

## Agenda for a meeting of the Health and Social Care Overview and Scrutiny Committee to be held on Thursday, 8 December 2016 at 4.30 pm in Committee Room 1 - City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Carmody Gibbons	Greenwood Bacon A Ahmed Nazir Sharp	N Pollard

### Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Poulsen	Berry S Hussain T Hussain H Khan Mullaney	Griffiths

### NON VOTING CO-OPTED MEMBERS

Susan Crowe	Strategic Disability Partnership
Trevor Ramsay	Strategic Disability Partnership
G Sam Samociuk	Former Mental Health Nursing Lecturer
Jenny Scott	Older People's Partnership

### Notes:

- **An audio version of this agenda is available. The agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.**
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

### From:

Parveen Akhtar  
City Solicitor

### To:

Agenda Contact: Palbinder Sandhu/Claire Tomenson

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## **A. PROCEDURAL ITEMS**

### **1. ALTERNATE MEMBERS (Standing Order 34)**

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### **2. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*Notes:*

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. MINUTES**

**Recommended –**

**That the minutes of the meeting held on 6 October 2016 be signed as a correct record (previously circulated).**

(Claire Tomenson – 01274 432457)



#### 4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

#### 5. REFERRALS TO THE OVERVIEW AND SCRUTINY COMMITTEE

Any referrals that have been made to this Committee up to and including the date of publication of this agenda will be reported at the meeting.

### B. OVERVIEW AND SCRUTINY ACTIVITIES

#### 6. REVIEW OF THE 12 MONTH TRIAL BAN OF PAVEMENT OBSTRUCTIONS

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The Strategic Director, Regeneration will present **Document “U”** which provides an update on the effectiveness and practicality issues of the 12 month trial ban on pavement obstructions in Bradford City Centre, Saltaire, Ilkley and on A647 Leeds Road between Thornbury Gyratory and Bradford City Centre.

**Recommended –**

**(1) That the Committee recommend to Executive that:**

- a) **Following completion of the trial ban of advertising boards Executive approve the formalisation of the ban within urban centres of the district only. Transport corridors between the urban centres will remain outside the ban but subject to the Council’s existing Code of Practice requirements for the placement of advertising boards.**



- b) **That a trial of the Instaplanta scheme is approved within district centres as an alternative means of supporting businesses affected by the loss of advertising boards.**
- c) **A further approach is made to all businesses within the trial zones to seek information in relation to the impact of the ban on trading levels prior to Executive's consideration of the ultimate approach.**

**(2) That the Strategic Director, Regeneration contact the lead petitioners for the three petitions related to the trial ban to advise them of this Committee's recommendation to Executive.**

(Richard Gelder – 01274 437603)

## **7. HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2016/17**

The City Solicitor will provide a verbal update on the Committee's work programme 2016/17.

(Caroline Coombes – 01274 432313)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



## Report of the Strategic Director, Regeneration to the meeting of Health and Social Care Overview & Scrutiny Committee to be held on 8 December 2016

**U**

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### Subject:

Review of the operation and effectiveness of the 12 month trial ban of pavement obstructions.

### Summary statement:

This report updates the Committee on the effectiveness and practicality issues of the 12 month trial ban on pavement obstructions in Bradford City Centre, Saltaire, Ilkley and on A647 Leeds Road between Thornbury Gyratory and Bradford City Centre. On the basis of these findings options of potential continuation, revocation, amendment or widening of the policy in the future are presented for the committee's consideration.

The report also considers matters related to the ban which have been raised in a number of petitions to the Council which both support and object to the trial.

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Mike Cowlam  
Strategic Director  
Regeneration

**Portfolio:**

Regeneration, Planning & Transport

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**Overview & Scrutiny Area:**

Environment & Waste

## 1. SUMMARY

- 1.1. This report updates the Committee on the effectiveness and practicality issues of the 12 month trial ban on pavement obstructions in Bradford City Centre, Saltaire, Ilkley and on A647 Leeds Road between Thornbury Gyratory and Bradford City Centre which was introduced in January 2016. Based on the evidence which has been collated during the current 11 months of the trial in relation to the effectiveness of the policy, the level of observed compliance, complexities of enforcement of the policy and impact on businesses within the trial zones the report considers options for the continuation, revocation, amendment or widening of the policy in the future.
- 1.2. The report also considers matters related to the ban which have been raised in three petitions to the Council, two of which object to the trial and one in support of the removal of pavement obstructions.

