

Application Number:	Several (see below)	Application Type:	Notification
Proposal:	Proposal by British Telecommunications plc for the removal of the public call boxes at several locations pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006	Location:	Various see below
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	13 th December 2016
Applicant:	BT	Determination Expiry Date:	10 th January 2017

Contact Officer:	Nicola Hopkins	Telephone:	01706 252420
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	✓
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That the Local Planning Authority object to the removal of the phone box in Waterfoot (ref: 2016/0495) and raise no objection to the removal of the remaining boxes

2. PROPOSAL

BT have formally consulted Rossendale Borough Council on their programme of intended public payphone removals which proposes to involve 12 payphones in the Borough. These are as follows:

Application Number	Location
2016/0495	Junction Of Dean Lane and Burnley Road East, Waterfoot
2016/0496	Opposite 77 Park Road, Waterfoot
2016/0497	Opposite 904 Burnley Road East, Waterfoot
2016/0498	British Gas Governor, Burnley Road, Rawtenstall
2016/0499	Adjacent 12/14 Wallbank Drive, Whitworth
2016/0500	Opposite 11 Aitken Street, Ramsbottom
2016/0501	Adjacent to 26 Bolton Road North, Edenfield
2016/0502	Opposite 114 Market Street, Edenfield
2016/0503	Junction Of Tong Lane, Market Street, Whitworth
2016/0504	Adjacent to 256 Todmorden Road, Bacup
2016/0505	Opposite 292 Newchurch Road, Stacksteads, Bacup
2016/0506	Adjacent Junction Of Thorn Bank and Tong Lane, Bacup

This consultation process gives 3 options for the community, which in this case is the Local Planning Authority acting on behalf of the local communities, to take forward in respect of the phone boxes as follows:

1. Adopt a traditional red 'heritage' phone box to make them a community asset
2. Object to the removal of the payphones
3. Agree to the removal of the payphones

Overall use of payphones has declined by over 90% in the last decade and BT have stated that the need to provide payphones for use in an emergency is also diminishing. This is linked to greater mobile phone ownership and that 98% of the UK has either 3G or 4G coverage. In March 2006 Ofcom published a statement which followed a review of universal service in the Telecommunications market which includes a requirement for payphone provision to meet reasonable needs and this amended BT's obligations with regard to the removal of payphone services.

The statement basically states that BT are required to ensure adequate coverage of Public Call Boxes. Ofcom considers that adequate coverage is best determined at a local level hence the required consultation process.

3. NOTIFICATION

In accordance with the consultation sent by BT the Local Authority is responsible for initiating its own consultation process and in this regard each of the above sites were included on the weekly list of applications on 21st October 2016 and the information for each site was available to view on the Council's web-site. Additionally BT erected site notices in the 12 phone boxes identified.

In this regard the following comments have been received:

Application Number	Location	Comments received
2016/0495	Junction Of Dean Lane and Burnley Road East, Waterfoot	<p>A survey has been placed within the local shop. 24 people signed the survey with 14 people stating the phone box should be retained and 4 stating that it should be retained and use to house a defibrillator. The remaining 6 signatures do not state either way.</p> <p>The following comments have been received:</p> <ul style="list-style-type: none"> • The box has no door as it was removed by BT due to the hinges being broken by the wind. • There is no apparent damage or vandalism to the phone itself although it has not been working for a long time which would account for the zero revenue. • The shopkeeper has allowed people who have tried to use the box to use her private phone on many occasions. <p>The majority view of the people that have commented are that it should be retained as a working phone box.</p>
2016/0496	Opposite 77 Park Road, Waterfoot	No comments received
2016/0497	Opposite 904 Burnley Road East, Waterfoot	No comments received
2016/0498	British Gas Governor, Burnley Road, Rawtenstall	No comments received
2016/0499	Adjacent 12/14 Wallbank Drive, Whitworth	Whitworth Town Council object to the removal of this phone box
2016/0500	Opposite 11 Aitken Street, Ramsbottom	No comments received
2016/0501	Adjacent to 26 Bolton Road North, Edenfield	No comments received
2016/0502	Opposite 114 Market Street, Edenfield	No comments received
2016/0503	Junction Of Tong Lane, Market Street, Whitworth	Whitworth Town Council object to the removal of this phone box
2016/0504	Adjacent to 256 Todmorden Road, Bacup	No comments received
2016/0505	Opposite 292 Newchurch Road, Stacksteads, Bacup	No comments received
2016/0506	Adjacent Junction Of Thorn Bank and Tong Lane, Bacup	No comments received

4. ASSESSMENT

As set out above Rossendale Borough Council can respond to the consultation from BT by either agreeing to the removal of the payphone, object to the removal however reasons for this would be needed having regard to annex 1 of the *Guidance on procedures for the removal of public call boxes*

(https://www.ofcom.org.uk/__data/assets/pdf_file/0022/28507/removals.pdf) or the community could adopt heritage style boxes.

