

**Update on Implementation of Recommendations from Previously
Completed 'A' Boards Scrutiny Review**

Summary

1. This report provides Members with an update on the implementation of the recommendations arising from the previously completed scrutiny review on the use of A-boards.

Background

2. In March 2013, this Committee were asked to consider whether or not to carry out a scrutiny review on the use of 'A' Boards, with the aim of identifying suitable requirements/ guidelines that could be implemented across the whole city. At that time some members of the Committee argued strongly that instead of carrying out a review of that nature they should be recommending a total ban on 'A' Boards across the whole city.
3. In April 2013, CYC's Traffic Network Manager provided information which suggested that whilst a total ban would benefit the appearance of the city and the safety of the partially-sighted, there would likely to be an adverse consequence to the small business community. There would also be resource implications around the ability of the Traffic Network Team to enforce a city wide ban.
4. The Committee was also made aware of a petition on 'A' Boards submitted by Micklegate traders in March 2009 to a meeting of the then Executive Member for City Strategy and Advisory Panel, which led to the Executive Member approving the development of intervention guidelines for an enforcement policy for the removal of 'A' Boards and the like from the Public Highway.
5. Noting that the introduction of guidelines had previously been agreed but not acted on, and having agreed that some permanent action was required, the Committee agreed not to proceed with a report

recommending that the Cabinet approve a total ban of 'A' Boards. Instead they agreed to undertake a review to identify suitable guidelines for the use of A-boards, taking into account other issues such as alternative ways of advertising and health and safety issues.

6. A Task Group made up of the following members was subsequently set up to carry out the review on their behalf:
 - Cllr Helen Douglas
 - Cllr Keith Orrell
 - Cllr Gerard Hodgson
7. The Task Group worked on the review between June 2013 and December 2014, and in January 2015, presented their review findings to the Community Safety Overview & Scrutiny Committee. The following recommendations were subsequently presented to the Cabinet in February 2015:
 - i) The introduction of a policy allowing the use of 'A' Boards under strict criteria.
 - ii) The policy to include a list of streets where the use of 'A' Boards is prohibited at all times due to the limited widths of footways.
 - iii) That appropriate resources be identified to ensure the full and proper enforcement of the new policy. This to include consideration of the potential for improved cross directorate/team working outlined in paragraph 44 of the review final report.
 - iv) The Policy (based on Option E, as detailed in Recommendations (i) & (ii) above) to be trialled for a two year period.
8. Having considered the Scrutiny final report, Cabinet instructed the Director of City and Environmental Services to prepare guidelines for the use of 'A' Boards across the city, in consultation with interested parties, for consideration at a future meeting.

Implementation Update

9. In June 2015 the Council received a letter from solicitors representing the Royal National Institute of Blind People (RNIB) which sought to express its concerns with the approach the council had indicated it would follow from the above mentioned work and reports. The RNIB presented its views on the legislation picture, with reference to The Highways Act

1980, The Town and Country Planning Regulations. In addition significant reference was made to the Equality Act 2010 and duties arising.

10. The RNIB expressed its opinion that the placement of 'A' Boards without some form of consent was unlawful and could be considered to be an unreasonable obstruction.
11. The RNIB also made reference to other local authority approaches including those which have guidelines in place or operate with a licensed approach, expressing that they are at risk of litigation and also highlighting a pending legal action being faced by one authority regarding such.
12. In conclusion their advice was to seek a compromise position, suggesting the council adopt a zero tolerance policy, however allowing a business to present exceptional circumstances via an application process. The application would have to demonstrate to the council (highway authority) that the 'A' Board placement would not constitute an (unreasonable) obstruction. It offered to work with the Council to develop a policy along such lines.
13. Officer Review and Executive Decision
The RNIB's views were carefully considered by the City & Environmental Services Directorate management team and colleagues in legal services. In responding to the RNIB, the council said it would work to develop a fair and reasonable policy which included the need for an Equalities Impact Assessment. Furthermore, that the consultation process would provide an opportunity for engagement with the RNIB.
14. The outcome of this was that officers prepared a further report to the Executive in August. This presented and recommended a slight change in direction, with a recommendation to develop a consultation draft policy based around the need for 'A' Boards to be licensed. This process would include for consultation focused to provide engagement with representatives of the business community, in particular retail groups and the Business Improvement District and also representatives of those who are blind and partially sighted, those with mobility issues such as charities/groups including the RNIB, Guide Dogs and York specific groups, such as York Blind and Partially Sighted Society.
15. Licensed Approach
It is considered that the development of a procedure and policy based on the requirement for 'A' Boards to be licensed does in fact align itself with

the earlier Task Group review and recommendation, seeking 'strict criteria'. In developing a draft document officers are mindful of this and it is reasonable to anticipate that the contents which it will engage upon, will be consistent with such an approach.

16. This work is ongoing, currently at desk top stage and over forthcoming weeks, there will be a process of engagement, internally initially and then to present and discuss the draft with key stakeholders as referenced previously.
17. This will then allow for consideration and drafting of a recommended policy for consideration by the Executive in the first quarter of next year (2016).

Consultation

18. The Traffic & Highway Development Manager have provided the implementation update information contained within paragraphs 9-17 above, and will be in attendance at this meeting to answer any questions arising.

Options

19. Members may decide to sign off the review recommendations if it is agreed that implementation has either been completed or in this case, superceded by the ongoing work detailed in paragraphs 9-17 above.
20. Alternatively, Members may request further updates and the attendance of the relevant officers at a future meeting to clarify any outstanding work associated with the review.

Council Plan 2011-15

21. The review supports the council's aim to listen to residents, where everyone has an effective voice in local issues and where there is a strong sense of belonging.

Implications & Risks

22. There are no known Financial, Human Resources, Equalities, Legal, ICT or other implications associated with the recommendation made in this report, and there are no known risks.

Recommendations

23. Members are asked to:

- i) Note the contents of this report and the Council's agreed change of direction in regard to 'A' Boards
- ii) Sign off all recommendations arising from the scrutiny review, as being no longer appropriate

Reason: To conclude the work on this review in line with scrutiny procedures and protocols.

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Report Approved



Date

29 October 2015

Wards Affected:

All



For further information please contact the author of the report

Background Papers: None

Annexes: None

Abbreviations:

Cllr – Councillor

CYC – City of York Council

ICT – Information & Communication Technology

RNIB - Royal National Institute of Blind People