## 2. BACKGROUND

- 2.1. At its meeting of 6 February 2014 the Health and Social Care Overview and Scrutiny Committee considered a report into the Council's current arrangements for dealing with obstructions on the highway under Section 137 of the Highways Act 1980. The Health and Social Care Overview and Scrutiny Committee resolved that:-

### **Resolved –**

**That the Council be urged to use its best resources to bring about a change in the Authority's available powers to deal more effectively with obstruction of the highway and that all the relevant policies be referred for consideration by the Council's Executive.**

- 2.2. Following this resolution a report outlining potential options for improving compliance with highway law in relation to pavement obstructions was presented to Executive for consideration on 16 October 2014. Executive resolved that:

### **Resolved –**

**That a report be presented to the 13 January 2015 meeting of Executive with further information and options on the Council's approach to dealing with pavement obstruction on the highway.**

- 2.3. A final report outlining detailed options for the potential approach to dealing with pavement obstructions was presented to Executive on 13 October 2015. Executive resolved vis-à-vis that:

### **Resolved –**

**(1) That the introduction of a zero tolerance approach in three district centres of Bradford City Centre, Saltaire and Ilkley and along the A647 Leeds Road between Thornbury Gyratory and Bradford City Centre be approved for the initial trial period of twelve months commencing in January 2016.**

- (2) That prior to the implementation of the trial ban reasonable steps be taken to contact all local businesses within the zones likely to be affected to advise of the Council's intentions and the effective date of the implementation of the ban. That in the period running up to the introduction of the trial in January 2016 all businesses be offered appropriate advice and support in relation to making alternative arrangements for their advertising.**
  - (3) That training sessions for the Council's Warden Service be arranged by the Council's Mobility & Inclusion officer to ensure that enforcement staff possess an appropriate basic understanding of differing disabled peoples access needs prior to the commencement of the trial.**
  - (4) Subject to the performance of this trial in addressing the concerns of disabled user groups, a further report be presented to the Health and Social Care Overview & Scrutiny Committee to review the findings of the trial and make recommendations as to any amendment to the scope of the zero tolerance policy following the initial trial period.**
- 2.4. Prior to the implementation of the trial Council Wardens undertook a survey of all the areas identified in the Executive resolution to identify businesses who were utilising advertising boards and shop displays on adopted highway in order that a list of business names and addresses could be compiled. In November/December 2015 letters advising businesses of the introduction of the ban and its extents were issued over a four week period commencing on 21 November by Council wardens. This notification resulted in 34 businesses contacting the Council to express their concerns about the potential impact of the ban on their trading.
- 2.5. In line with Executive's resolution the Council's Mobility & Inclusion Officer undertook a series of training briefings with Council Wardens to increase awareness difficulties experienced by visually impaired highway users, together with briefing wardens on how the enforcement of the ban would operate. As part of this briefing a number of operational concerns were identified including:
- a) How the enforcement of the ban would operate amongst staff from Neighbourhoods and Highways Services.
  - b) How Wardens would have access to appropriate information related to identifying areas of adopted highway whilst on patrol;
  - c) The arrangements for collation of evidence necessary to support the potential removal of advertising boards which had previously been warned of their contravention of the ban; and
  - d) The ability of the service to effectively commence the ban on all areas in January 2016.
- 2.6. Following these discussions the trial ban was introduced in Bradford city centre on 4 January 2016 and rolled out, in sequence, to Saltaire, Ilkley and Leeds Road corridor over the following eight week period. It was agreed that the enforcement protocol for the ban would comprise the following actions:
- a) Wardens would patrol the area of the ban and where any advertising boards were found to be in contravention of the ban a warning sticker would be

- affixed to the advertising board. Photographic evidence of the board, its location and the presence of the warning sticker would be taken and details passed to the Mobility & Inclusion officer.
- b) All queries from businesses related to issues of advertising boards being placed on private land rather than adopted highway were passed to Highways Service who undertook checks of the Council's adoption records in an attempt to clarify the highway status of the location in question. Where advertising boards were found to be located on private land an appropriate record of this was placed on the enforcement record submitted by the Wardens in order to avoid removal of any boards not on highway.
  - c) Each trial ban zone would receive a number of enforcement visits where advertising boards which had not been removed after the issue of warning notices would be physically removed. Each visit would occur two weeks after the warning notice was affixed to the advertising board or warning letters were issued to businesses.
  - d) Advertising boards which were removed would be taken to one of the Council's depots (Wakefield Road or Stocksbridge) for temporary storage. The facility was provided, via the Council's website, for businesses to recover confiscated advertising boards upon payment of a release fee (£200).
- 2.7. At the meeting of Full Council on 12 July 2016 two petitions were received supporting the use of advertising boards (from businesses in Ilkley and Saltaire) and requesting that the Council's trial be abandoned. These petitions were referred to this committee and at its meeting of 1 September 2016 the Committee received verbal representations on the issues raised from both the petitioners and members of the disabled community. The Committee resolved:

**Resolved –**

- (1) That the petitioners and other members of the public who have given their views be thanked for attending the meeting.**
- (2) That the points raised by the petitioners and other members of the public be noted and be taken into account during the preparation of the report on the trial that will be considered by the Committee at its meeting of 8 December 2016.**

At this meeting businesses who believed that the ban had had a negative impact on their trading activities were invited to submit details of their trading accounts to the Council in order that a comparison could be made between pre-ban trading levels and those experienced during the trial.