None of the phone boxes are the heritage style and as such the options are to accept the removal or object to their removal.

If the Authority object to the removal the guidance sets out the following factors which might be assessed when considering a proposal for the complete removal of a public call box (PCB):

- **Housing type in the area-** whether the area within the same postcode as a PCB is predominately owner-occupied, privately rented or council housing. The more owner-occupied housing in the area the more likely it is that people living in that area would have access to mobile and fixed telephones. If there is predominantly private rented or council housing in the area, this may suggest people on a lower income without access to mobile and fixed telephones and support the view that a PCB should be retained.
- **Number of households in the area-** There may be concerns about alternative access to telephone services for low population densities. A Relevant Public Body may determine the number of households within the same postcode as a PCB. The number of households within 400 metres of a PCB could be seen as the catchment area for that PCB.

The number of households in the area would not however include any passing traffic or reflect that a PCB might be situated on a main road or busy terminus. Such detail should be assessed on a case-by-case basis.

- **PCB revenue-** BT may be willing to provide information about the revenue generated by a particular PCB. This should help measure PCB usage and could be an indicator of its value to the community. The lower the annual revenue that a PCB generates, there could be grounds for its removal.

Consideration may be given by a Relevant Public Body to the other factors listed above before it relies on annual revenue alone to support a decision to consent or object to the complete removal of PCBs and/or CBS from a Site. The annual revenue of a PCB should be assessed on a case-by-case basis.

- **Emergency calls-** Many people place great value on having the option to use a PCB in an 'emergency'. However, not all calls considered as emergency calls by the public are calls to the emergency services, for example police, fire, ambulance and coastguard services. For example, people often cite calls to roadside breakdown as being emergency calls.

The importance of retaining a PCB for 'emergency calls' should be assessed on a case-by-case basis. The body needs to think about whether a particular PCB is more likely to be used for emergency calls than another. For example if there are alternative means of making calls available locally and/or there is good coverage for mobile phones, this may suggest that there is a reduced need to retain the phone box on emergency grounds. But if, for example, the call box is near a known accident black-spot, it may suggest it should be retained.

- **Mobile phone coverage-** While three-quarters of adults now personally use a mobile phone, people often cite poor, sporadic or the lack of mobile network coverage at a location as being an important factor for retaining a PCB.

The main mobile networks, including 3, O2, Orange, T-Mobile and Vodafone allow you to check the network coverage in any given postcode area on their websites. While this might not be conclusive, it should help to assess network coverage within the same postcode as a PCB.

As part of the consultation period the removal of the payphone at the junction Of Dean Lane and Burnley Road East, Waterfoot received objection from the local community on the grounds that people have wanted to use the phone in the recent past but have been unable to as it does not work and have utilised the private phone in the local shop. A number of people have requested that a working phone be retained at this location and as such it is recommended that the Local Authority object to the removal of this phone box on the grounds that its provision is still needed in the area.

Whitworth Town Council object to the removal of the two payphones in Whitworth however no reasons for this objection have been provided and as such there is no justification for the Local Authority to object to the removal of these boxes.

No comments were received in respect of the remaining payphones proposed for removal.

The consultation letter sent from BT confirms that the next stage of the process is for the Local Planning Authority to complete the table annexed to the letter with our decision on each payphone, which in the case of the 12 payphones in question will be to object to their removal or agree to their removal. The guidance documents referred to within the submitted consultation letter refer to a two stage process (first to issue a First Notification of our proposed recommendations for a period of one month and send this to the Secretary of State and then a Final Decision) however this procedure does not reflect the advice within the consultation letter. Although e-mails have been sent to BT requesting clarification of the correct process no response has been received and as such it is proposed to follow the guidance contained within the consultation letter and complete the table as requested.

5. **RECOMMENDATION**

Object to the removal of the payphone at the junction Of Dean Lane and Burnley Road East, Waterfoot and agree to the removal of the other 11 payphones.