

Report to: **Hub Committee**
Date: **1 November 2016**
Title: **BT PAYPHONE REMOVAL CONSULTATION**
Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Three days after the date of the Hub committee if no call-in

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RECOMMENDATIONS

- 1. The Borough Council does not adopt any of the affected payphones, leaving the adoption to local communities if they so wish.**
- 2. The draft and final decision for each payphone is delegated to the Chief Planning Officer, who will consider community feedback in consultation with relevant Ward Members.**

1. Executive summary

- 1.1 British Telecom (BT) proposes to remove 28 public payphones in the West Devon Borough and in line with Ofcom guidelines has asked the Borough Council to initiate a consultation to canvas the views of the local community.
- 1.2 The Localities team is facilitating the consultation process. To kick start the process the Localities team has written to each affected town/parish council to establish whether they would like to accept or reject BT's proposal for removal; or adopt their local heritage payphone and use it for alternative means.

- 1.3 In keeping with BT's timeframe and Ofcom guidelines the District Council is required to publish a draft decision for each payphone in early November. The Council must then allow one month for feedback from local communities before publishing a final decision. The Council must keep the Secretary of State and BT informed throughout the decision process.

2. Background

- 2.1 The Official start of the BT consultation period started from the 8th - 15th September when public notices were posted by BT in each of the affected payphones. The notices advised the public to contact their local authority planning department with any comments.
- 2.2 BT wrote to the Chief Planning Officer on the 23rd September stating the need for a consultation. The consultation request was handed to the Localities team on the 30th September. After carefully reading the relevant consultation and Ofcom guidance the Localities team sent individual emails to all affected towns and parishes on the 6th October explaining the consultation process and copied relevant Ward Members in.
- 2.3 Ofcom guidelines state the Borough Council's role is to make a draft decision on each payphone; to publicise each decision and allow one month for feedback. The Borough Council is then tasked with assessing the feedback and making a final decision for each payphone which it will share with the Secretary of State and BT.
- 2.4 Responses to the 6th October email sent to towns and parishes will help inform the Borough Council's draft decision.

3. Next Steps

- 3.1 The Localities team will keep a tally of all town/parish council responses to help inform the draft decision. Once a draft decision is established the following will take place:
 - a) An email will be sent to all Town and Parish Councils advising of the draft decision
 - b) A mobile locality officer will affix a draft decision notice to the outside of each affected payphone.
 - c) Each notice will provide a web address and clear instructions on how the public can engage in the consultation process
 - d) A page will go live on the Council website inviting the public to have their say
- 3.2 After one month the locality team will collate all responses ready for the Chief Planning Officer to objectively make a final decision in consultation with relevant Ward Members. Final decision notices will then be affixed to each affected payphone and town and parish councils emailed with the outcome.

3.3 Finally the Borough Council will contact the Secretary of State and BT with the final decision and will provide BT with contact details for communities wishing to adopt kiosks. BT will then follow up with communities direct to make necessary arrangements.

4. Options available and consideration of risk

4.1 The Council potentially has three options for conducting this consultation. Risks associated with each are detailed in the table below:

Option	Risk
1. Deliver as outlined in section 3 above	Low risk – compliant with Ofcom Guidance.
2. Table another committee meeting to make a final decision.	High risk – this would delay the decision making timeframe and would not be Ofcom compliant.
3. Not conduct the consultation	High Risk – this would not be Ofcom compliant.

4.2 The options have been developed based on Ofcom Guidance, the Communication Act 2003 and discussions with Senior Leadership Team.

4.3 It is recommended Option 1 is pursued.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Ofcom 2005 Guidance and Communication Act 2003
Financial	N	There are no direct financial implications of the contents of the report.
Risk	Y	As outlined in section 4.0 of the report
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	Ensure all members of the public have an equal opportunity to respond to this consultation by allowing a reasonable timeframe to respond, providing sufficient information to form an opinion and publicising the proposed service change in a variety of means.
Safeguarding	Y	Ensure phone usage figures are taken into consideration before decision to remove phone is taken.

Community Safety, Crime and Disorder	Y	Ensure phone usage figures are taken into consideration before decision to remove phone is taken.
Health, Safety and Wellbeing	Y	Ensure phone usage figures are taken into consideration before decision to remove phone is taken.
Other implications	N	