- 2.8. A further counter-petition containing 28 signatures comprising members of the Ilkley Insight Group, together with members of the public with walking difficulties in support of the trial ban and its continuation in Ilkley was received by the Council on 1 September. Due to the late receipt of this petition the lead petitioner was unable to have the petition considered by this Committee at its 1 September meeting. The petitioner therefore indicated that the subject of the petition (support for the introduction of the ban) would be part of this report.



### **3. OTHER CONSIDERATIONS**

#### **Pre-trial Situation**

- 3.1. Prior to the introduction of the ban an audit of the numbers of advertising boards on the highway was undertaken by Council wardens which yielded some interesting comparisons. Within Bradford city centre 120 advertising boards were located within the trial zone, whilst in the smaller Ilkley zone some 132 advertising boards were identified as being placed on the highway within the enforcement zone. Within Saltaire the level of advertising boards identified was 47 and along the Leeds Road corridor only 17 boards were recorded. The numbers of businesses with more than one advertising board were similarly more prevalent in the small urban centres of Ilkley and Saltaire. Photographs of examples of advertising board placement observed during this audit are included in Appendix 2 of this report.

#### **Level of Compliance during the Trial**

- 3.2. Each of the four trial zones within were subject to three enforcement action days comprising activities as outlined in paragraph 2.6 above. In general a two week period was observed between the issue of warning notices and the subsequent enforcement action in order to allow businesses to comply with the requirements of the ban (i.e. the removal of the advertising board).
- 3.3. As anticipated the first phase of enforcement resulted in the largest number of removals of advertising boards with a total of 42 advertising boards being removed. It should be noted that due to operational difficulties in arranging police attendance for enforcement no removals took place during the first phase of enforcement in both Saltaire and Ilkley.
- 3.4. The effectiveness of the first warning notice in eliciting compliance was reviewed as part of the trial. On this phase the 21% of the boards which were issued with a warning notice in Bradford city centre were ultimately removed whilst in contrast over 70% of the boards issued with a warning on Leeds Road corridor ended up being removed. However, following the enforcement in Bradford city centre a number of advertising boards had to be returned free of charge to businesses as they had been incorrectly removed without previously being subject to a warning notice.
- 3.5. The second phase of enforcement in all four zones was more co-ordinated based on the experience of the previous enforcement action and took place in May 2016. The overall numbers of advertising boards issued with a warning notice on this occasion had reduced from 316 to 69 (a 78% reduction in infringements) and of these boards ultimately subject to removal drastically fell to 17 (a 60% reduction). Following this phase of enforcement each zone was again monitored as to the level of compliance achieved and maintained. In September 2016 the levels of advertising boards re-appearing within Bradford City Centre were noticed to have increased and therefore the third phase of enforcement was arranged for October 2016.
- 3.6. In the third and final phase of enforcement the levels of contraventions in Bradford city centre had increased with 12 warning notices issued (an increase of 6 notices over the phase 2 levels) whilst in Ilkley, Saltaire and Leeds Road corridor the trend

of reduced contraventions with a minor decrease in the number of warning notices being issued was recorded. In this phase only 11 advertising boards were removed from all zones with the largest number being removed from Ilkley.

- 3.7. Overall, as a result of the three phases of enforcement the numbers of advertising boards which could be subject to enforcement within each of the trial zones was observed to reduce indicating a broad level of compliance with the ban had been achieved. The full detailed analysis of activities is included in Appendix 1 of this report.

### **Difficulties in Relation to Adopted Highway & Highway Records**

- 3.8. One of the key difficulties which was identified with ensuring effective and appropriate enforcement of the ban related to the availability and accuracy of highway records for the trial areas.
- 3.9. Whilst the Council's records of adopted / un-adopted highways are currently stored in its computerised graphical information system (GIS) this information was not available to the wardens whilst on patrol. Because this information could not be accessed by wardens on site broad training on identification of areas of highway and possible private land was provided sufficient to ensure that the majority of locations where boards were observed could be appropriately categorised. The warden's confidence with the application of this training was identified as an area of concern. Unlike enforcement of parking restrictions where there is a clear contravention of a restriction (e.g. parking on a double yellow line), the extent of the highway is generally not as obvious on site. As a result of this concern the approach was adopted to have all advertising boards issued with warning notices where these were placed in the streetscape and then any appeals to these notices would be dealt with by highway officers.
- 3.10. As a result of this approach a number of businesses contacted the Council to contest that their advertising boards were placed on private land rather than adopted highway. In general this belief arose from the respective property deeds which showed ownership of land extending to the moiety of the road. To resolve each complaint highways officers had to undertake an extensive search of highway records to determine the actual line of highway in the immediate vicinity. These searches were often protracted given the need to refer to historic plans where the Council's electronic GIS records were inconclusive and in a small number of cases the records and street infrastructure were ambiguous such that a determination of highway status currently remains unresolved.

