

Annex A Advertising Contract EIA

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Governance		
Service Area:	Policy and Strategy		
Name of the proposal :	Advertising Contract		
Lead officer:	Claire Foale		
Date assessment completed:	May 2024 (updated from March 2024) https://democracy.york.gov.uk/documents/s175864/Annex%20C%20Equalities%20Impact%20Assessment.pdf		
Names of those who contributed to the assessment:			
Name	Job title	Organisation	Area of expertise
David Smith	Access Officer	CYC	Access
Laura Williams	AD Communities and Equalities	CYC	Equalities
Michael Howard	Head of Highways and Transport	CYC	Highways
Olly Willmore	Regional Director	JCDecaux UK	Bus Shelter and Digital Free-Standing Units – current incumbent

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal?</p> <p>The proposal is to approve a new 15-year contract + 12 month extension for place-based advertising on Bus Shelter and Digital Free-Standing Units (subject to planning consents)</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p> <p>Out of home (OOH) advertising is covered by the Town and Country Planning (Control of Advertising) Regulations 2007 and amendment 2021 https://www.legislation.gov.uk/ukxi/2021/617/contents/made ; The UK Code of Non-broadcast Advertising (ASA) ; and the Code of Recommended Practice on Local Authority Publicity 2011. Advert content is covered by:</p> <ul style="list-style-type: none">• <u>Consumer Protection from Unfair Trading Regulations, 2008</u>• <u>The Calorie Labelling (Out of Home Sector) (England) Regulations, 2021</u>• <u>The Soft Drinks Industry Levy Regulations, 2018</u>• <u>The Food (Promotion and Placement) (England) Regulations 2021</u>• Restrictions on multi-buy deals (due October 2023)• Restrictions on advertising on TV and online (due January 2024)• <u>Consumer Protection from Unfair Trading Regulations 2008</u>, <p>By the time the new contract is established, the new Procurement Bill 2023 and Procurement Regulations 2024 will have been enacted. Transforming Public Procurement - GOV.UK (www.gov.uk)</p>

1.3	<p>Who are the stakeholders and what are their interests?</p> <p>Residents, commuters, businesses – who view the advertising, or purchase advertising space and/or use the bus network and bus shelters</p>
1.4	<p>What results/outcomes do we want to achieve and for whom?</p> <ul style="list-style-type: none"> • Modern, accessible and sustainable bus shelters and Digital Free-Standing Units – improved / high standard street furniture • Continued, high standard maintenance & cleaning regime of the bus shelters and Digital Free-Standing Unit estate • Increase in revenue from place-based advertising due to digitisation • Increase Council’s time on screen on Digital Bus Shelters and Free-Standing Units to promote messaging and civic events • Partnership to promote social benefit – social value activity including: biodiversity initiatives and support of the York Community Fund

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?	
Source of data/supporting evidence	Reason for using	
A range of national evidence has been used to inform the development of the proposal and advertising policy including national/international best practice.	Place based advertising is informed by data and evidence which informed the Town and Country Planning (Control of Advertising) regulations.	
Budget consultation 2022 and 2023	Residents indicated they would be comfortable with the council seeking increased revenue from tourists	
Local Transport Consultation and Blue Badge Access Consultation	How disabled people move through the city, and understanding the barriers they face has helped inform the contract specifications.	

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge		Action to deal with this
The view of different people with different protected characteristics.		Feedback will continue to be collated and inform the regular review of the contract and advertising policy.
The views of residents in the development of this proposal.		Feedback will continue to be collated and inform the regular review of the contract and advertising policy.

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>Evidence suggests that children are more likely to be influenced by advertising. The refreshed advertising policy and ban on HFSS adverts on bus shelters and free standing units will mitigate risks.</p> <p>Advertising copy must comply with ASA Guidelines and CYC’s Advertising Policy.</p>	+	M
Disability	<p>The bus shelter design will include provision for more space to support greater accessibility through the city, and seating in all bus shelters. The design of the bus shelter will be tested with community groups prior to approval. Bus timetabling has been highlighted as an issue which is being explored through the Enhanced Bus Partnership task and finish group.</p> <p>All bus shelters and digital free-standing units are subject to planning consents which would mitigate the risk of inaccessibility becoming an issue.</p>	0 +	L L

	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.		
Gender	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	-	-
Gender Reassignment	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	-	-
Marriage and civil partnership	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.		
Pregnancy and maternity	The carbon emissions and digital frequencies emitted from digital advertising does not have an impact on children/maternity.	0	L
	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	+	L
Race	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	-	L
Religion and belief	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	0	L
Sexual orientation	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	-	L
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	The council will have a% of all advertising time, allowing it to provide messages direct to specific groups, including carers, or low income groups, to promote council services that could better support.	0	L

Low income groups	The council will have a% of all advertising time, allowing it to provide messages direct to specific groups, including carers, or low income groups, to promote council services that could better support.	0 -	L L
Veterans, Armed Forces Community	The council will have a% of all advertising time, allowing it to provide messages direct to specific groups, including to promote council services that could better support.	0	L
Other			
Impact on human rights:			
List any human rights impacted.	none	0	-

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
<p>Residents and businesses will be able to continue to inform the annual review of the advertising contract and keep the council informed about any issues or changes required.</p> <p>The design of the bus shelters will be tested with the disabled community. Accessible timetabling is being explored through the Enhanced Bus Partnership task and finish group.</p>	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
<p>- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale
Resident and business feedback	Promote how residents and businesses can inform the annual review of the contract	Claire Foale	ongoing
Bus shelter design	Set out how the bus shelters meet space and accessibility arrangements	New provider	September 2025. Planning applications to be submitted post contract completion.
Free Standing Unit design	Set out the space and accessibility arrangements in the design	New provider	When submitting planning applications. Post contract completion.
Advertising risk to children	Incorporate the new advertising policy and HFSS guidance in the specification as part of the contract	Claire Foale	July 2024

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	The contract will be reviewed annually, with quarterly progress meetings. The above points will be covered in the annual meeting.