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Contact:

21 March 2005

Alan Pridmore
Competition & Markets
Ofcom
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

Dear Mr Pridmore

Review of the Universal Service Obligation

Please find attached a response to the above Consultation made on behalf of North Yorkshire County Council. The response focuses on the section of the review of the Universal Service Obligation relating to public call boxes.

North Yorkshire is England's largest county, large parts of which are rural with dispersed and sparse levels of population. The provision of services in rural areas is more expensive than other areas. Consequently, many services are under threat and the loss of service provision to rural communities is a very real problem of great concern to the County Council. Payphones are an important facility to rural communities. We understand that their profitability will be less than urban areas with the relatively lower level of usage reflecting the nature of the rural and smaller populations that they serve.

The fact that the usage is smaller does not lessen the importance of the amenity to local communities. The threat of losing a phone box is a significant issue in such communities.

The value of public call boxes in North Yorkshire is heightened by the fact that large parts of the county do not have adequate mobile telephone coverage.

The County Council is concerned to ensure that if any review of public telephone box coverage is undertaken there should be the fullest possible consultation with the public and local authorities. We believe that it is important that in two tier local authority areas County Councils are part of this consultation. In many parts of authority's such as North Yorkshire significant areas are not covered by parish councils and the County Council is an appropriate body to co-ordinate public consultation operating both at a local level through an area committee structure and strategically across a large rural area.

Please find attached specific responses to the questions posed in section 5 of the consultation relating to public call boxes.

I would be grateful if you would take the views of the County Council into consideration in determining policy relating to the provision of public call boxes.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Gordon Gresty', written in a cursive style.

Gordon Gresty
Corporate Director of Business and Community Services

Review of the Universal Service Obligation undertaken by Ofcom - a response to the consultation by North Yorkshire County Council in relation to Section 5 - Public Call Boxes

Question: Comments are invited on the preferred approach regarding arrangement for the removal of Public Call Boxes (i.e. to retain but modify the existing arrangements), in particular on

- **The principle of delegating power to the local public bodies to object to PCB removal**

Response

Public Call Boxes are an important local community amenity and if it is proposed to remove a call box the widest possible public consultation should be undertaken. It is appropriate to place notices in the call box in question informing members of the public of their right to object to the removal of the call box. However, this approach alone is not sufficient and local authorities should be consulted to provide an informed response on the issue and also to help lead the public discussion. The elected members of local authorities have an important local leadership role to play, which should be utilised on issues such as this.

- **The appropriate public bodies to have the power to object**

Response

The County Council is concerned that currently the only public bodies who are notified in relation to plans to remove a public call box in an area such as North Yorkshire, is the local planning authority (district councils) and the local parish council. Significant parts of a county such as North Yorkshire do not have parish councils and the County Council is singly well placed to ensure local engagement on the issue through its area committees and locally elected members whilst also able to take a strategic view across the whole county area. The Council understands that British Telecom has concerns about contacting a large number of small parish councils and whilst the County Council would not advocate removing parish councils from the consultation process, the full engagement of the County Council could help ensure that important parts of the community are able to input into the consultation process.

- **The consultation period for the public body to object**

Response

The current length of the period for a public body to object is 42 days, we agree with the proposal made by Ofcom that this is too short and that the time period should be raised to 90 days. If local authority's are to effectively engage local communities and obtain a wide range of views on the proposed removal of a public call box then a sufficient period of time needs to be allowed to enable this to happen.

- **Factors that might be considered in guidance for objecting**

Response

The criteria for objecting to the removal of call boxes should not be over prescriptive as particular issues may be important to individual communities. However, we consider that the following issues would be of particular importance

- The proximity of the nearest alternative public call box.
- The effectiveness of the mobile telephone network in the area concerned.
- The rurality of the area, special consideration should be given to rural communities where the importance of the facility to the local community can't be measured purely in the amount of usage made of the call box.
- The nature of the area should also be taken into account, for example areas which attract large numbers of tourists are likely to have a greater requirement for public call boxes.

- **The use and level of a revenue threshold**

Response

The County Council is strongly of the opinion that the usage and revenue take of a public call box should not be the only criteria used to judge whether the call box should be withdrawn from service. Call boxes situated in rural communities will have a lower usage rate than those in urban areas due to the sparsity of the population. However, the importance of services, such as public call boxes, to isolated rural communities vastly outweighs the overall usage that they receive. Small rural communities need a network of services and facilities to make them sustainable. Service provision in such communities is lower and more dispersed than in more urban areas and any further reduction in service provision can have a disproportionately large effect on the community concerned.

Question: Comments are invited on the approach to defining a universal service for Public Call Boxes.

Response

The Council agrees with Ofcom's preferred approach to maintain a local veto to the removal of public call boxes but to improve these procedures. The Council agrees that local public bodies and communities are in the best position to determine relevant factors in relation to specific sites. The Council agrees that procedures should encourage a more transparent and constructive dialogue between public bodies and BT. In order to facilitate such a dialogue the Council believes that it is important to ensure that in two tier authorities County Council's are at the heart of this process.

Question: Should the existing requirement on BT to offer cash payment facilities at the last public call box at a site be retained or amended?

Response

The most important issue is that there is a full and proper consultation involving appropriate local authorities on the issue of removing public call boxes from a site. If a site has more than one public call box it may well be appropriate to ensure that at least one call box able to take

cash is retained. However, there may be some unusual circumstances where the removal of all of the public call boxes is appropriate. The important issue is to ensure proper public consultation occurs in relation to the proposed removal of public call boxes and that local authorities are engaged in this.

Question: Comments are invited on the introduction of emergency and freephone call boxes. In what circumstances could they replace the public call box? Should the local public body have to consent if they are to replace the last public call box on a site?

Response

The modification of a public call box to only allow emergency and freephone calls may be appropriate in certain circumstances and may provide a practical compromise to fears expressed by local residents and the reality of low usage. However, again any move to remove the ability of a public call box to take cash should be taken in consultation with the local community and local authorities.

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18 March 2005