### **Alternative Advertising Approaches**

- 3.11. As part of the initial notification letter regarding the introduction of the trial businesses within each of the zones were offered advice on possible alternative advertising solutions which they may wish to explore in place of the use of advertising boards. Details of how to access potential sources of advice on the internet including:
- a) the Council's Shop Front Design Guide;
  - b) Saltaire Shop Front Design Guide; and
  - c) The Communities & Local Government – Outdoor Advertisement and Signs: A

### Guide for Advertisers publications

were included within the letter. These publications suggested a range of potential alternative approaches which could be adopted to the design of the front of shops, which would be acceptable to the Council, to increase the visibility of businesses on the streetscape.

- 3.12. During the trial some alternate methods of advertisement of businesses' presence were observed, particularly within Bradford city centre including the use of members of shop staff advertising the location of their business to passing shoppers during peak trading hours through handheld signs as illustrated in Photograph 1.



**Photograph 1:** Advertising alternatives

- 3.13. Officers also became aware of an alternative advertising scheme which is operated in both Kirklees and Leeds by a company called Instaplanta. This scheme provides advertising space within a fixed item of street furniture (a wooden planter as shown in Photograph 2) which is located in an appropriate location.



**Photograph 2:** A Typical Instaplanta Installation

3.14. Under this scheme the company identify appropriate locations around the district where a planter could be placed without causing an obstruction to pedestrians or obscuring vehicle sight lines and offer advertising space on the planter to small local businesses for an annual fee. From this fee the maintenance of the planting, including watering and replacement of bedding flowers is undertaken at no cost to the Council. This scheme has proven popular with a number of Councils in West and South Yorkshire and testimonials on the effectiveness of this scheme are included within Appendix 3 of this report.

### **Saltaire World Heritage Site (WHS) Issues**

3.15. Following the introduction of the trial in Saltaire the World Heritage Site Officer (WHSO) also reviewed its operation within the context of the WHS and the Access Audit Report which was undertaken in August 2014. This report has been used to inform all public realm design in the area since its publication and provides requirements for consideration of the placement of lighting columns and bins which must now give increased consideration to disabled access (e.g. Victoria Road Improvement scheme). The WHSO noted a number of issues related to accessibility within Saltaire which the trial did not address including:

- a) Enforcement of the ban has not been as equitably applied as believed as a number of non-retail businesses who use advertising boards are perceived to have escaped enforcement action.
- b) Obstructions on the pavement outside Gordon Terrace tend to be caused largely by unlicensed pavement café table and chairs rather than advertising boards.
- c) The extent of the Saltaire zone should be reconsidered to reflect the WHS boundary.
- d) Traders in Saltaire face additional challenges to providing alternative advertising for their businesses whilst still complying with the restrictions associated with the WHS status of Saltaire. Businesses could be encouraged to consider developing schemes such as those in Keighley where groups of traders pool their advertising funds and co-operatively decide how to advertise through either printed media, on-line services or physical means. Similarly, the previously trialled Saltaire Traders Loyalty Card scheme could be reinstated.

### **Experience of disabled users**

3.16. As evidenced at the meeting of this Committee on 1 September where representatives of the disabled community and their associated organisations presented their perspective on the trial the general feedback in relation to the introduction of the ban has been unanimously positive. Many disabled users are now able to move around the pavements of the district with increased confidence due to the removal of the temporary obstructions which were caused by advertising boards.

## **Experience of Businesses**

- 3.17. The greatest proportion of complaints from businesses within the trial zones related to the impact of the introduction of the ban on their trading through loss of footfall. Of the complaints and objections during the trial 13 businesses in Bradford city centre, 10 Ilkley businesses, 10 businesses in Saltaire and one business on Leeds Road raised this issue as a particular concern, together with seeking clarification as to why the ban was been introduced by the Council.
- 3.18. All businesses contacting the Council were asked in the responses back to their complaint if they would be willing to share details of their formal financial accounts both pre-trial and during the trial in order that a comparison of the impact of the loss of income could be made. A similar offer was made to businesses attending the meeting of this committee on 1 September. With the exception of one business who provided un-supported details of their accounts no businesses have provided this information at the time of writing this report.
- 3.19. Another concern raised by businesses within the trial zones related to the equity of enforcement of the ban within the vicinity of their business. Businesses perceiving that their neighbours (or mobile businesses) were not receiving the same level of enforcement treatment reported contraventions of the ban to the Council with requests for action. However, where the Council was perceived as being slow to take action it was noted that this led to a number of complying businesses returning to the use of advertising boards.

