

**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	Governance		
<b>Service Area:</b>	Policy and Strategy		
<b>Name of the proposal :</b>	Advertising Contract		
<b>Lead officer:</b>	Claire Foale		
<b>Date assessment completed:</b>	March 2024		
<b>Names of those who contributed to the assessment:</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
David Smith	Access Officer	CYC	Access
Laura Williams	AD Communities and Equalities	CYC	Equalities
Michael Howard	Head of Highways and Transport	CYC	Highways
Peter Roderick	Director of Public Health	CYC	Public Health
Olly Willmore	Regional Director	JCDecaux UK	Bus Shelter and Digital Free-Standing Units

## Step 1 – Aims and intended outcomes

1.1	<p><b>What is the purpose of the proposal?</b></p> <p>The proposal is to</p> <ol style="list-style-type: none"><li>a) Approve a new 15-year contract for place-based advertising on Bus Shelter and Digital Free-Standing Units (subject to planning consents)</li><li>b) Approve the amendment of the Council's current advertising policy which is designed to restrict high fat, salt and sugar products being displayed to residents to promote better health and wellbeing</li></ol>
1.2	<p><b>Are there any external considerations?</b> (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 <a href="https://www.legislation.gov.uk/ukxi/2021/617/contents/made">https://www.legislation.gov.uk/ukxi/2021/617/contents/made</a> ; 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"><li>• <a href="#"><u>Consumer Protection from Unfair Trading Regulations, 2008</u></a></li><li>• <a href="#"><u>The Calorie Labelling (Out of Home Sector) (England) Regulations, 2021</u></a></li><li>• <a href="#"><u>The Soft Drinks Industry Levy Regulations, 2018</u></a></li><li>• <a href="#"><u>The Food (Promotion and Placement) (England) Regulations 2021</u></a></li><li>• Restrictions on multi-buy deals (due October 2023)</li><li>• Restrictions on advertising on TV and online (due January 2024)</li><li>• <a href="#"><u>Consumer Protection from Unfair Trading Regulations 2008,</u></a></li></ul> <p>The High Fat, Salt and Sugar guidance is covered by The <a href="#"><u>UK Nutrient Profiling Model</u></a> by the <a href="#"><u>Food Standards Agency</u></a>, and the <a href="#"><u>Department of Health and Social Care</u></a></p>

<b>1.3</b>	<b>Who are the stakeholders and what are their interests?</b>  Residents, commuters, businesses – who view the advertising, or purchase advertising space and/or use the bus network and bus shelters
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<b>1.4</b>	<b>What results/outcomes do we want to achieve and for whom?</b> <ul style="list-style-type: none"><li>• Modern, accessible and sustainable bus shelters and Digital Free-Standing Units – improved / high standard street furniture</li><li>• Continued, high standard maintenance &amp; cleaning regime of the bus shelters and Digital Free-Standing Unit estate</li><li>• Increase in revenue from place-based advertising due to digitisation</li><li>• Increase Council’s time on screen on Digital Bus Shelters and Free-Standing Units to promote messaging and civic events</li><li>• Partnership to promote social benefit – biodiversity initiatives and support of the York Community Fund</li><li>• Reduced High Fat, High Salt, High Sugar advertising on council owned land</li><li>• Greater awareness of healthy food and drink choices</li></ul>
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## Step 2 – Gathering the information and feedback

2.1	<b>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?</b>	
<b>Source of data/supporting evidence</b>	<b>Reason for using</b>	
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.	
The High Fat, High Salt, High Sugar evidence base	Transport for London and the London School of Hygiene and Tropical Medicine evidence base about the benefits of implementing this policy informed the council's approach.	
The government's EIA which was published when introducing HFSS guidance	<a href="https://www.gov.uk/government/equality-assessments/equality-assessment-introducing-further-advertising-restrictions-on-tv-and-online-for-products-high-in-fat-salt-and-sugar">Equality assessment: introducing further advertising restrictions on TV and online for products high in fat, salt and sugar - GOV.UK (www.gov.uk)</a> The government have already consulted on the introduction of HFSS guidance which supports the introduction in York	

