

PRESENT: Councillor Blagbrough (Chair)

Councillors: Benton, Durrans, Evans (Substitute for Councillor Parsons-Hulse), Foster (Substitute for Councillor Barnes), Hutchinson, Kingstone, Robinson and M Swift

33 SUBSTITUTES NOMINATED FOR THIS MEETING AND APOLOGIES FOR ABSENCE

Apologies were received from Councillors Barnes and Parsons-Hulse.

34 HIGHWAYS POLICY AND THE USE OF 'A' BOARDS

At its meeting on 4th October 2021 Cabinet had considered a report on the Highways Policy and the use of 'A' Boards and at Minute Number B42 resolved that:

- (a) the A Board Enforcement Policy attached at Appendix A of the report, be approved; and
- (b) Officers be requested to further investigate the Council's ability to introduce suitable licensing arrangements under S115 of The Highways Act, 1980.

The above decision was called-in by Councillor Hutchinson, as a Member of the Adults, Health and Social Care Scrutiny Board, together with Councillors Blagbrough and Barnes under the provisions of Overview and Scrutiny Procedure Rule 21 for review by this Scrutiny Board.

The reason for the call-in was to allow the Scrutiny Board to consider whether adequate consideration has been given to the impact of advertising boards on the public highway on people with visual impairment in being able to navigate safely and independently and participate as fully as possible in all aspects of public life. Also:

- This form of advertising deliberately draws peoples' attention by producing obstacles to the highway that are temporary and change in position.
- They interrupt the ability of people with reduced vision to follow a direct route with confidence and safety, partly because they occur in unexpected places. Time needs to be spent in determining the nature of the obstacle and the best way to get around it and collision with it can cause physical injury. Both undermine the confidence of people with visual impairment to be independently mobile in our towns and villages.
- The policy is in contravention of Calderdale's All-Age Disability Strategy, which states is important that people feel comfortable and safe wherever they go".
- It is also recognised that many people with dementia also suffer from significant visual loss and Calderdale's ambition to be a "borough" risks being seriously undermined by the proposed policy.
- It is in conflict with the design guidance set out in the Government's 'Manual for the Streets'

- It also risks contravention of the United Nations Convention on the Rights of People with Disabilities, which the UK agreed in 2009.
- Concerns have been raised as to the adequacy of the consultation process and the discounting of the views expressed by bodies representing people with visual impairment, without an explanation.
- The Equality Impact Assessment does not give any weight to the fact that accessibility to the highway (footway) involves much more than simply having the physical space to get past an object.
- 'A' boards also pose obstacles to free use of the highway (footway) to many others, including people using wheelchairs and prams or buggies.

In addressing the call-in, Councillor Hutchinson explained that as a Trustee for the Halifax Society for the Blind and having spent his career as a surgeon trying to reduce the impact of visual disability on people, he felt the decision taken by Cabinet should be re-examined and explained in further detail the reasoning behind the call-in and also how 'A' Boards and pavement clutter affected people who were visually impaired on a daily basis.

Councillor Hutchinson stated that it was important the policy was clear and easily understandable, which the current draft policy was not. Councillor Hutchinson shared examples of other local authorities who have adopted a zero-tolerance approach to 'A' Boards.

Councillor Blagbrough advised that he supported the call-in decision and advised the Board that a number of representatives from different groups were in attendance to share their experience of navigating Calderdale's pathways and obstacles including 'A' Boards.

Councillor Fenton-Glynn, Cabinet Member with responsibility for Adult Services and Wellbeing attended the meeting and addressed the Board. He advised the policy was brought to Cabinet as it was felt that it was a good starting point to have a pilot scheme that could be monitored and learned from before implementation of the policy Borough wide. Councillor Fenton-Glynn shared that clearly the balance within the policy was wrong and that he had received many emails in relation to the decision, and following the call-in. He explained that he welcomed the open discussion and would be happy to refer the policy back to Cabinet once conversations had been held with interested parties.

Councillor Scullion, Cabinet Member with responsibility for Regeneration and Strategy attended the meeting and addressed the Board. She thanked the Board for the invitation to the meeting and advised that she did not apologise for taking the draft policy to Cabinet as there was currently no policy in relation to public access. This had made it difficult in terms of enforcement. The policy was brought to Cabinet with a view to propose a pilot scheme, and to review the pilot scheme over a period of time to understand and learn from it. Councillor Scullion confirmed that she looked forward to hearing peoples view in terms of what could be done better and suggested looking at public health and improving access for people with physical disabilities.

She took on Board comments that had been made in relation to street furniture and the alfresco dining that had become more widespread due to the pandemic.

Councillor Scullion advised that the Council had a responsibility to all its constituents, lobbyists and small businesses who were trying to advertise their businesses following the pandemic.