## **Miscellaneous Issues**

- 3.20. Nationally, the nuisance caused by advertising boards continues to be an issue of increasing importance for Councils. In October of this year York City Council announced its intention to introduce a 12 month trials of banning of advertising boards in its city centre was to commence in February 2017. Under this trial all streets within the city centre, with the exception of Micklegate, would be subject to enforcement and removal of obstructions in a similar fashion to the Bradford trial. Traders on Micklegate will be able to continue to use advertising boards where these have been licensed by the Council.

## **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1. As has been noted previously the Council currently employs a single Highway Enforcement Officer who in addition to having responsibility for dealing with the enforcement of highway obstructions also deals with enforcement of all other aspects of general highway legislation. Funding for enforcement of highways legislation derives from existing revenue budgets.
- 4.2. Enforcement of the trial during the past 11 months has required redirection of a significant level of staff resources to administer the scheme as well as to undertake enforcement activities both from within the Planning, Transportation & Highways Service and Neighbourhood Service. The level of resources which has been applied to this trial equates to 2.52 FTEs to date. Sustaining, or increasing, this level of resource, in the future is likely to become increasingly difficult in the face of reducing Council budgets therefore any expansion of the ban into wider areas of the district

will need to have due regard to the associated resource requirements and their associated funding.

## 5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1. Responsibility for maintaining the safe operation of the highway under Section 130 of the Highways Act 1980 rests with the Council as local Highway Authority. Licencing of trading activities on consent and licensed streets is the responsibility of the Council's licencing team who consult with highways about each application for a new consent or license.
- 5.2. The close working relationship which has been established between the officers of Planning, Transportation & Highways Service and Neighbourhood Services has helped ensure that this trial has delivered the level of compliance described previously. The trial has demonstrated that whilst Council wardens are able to perform the function of the "eyes and ears" of the Council and issue appropriate warning notices to businesses contravening the trial ultimate responsibility for co-ordination of positive enforcement action remains with Highways officers.

## 6. LEGAL APPRAISAL

- 6.1. The Council has a dual role in the control of obstructions arising from advertisements on the highway, that of:

**Local Planning Authority** who have the powers and duties under the Town and Country Planning Act 1990 (as amended) and the

**Highway Authority** who have powers and duties under the Highways Act 1980 and responsibility for street scene enforcement.

As the Local Planning Authority the Council is responsible for the day-to-day operation of the advertisement control system, and for deciding if a particular advertisement should be permitted or not. The advertisement control system in England are part of the planning control system. The present regulations are contained in the Town and Country Planning (Control of Advertisements) Regulations 2007. It should be noted that A-boards located on private land contained within the forecourt of a premises will require neither express consent under the planning system nor approval under the Highways Act as these are deemed to have consent under the deemed consent provisions.

## 7. OTHER IMPLICATIONS

### 7.1. EQUALITY & DIVERSITY

Section 149 of the Equalities Act 2010 states that the Council must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and other conduct prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- c) Foster good relations between such persons.

Having due regard to (a) above involves having due regard, in particular, to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic and take steps to meet the needs of persons who share a relevant protected characteristic that are different from those who do not share it. A relevant protected characteristic is defined as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In the case of the issue of highway obstructions the most relevant characteristic would be visually impaired or blind persons, those with mobility issues, the elderly and parents with young children in prams or push chairs.

By the development of the various policies and Codes of Practice described in this report the Council has endeavoured to established balanced criteria which are fair to licence holders of existing street trading licences and pavement cafes, future applicants for consents, owners and occupiers of business premises fronting onto the highway, all customers and persons who will be using the streets concerned for any lawful purpose, (including those with special requirements).

## 7.2. SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications arising from matters contained in this report.

## 7.3. GREENHOUSE GAS EMISSIONS

There are no apparent greenhouse gas emission impacts arising from the contents of this report.

## 7.4. COMMUNITY SAFETY IMPLICATIONS

As the Highway Authority the Council has a statutory duty to protect the rights of its citizens to the safe use and enjoyment of the highway.

Obstructions to the highway invariably can interfere with this enjoyment to varying degrees depending upon the size of the obstruction and its actual location. As the local Highway Authority the Council has the power to remove obstructions and prosecute through the Courts persistent or intransigent offenders.

## 7.5. HUMAN RIGHTS ACT

A fair balance must be struck between the rights of property owners to make beneficial use of their properties and any need to restrict such rights in the overall public interest.