### Step 3 – Gaps in data and knowledge

3.1	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>
<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>
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><b>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?</b> 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>The introduction of the HFSS guidance into the new advertising contract is a positive impact on children, with evidence suggesting that children are more likely to be influenced by advertising and as a result, less HFSS products could lead to healthier food choices and so lower childhood weight.</p> <p>There might be a small impact on all ages due to reducing freedom of choice.</p> <p>Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.</p>	+	M
Disability	<p>The bus shelter design now includes 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. 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

	<p>Disabled children are at greater risk of developing obesity-associated conditions as adults, such as T2 diabetes and that the HFSS policy might help disabled children develop healthier choices into adulthood. There is evidence to show a causal link between advertising and consumption with children (see age above).</p> <p>Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.</p>	<b>+</b>	<b>L</b>
<b>Gender</b>	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	<b>-</b>	<b>-</b>
<b>Gender Reassignment</b>	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	<b>-</b>	<b>-</b>
<b>Marriage and civil partnership</b>	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.		
<b>Pregnancy and maternity</b>	The carbon emissions and digital frequencies emitted from digital advertising does not have an impact on children/maternity.	<b>0</b>	<b>L</b>
	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	<b>+</b>	<b>L</b>
<b>Race</b>	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	<b>-</b>	<b>L</b>
<b>Religion and belief</b>	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	<b>0</b>	<b>L</b>

	If cultural foods are classified in the policy as HFSS products their advertising will be restricted due to their high fat, salt or sugar content, and not due to their religious connotation.		
<b>Sexual orientation</b>	Advertising copy must comply with ASA Guidelines and CYC's Advertising Policy.	-	L
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>	The council will have 10% 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
<b>Low income groups</b>	<p>The council will have 10% 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.</p> <p>There was a concern expressed in the government's EIA that by promoting non HFSS products, people on lower income will no longer have the same choice of food products, potentially making choices more expensive. The government propose mitigating this by providing more information about healthy food choices, and that the cost of products is not changing which is at the discretion of the food and drink industry. Advertising HFSS products can still be promoted on non-council advertising channels as appropriate.</p>	0  -	L  L



<b>Veterans, Armed Forces Community</b>	The council will have 10% of all advertising time, allowing it to provide messages direct to specific groups, including to promote council services that could better support.	<b>0</b>	<b>L</b>
<b>Other</b>			
<b>Impact on human rights:</b>			
List any human rights impacted.	By restricting HFSS advertising, there is an impact on the rights of the individual to choose what they eat or drink, this impact is minimal as the restrictions only apply to advertising on council land, with other channels able to provide wide range of advertising as appropriate.	<b>0</b>	<b>M</b>

## Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<b>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?</b>
<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>Healthy food and drink support will be promoted to children and their parents to provide greater choice around costs of healthy food and drink.</p> <p>The design of the bus shelters will be tested with the disabled community.</p>	

## Step 6 – Recommendations and conclusions of the assessment

6.1	<b>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:</b>
<p>- <b>No major change to the proposal</b> – 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

<b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b>			
<b>Impact/issue</b>	<b>Action to be taken</b>	<b>Person responsible</b>	<b>Timescale</b>
Resident and business feedback	Promote how residents and businesses can inform the annual review of the contract	Claire Foale	July 2024
Healthy, cheap, food and drink choices	Promote the cost and availability of healthy food and drink options	Claire Foale	Ongoing
Bus shelter design	Set out how the bus shelters meet space and accessibility arrangements	JCDecaux UK	May 2024. Planning applications to be submitted post contract completion.
Free Standing Unit design	Set out the space and accessibility arrangements in the design	JCDecaux UK	When submitting planning applications. Post contract completion.

## Step 8 - Monitor, review and improve

<b>8. 1</b>	<b>How will the impact of your proposal be monitored and improved upon going forward?</b> 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.