



REPORT TO: MORAY COUNCIL ON 28 OCTOBER 2020

SUBJECT: BT PAYPHONES

BY: DEPUTY CHIEF EXECUTIVE: ECONOMY, FINANCE AND ENVIRONMENT

1. REASON FOR REPORT

1.1 To inform the Council of BT's proposal to remove 13 payphones in autumn 2020 in Moray and to seek approval for the Council's response to BT.

1.2 Whilst delegated authority for this subject matter lies with the Economic Development & Infrastructure Committee/Policy & Resources, due to the timescale for response it is being brought to Full Council for consideration.

2. RECOMMENDATION

2.1 It is recommended that the Council agrees to:

- (i) BT's proposed removal of 1 payphone– noting that there do not appear to be reasonable grounds to object according to BT's criteria;**
- (ii) object to the removal of 6 payphones for which there are valid reasons to object, according to BT's criteria; and**
- (iii) the "adoption" of 6 traditional red payphones by local community groups**
- (iv) delegate future consultation responses regarding BT payphones to the Head of Economic Growth and Development in consultation with Local Members.**

3. BACKGROUND

3.1 BT has stated that it would not remove public payphones from the following: suicide hotspots; accident hotspots; areas with no mobile phone coverage on all four networks; areas within 400 metres of the coast.

3.2 In addition BT has stated it won't remove a public payphone where there is a "reasonable need". BT defines this as having the following three conditions all applying:

- The only payphone within 800 metres
- Had at least 12 phone calls within the last year
- More than 500 households within 1 kilometre of the payphone

3.3 This subject was reported to the Full Council on 7 December 2016, 2 October 2019 and April 2020.

3.4 BT has not challenged any of the previous decisions of Moray Council. OFCOM rules state that BT would have to apply to the Competition Appeals Tribunal to challenge a decision of the Council.

3.5 CONSULTATION PROCESS

- a) July 2020. BT placed notices on the 13 payphones earmarked for removal saying that Moray Council should be contacted with any comments.
- b) Mid August 2020. The Council created an online public survey (using Survey Monkey) and this was publicised via social media, the Council website and a press release.
- c) 17 August: The survey was emailed to all Moray community councils.
- d) 18 September: Deadline for responses. People were also given the opportunity to email, phone or write in their comments.

3.6 SURVEY RESPONSES

- a) 48 responses were received in total (this compared to 15 responses for the previous consultation in April 2020 and 59 in 2019).
- b) 37 of those were objections to the removals, whilst 3 agreed. The rest wanted to "adopt" a payphone.
- c) The Tomintoul Square payphone received the most objections (16), followed by Auchenthalrig (13) and Keith Reidhaven Square (12). It is proposed that the Council object to the removal of these three.

3.7 Here is the proposed list of responses to the 13 payphones.

Agree	Califer Rd/Pilmuir Rd, Forres	No grounds for objection as there is another payphone within 800metres (by High Street Post Office)
Object	Reidhaven Square, Keith	Used more than 12 times a year; more than 500 households within 1k; and no other payphones within 800m.
Object	Auchenthalrig	Poor mobile phone reception. Council also objected in 2016 and 2019 and situation hasn't changed.
Object	Farquhar St/Harbour St, Hopeman	Used more than 12 times a year; more than 500 households within 1k; and no other payphones within 800m.

Object	The Square, Tomintoul	Poor mobile phone reception. Defibrillator beside payphone. Council also objected in 2019 and situation hasn't changed.
Object	Chapelton (by Tomintoul)	No mobile phone reception
Object	Victoria Street, Craigellachie	Near accident blackspot. Council also objected in 2016 and 2019 and situation hasn't changed.
Adopt	By old Post Office, Cabrach	Cabrach Community Association – for a defibrillator
Adopt	Bridgend Cottages, Lower Cabrach	Cabrach Community Association – for a mini library and tourist info kiosk
Adopt	Auchnarrow	Glenlivet & Inveravon Community Association
Adopt	Tomnavoulin	Glenlivet & Inveravon Community Association
Adopt	Glenlivet	Glenlivet & Inveravon Community Association
Adopt	Ballcorach, by Tomintoul	Kirkmichael Hall organisation – for a defibrillator

3.8 Note that Glenlivet & Inveravon Community Association said they would adopt the three payphones mentioned in the table above if all other avenues of retaining had been looked into. However there are no reasonable grounds for objecting to their removal according to BT criteria. All three have mobile phone reception on at least one network meaning an emergency 999 call can be made – and none of them are in areas with more than 500 households within 1 kilometre.

3.9 Given the wide consultation process utilised and the desire to ensure that full committee consideration is reserved for only those matters which require a public debate, it is recommended that future responses are delegated in consultation with local members.

4. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The removal of payphones could have an influence on one of the five main Outcomes of the 10 Year Plan of a “thriving and well connected place where more people live well within their communities”. By objecting to the removal of payphones where there is a recognised need then we will be assisting with this outcome.

Similarly, the Moray Corporate Plan’s vision is for “connected communities”.

(b) **Policy and Legal**

OFCOM placed the responsibility for assessing any requests by BT to remove public payphones upon each local authority. Any objections must

be based on the grounds of meeting the reasonable needs of end users (which BT has a regulatory duty to meet).

(c) Financial implications

There are no financial implications to Moray Council from this report.

(d) Risk Implications

There are no risk implications to Moray Council from this report.

(e) Staffing Implications

There are no staffing implications to Moray Council from this report.

(f) Property

There are no staffing implications to Moray Council from this report.

(g) Equalities/Socio Economic Impact

The Equal Equalities Officer was consulted and is in agreement with this report. The objections are based on an identified need within the local areas.

(h) Consultations

Consultation has taken place with the Depute Chief Executive (Economy, Environmental and Finance), the Head of Legal and Democratic Services, the Head of Economic Growth and Development, the Environmental Protection Manager, the Transportation Manager, Development Management & Building Standards Manager, the Head of Environmental and Commercial Services, the Equal Opportunities Officer, the Democratic Services Manager and the Head of Financial Services and their comments incorporated within the report.

5. CONCLUSION

- 5.1 Subject to Council's agreement, an email will be sent from Moray Council to BT detailing the objections, agreement and adoptions for these 13 payphones. BT have set a deadline of 30 October 2020 for this email.**

Author of Report: Alan MacBeth, Development Officer
Background Papers: Letter from BT and community consultation responses are available on request from the author of this report.
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