By the development of the various policies and Codes of Practice described in this report the Council has endeavoured to established balanced criteria which are fair to licence holders of existing street trading licences and pavement cafes, future applicants for consents, owners and occupiers of business premises fronting onto the highway, all customers and persons who will be using the streets concerned for

any lawful purpose, (including those with special requirements).

## 7.6. TRADE UNION

There are no Trade Union implications arising from this report.

## 7.7. WARD IMPLICATIONS

Activities associated with the removal of obstruction of the highway impact on all wards within the District. However, given the nature of most obstructions being centred in retail centres activity tends to be concentrated in the city centre and outlying town and village centres.

## 8. NOT FOR PUBLICATION DOCUMENTS

None

## 9. OPTIONS

9.1. There are a number of options which the Committee may consider recommending to Executive as the potential permanent approach to dealing with advertising boards and shop displays on the District's highway network including:

- a) **Retain ban in current form** – the current four enforcement zones of the trial have demonstrated a significant reduction in the numbers of advertisement boards on the highway. Initial problems associated with the introduction of the trial in each zone have now by in large been resolved although a few land ownership issues still remain unresolved, particularly around Ilkley. However, the four zones which were initially selected may no longer represent the key “hot spots” of the district.
- b) **Retain ban with modification** – The four enforcement zones which were initially selected by Executive have demonstrated that in general the greatest proliferation of advertising boards is centred in urban centres. The numbers of boards on Leeds Road corridor for example are significantly lower than those found in Saltaire. Therefore the Committee may wish to retain the ban in urban centres and expand these to include other hot spots whilst allowing advertising boards on the connecting transport network. Adopting such an approach would ensure that the maximum benefit of enforcement can be achieved whilst minimising the on-going revenue costs to the Council.
- c) **Expand the ban to whole district** – The Committee may feel that the benefits demonstrated by the trial are such that for the sake of consistency the ban should be extended to include all roads and urban centres within the district. However, the excessive revenue costs and staff time associated with this option will place an excessive burden on existing staff resources and revenue budgets.
- d) **Revert to previous Code of Practice approach** – This is the least favourable option from the perspective of disabled users who have enjoyed the benefit of obstruction free footways which has been established by the



trial. Whilst a limited introduction of advertising boards would be welcomed by some businesses the complexities of enforcement of this policy are well known and as such long-term continued compliance with the requirements of the code is unlikely to be maintained.

- e) **Retain the ban with modification and the introduction of licencing in selected areas** – Again, as demonstrated in the trial this option would seek to define zones within the urban centres of the district where a total ban would be applied. However, in addition to this certain streets within these zones where there is sufficient footway width to permit the placement of advertising boards could see the introduction of a licensing scheme allowing businesses to place a single advertising board on the pavement adjacent to their premises. The income from these licenses could provide an appropriate revenue stream to fund the necessary staff resources to enforce this policy.

9.2. The Committee may choose a different permutation of the above options as its recommended approach. Appropriate officer advice on the merits of any approach proposed will be given to the Committee.

9.3. The Committee may also wish to consider making a recommendation in relation to the use of alternative advertising approaches as described in this report as a way of assisting businesses affected by the loss of advertising boards.

## 10. RECOMMENDATIONS

10.1. That the Health and Social Care Overview & Scrutiny Committee recommend to Executive that:

- a) Following completion of the trial ban of advertising boards Executive approve the formalisation of the ban within urban centres of the district only. Transport corridors between the urban centres will remain outside the ban but subject to the Council's existing Code of Practice requirements for the placement of advertising boards.
- b) That a trial of the Instaplanta scheme is approved within district centres as an alternative means of supporting businesses affected by the loss of advertising boards.
- c) A further approach is made to all businesses within the trial zones to seek information in relation to the impact of the ban on trading levels prior to Executive's consideration of the ultimate approach.

10.2. That the Strategic Director, Regeneration contact the lead petitioners for the three petitions related to the trial ban to advise them of this Committee's recommendation to Executive.

## 11. APPENDICES

Appendix 1 – Record of Advertising Board enforcement action.

Appendix 2 – Examples of obstructions of streets pre- and during the trial.

Appendix 3 – Details of Instaplanta / Customer testimonials.

