Uttlesford's response to the consultation
- BT's decisions
- Adopt a Kiosk/Sponsor a Kiosk option

9. The consultation exercise identified that there was support for removal of three phones. BT have listened to our objections to the removal of the remainder and agreed that 12 of them will stay. The remaining 30 are available for either adoption or sponsorship by Parishes. Some Parishes have progressed their wish to adopt. The District council must now release their objections to permit the Parishes to proceed.
10. This Committee are now asked to withdraw their objections to the removal of payphones to permit Parishes who are seeking to adopt or sponsor a red box to progress. Should the Committee feel they wish to challenge BTs decisions, **objectively justified and proportionate reasons** (required by s49 Communications Act 2003) are required in addition to those reasons submitted and defeated by BTs response.
11. At this point, if the council objects to any phone boxes being removed it is exercising its **local veto**, and those boxes are not then removed unless a Competition Appeals Tribunal decide they should be.
12. Ofcoms advice is that we take into account factors such as:
 - The type of local housing around the box (whether residents are likely to have home or mobile phones) and number of households with 400 metres of the box (where there are few it might be difficult to access another telephone)
 - How much it is use by passing traffic on a busy road, or by bus or train passengers at a busy terminus
 - How likely the phone is to be used for calls to emergency services (for instance in an accident black spot)
 - What the phones takings are (BT has provided the number of calls made from each over the last year)
 - Where there is poor or sporadic mobile network coverage in the area.
13. A response is required by 24 November

Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
That too many payphones are identified for challenge	2	2	Any payphone identified for challenge have objectively justified and proportionate

			reasons.
Risk	Likelihood	Impact	Mitigating actions
That the consultation process could be initiated by BT again	2	2	Any payphone identified for challenge have objectively justified and proportionate reasons.
That legal challenge would be made	2	2	Any payphone identified for challenge have objectively justified and proportionate reasons.
That a payphone is removed where there it is in use and much needed.	2	2	Consultation has taken place, 36 of the payphones collected no response other than the general expression of Community Committee.
Damage to the Councils reputation if an inappropriate challenge is submitted.	2	2	Any payphone identified for challenge have objectively justified and proportionate reasons.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary,

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.