## 12. BACKGROUND DOCUMENTS

- 12.1. Highways Act 1980
- 12.2. Local Government (Miscellaneous Provisions) Act 1982
- 12.3. Statutory Instrument 2004 No. 3701
- 12.4. Town and Country Planning Act 1990 (as amended)
- 12.5. Countryside and Rights of Way Act 2000
- 12.6. Report of the Assistant Director Environmental & Regulatory Services to the meeting of Regulatory and Appeals Committee to be held on 28 August 2013, Proposed changes to the current street trading restrictions within the Bradford District and adoption of a district wide street trading policy.
- 12.7. Report of the Strategic Director, Regeneration & Culture to the meeting of Health & Social Care Overview & Scrutiny Committee to be held on 6 February 2014, The Council's approach to dealing with 'A' boards and other obstructions on the highway under the Highways Act 1980.
- 12.8. 'A' Boards and Shop Pavement Displays as Obstruction on the Public Highways report to Environment and Waste Management Overview and Scrutiny Committee, 1 September 2011.
- 12.9. 'A' Boards and Shop Pavement Displays as Obstruction on the Public Highways report to Executive on 4 February 2011
- 12.10. 'A' Boards and Shop Pavement Displays as Obstruction on the Public Highways report to Environment & Waste Management Overview and Scrutiny Committee, 18 January 2011.
- 12.11. City of Bradford Metropolitan District Council Transportation, Design & Planning Director Decision Sheet 80/04
- 12.12. City of Bradford Metropolitan District Council Transportation, Design & Planning Director Decision Sheet 17/05
- 12.13. Report of the Transportation, Design & Planning Director to the meeting of Executive 17 October 2005.
- 12.14. Minutes of Executive's meeting held on Monday 17 October 2005
- 12.15. Kent City Council A-Board Guidance and Application Form
- 12.16. A-Boards on the Highway – Policy and Guidance, Kirklees Metropolitan Council, October 2014
- 12.17. Kirklees Metropolitan District Council Cabinet Report, 17 December 2013, Proposed controls on street based advertising such as A-boards and goods for sale
- 12.18. Who Put That There! The barriers to blind and partially sighted people getting out and about, February 2015, RNIB Campaigns.

**Record of Enforcement Activities / Actions**

**Bradford City Centre**

Date	Action	Quantity
<b>Phase 1</b>		
21/11/15	Street Warden Audit & Warning Notices Issued	120
21/03/16	Enforcement Action / Removals	25
<b>Phase 2</b>		
13/05/16	Street Warden Audit & Warning Notices Issued	6
	Warning Letters Issued	7
25/05/16	Enforcement Action / Removals	4
<b>Phase 3</b>		
05/10/16	Street Warden Audit & Warning Notices Issued	12
20/10/16	Enforcement Action / Removals	4
	New Warning Notices Issued	5

**Ilkley**

Date	Action	Quantity
<b>Phase 1</b>		
16/11/15	Street Warden Audit & Warning Notices Issued (see note 1)	132
<b>Phase 2</b>		
13/05/16	Street Warden Audit & Warning Notices Issued	11
	Warning Letters Issued	19
25/05/16	Enforcement Action / Removals	5
<b>Phase 3</b>		
05/10/16	Street Warden Audit & Warning Notices Issued	10
20/10/16	Enforcement Action / Removals	6

**Saltaire**

Date	Action	Quantity
<b>Phase 1</b>		
15/12/15	Street Warden Audit & Warning Notices Issued (see note 1)	47
<b>Phase 2</b>		
13/05/16	Street Warden Audit & Warning Notices Issued	6
	Warning Letters Issued	10
24/05/16	Enforcement Action / Removals	4
<b>Phase 3</b>		
05/10/16	Street Warden Audit & Warning Notices Issued	5
20/10/16	Enforcement Action / Removals	1

**Leeds Road Corridor**

Date	Action	Quantity
<b>Phase 1</b>		
22/12/15	Street Warden Audit & Warning Notices Issued	17
28/03/16	Enforcement Action / Removals	12
<b>Phase 2</b>		
13/05/16	Street Warden Audit & Warning Notices Issued	6
	Warning Letters Issued	4
25/05/16	Enforcement Action / Removals	4
<b>Phase 3</b>		
05/10/16	Street Warden Audit & Warning Notices Issued	0
20/10/16	Enforcement Action / Removals	0
	New Warning Notices Issued	2

**Notes:**

1. Enforcement action was not undertaken during this phase of the trial due to difficulties associated with co-ordination of Council and police resources.

**Examples of Placement of Advertising Boards (pre-trial)**



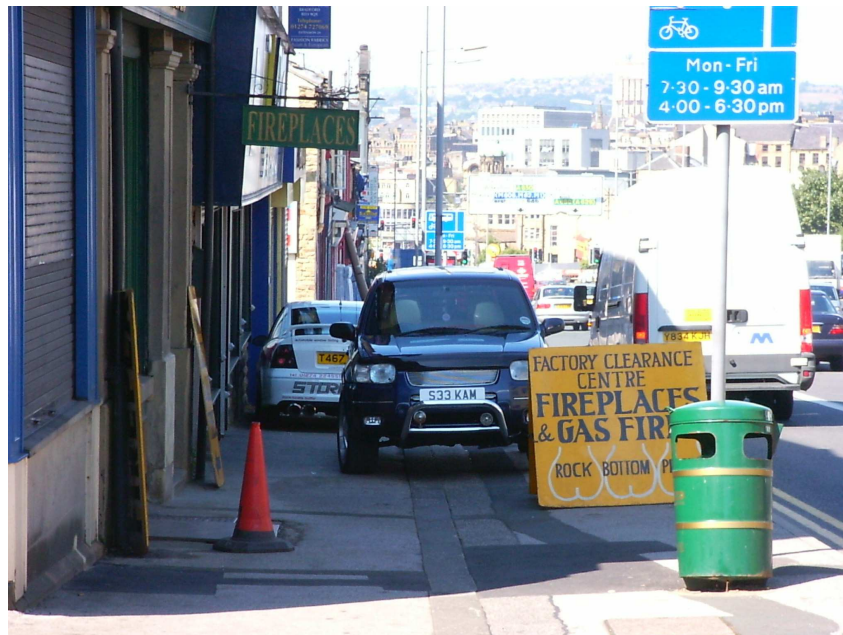
**Photograph 3:** The Grove, Ilkley (Source: Bradford Association of Visually Impaired (BAVIP))



**Photograph 4:** Leeds Road, Ilkley (Source: Bradford Association of Visually Impaired (BAVIP))



**Photograph 5: Ivegate, Bradford**



**Photograph 6: Leeds Road Corridor**

## Quotes from Advertisers

" Not only is this scheme excellent value for money but the fact that I can promote my business to the huge number of passersby whilst helping to enhance the local environment is what really appealed to me.

"Barnsley Council and Instaplanta should be applauded for coming up with this mutually beneficial scheme at a time when the economy and the environment are high on the agenda"

**Stuart Cameron, Director Signature Cars**



" To be able to promote my business in a high profile location whilst at the same time contribute to the environmental improvement of my local community was an opportunity too good to pass'

**Shakil Bashir, Managing Director of KASA**



"As an integral part of the South Leeds Community, South Leeds Private always happy to support local voluntary groups who are working hard betterment of their community.

This also gives us the opportunity to increase awareness of the services we provide to all the residents of South Leeds, in all this is an excellent beneficial partnership that we are thrilled to be a part of."

**Richard Holt , Owner South Leeds Cars**



"There are not many opportunities for local businesses to promote their services in an outdoor capacity so when I saw the planter scheme I took advantage of this. This means that I can reach my target market whilst at the same time contribute to improving Morley's environment – So a big thank to both the council and Instaplanta for the introduction of this scheme, it's a timely boost that the Morley business community needs".

**Shaun Mellor, Owner Shaun Mellor Property**





*"I am delighted to welcome this scheme from Instaplanta to provide free planters within the Barnsley area. This partnership has given us a wonderful opportunity to improve our environment. In spite of cuts in budgets, this innovative project helps us to continue working with our communities and local businesses in improving our areas adding a wonderful splash of floral colour at no cost to the council and help increase community pride and further support our In Bloom and Love Where you Live Initiatives."*

**Councillor Roy Miller, Cabinet Spokesperson for Place Barnsley MBC**



*"This scheme is fantastic, not only does it support the work that Beeston in Bloom does at no cost to the group but also supports wider council aspirations of improving economic growth, community cohesion and sustainable environmental improvements."*

*"This scheme is a great endorsement of how voluntary, public and private sectors can work together to achieve mutually beneficial outcomes for the communities they serve."*

**Councillor Angela Gabriel, Chair of South Inner Community Committee Leeds city Council**



*"In these difficult financial times it is always good to find a way to continue to make improvements to areas while at the same time saving money and supporting local businesses, this really is a fantastic scheme. Coun Groves added that the planters have given the area a significant floral boost while promoting both a positive environmental message and civic enterprise" .*

**Councillor Kim Groves, Ward Member for Middleton Park and member o Belle Isle & Middleton in Bloom – Leeds City Council**





"I am delighted to welcome this scheme from Instaplanta. This unique outdoor advertising opportunity helps the council support local businesses during the difficult economic climate whilst at the same time brightening up the area. The planters look fantastic and the fact that this initiative comes at no cost to the council made the decision to introduce this scheme very easy".

**Councillor Robert Finnigan, Leader of Morley Borough Independants  
Leeds City Council & Morley Town Council**



"We are only too pleased to offer support to local businesses around us in these difficult times, the planters look fantastic and have added a real splash of colour to the area which we hope will send out a clear message of just how seriously we value our local environment.

The fact that Instaplanta provide us with this service free of charge made the decision to enter into the scheme a really easy one."

**Councillor Alan Law  
Sheffield City Council**



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