During discussions Members commented on the following issues:

- Has data and information been considered in the areas that had introduced a blanket ban on 'A' Boards, and what feedback had been received from businesses in those areas? In response, Councillor Scullion advised that she did not have this information to hand but did confirm that over 29 Councils policies were looked at and their policies varied greatly in their practice and enforcement of 'A' Boards.
- Councillor Fenton-Glynn advised that when the pilot scheme was originally going to be held in his ward, he did have conversations with small businesses, and he confirmed that the scheme was not popular with businesses who were trying to build up trade following the pandemic.
- Officers advised that when the policy was being drawn together a number of policies from other Councils were reviewed and approximately half did not have a defined policy and the others differed too in their approach to enforcement.
- There was a balance to be made within the policy that supported people with visual impairment and those with physical disabilities, which also supported small businesses in the recovery phase following the pandemic. The policy would have to be clear so that both residents and businesses clearly understood the terms of the policy and that also allowed the Council to enforce the policy.
- Many authorities had similar issues as Calderdale has with narrow pavements and they had implemented and mapped areas where the use of 'A' Boards was prohibited, and it was suggested the policy be referred back to Cabinet to undertake a widespread consultation which would develop a robust coordinated policy.
- It was noted that it was generally the person with the needs who tended to be the person who had to adapt to the environment. Often narrow pavements were also in disrepair which made it even difficult to navigate around obstacles. It was suggested that the language in the policy be revisited around restricting access to certain areas and broaden the scope of the policy to look at street furniture.
- People do have a strong opinion of 'A' Boards, but this was only part of the problem as there was a lot of street clutter on the Borough's pavements. It was suggested that not only street clutter be considered but also road signage, lampposts be amalgamated to reduce the number of obstacles on pavements. It was noted that if the Council were to enforce a ban on 'A' Boards, that it looks at its own practices and enforce that Highways make sure signage did not block pavements and that signs were removed in a timely manner.

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- It was felt that consultation was the key factor and that at this stage in the development of the policy, and that a compromise was needed. If the decision was to be to refer back to Cabinet that Cabinet be requested to consult with businesses and all residents, not only individuals with disabilities so that future call-ins could be avoided.
- It was noted that whilst there may be some pushback from businesses, others may welcome the ban on 'A' Boards and it was suggested that the Council work with businesses to find alternative way to advertise their businesses. A member also advised that by allowing access for people with disabilities opened up their customer base as currently people stayed away because they did not feel safe or there were too many obstacles to navigate.
- Members agreed that the Council needed to work and consult with businesses as well as residents within the community, and organisations who represented people with disabilities and visual impairment. The Council had a responsibility to all members of the community.

The Chair invited members of the public and representatives from organisations to address the Board and offer suggestions.

Peter Hoey advised that there were some shortcomings within the policy and noted that these had been addressed in the meeting. He explained that stakeholder involvement was critical in producing a good policy, and that there is a means of measuring success. It was also important to not look at a single aspect, for example 'A' Boards and this could alienate businesses and people, and cause tension. Praise was given that Calderdale was working toward the Vision 2024 and had committed to becoming an Age Friendly Borough. Peter also referenced street clutter and that consideration should not only be given to 'A' Board, but other obstacles that clutter the Borough's pavements and how they were placed.

Maqsood Sheikh, Royal National Institute of Blind People (RNIB) shared with the Board the findings of the 'Who Put That There' report produced by the RNIB in 2015 which surveyed over 500 blind and partial sighted people where 95 of those said that they collided with an obstacle, half of those were with 'A' Boards and a third suffered injuries. Maqsood stated that clearly 'A' Boards were a problem. There also needs to be a focus on the health and safety of residents of the Borough. Maqsood advised that he had worked with various other authorities and confirmed that there had not been significant negative feedback from business owners in relation to removal of 'A' Boards. It was understood that the pandemic impacted on businesses and the Blind community did want to support them and it was suggested that if streets were more accessible, this would open up their businesses to people who were visually impaired and also for people with disabilities. Maqsood agreed that the policy should be revised and request that it be referred back to Cabinet.

June Eaton read a statement on behalf of Jill Shaw which explained how her daughter had lost her sight and the challenges she faced because of obstacles on pathways, and how this had impacted on her confidence following a collision with an obstruction.

June advised that she was attending the meeting on behalf of Hebden Bridge Access Forum and shared she had been campaigning for a total ban on 'A' Boards for a

number of years. It was explained how 'A' Boards clutter the pavements and were obstacles for all pedestrians, and by excluding people from the street deprived traders of income. June stated that if people from the British, Asian and Minority Ethnic community or people from the LGBTQ+ community were excluded from the streets it would be classed as discrimination, but this was the reality for many people with disabilities. June stated that policy should be about reclaiming the streets for people with disabilities.

Anne-Marie Cowan advised that she was registered severely sighted and had limited mobility. She explained how 'A' Boards and other street clutter had caused her problems in the past and how embarrassed she had been when these had been knocked over due to others looking and commenting. Anne-Marie felt that because she has limited sight and mobility she was being discriminated against, which she stated was not acceptable.

Val Northcott advised that she worked with children and young people with a visual disability in and spends time helping with the transition from home to school or workplace. She stated that on many occasions that had come across street clutter. She shared one example of a child trying to navigate around an 'A' Board on Rochdale Road who wanted to step out into the road to avoid the obstacle. Her work with the children and young people was for them to hopefully become independent adults, which was something sighted people took for granted. Val acknowledged that the report took into consideration businesses and their needs and advised there were many things that could be done to promote businesses without the need for street advertisement.

Alison Gillespie advised that street clutter had always been a problem, but it was on the increase, and she explained that because of social distancing this was making it harder for her to navigate the pavements and more people are ending up using the road to avoid clutter. Alison stated that the issue of street clutter needed to be looked at urgently.

IT WAS AGREED that:

- (a) members of the public and Officers be thanked for attending and contributing to the discussion;
- (b) the willingness of Cabinet Members to review the policy on 'A' Boards is welcomed; and
- (c) in accordance with the provisions of paragraph 21(f) of the Overview and Scrutiny Procedure Rules the decision taken at Cabinet on 4th October 2021 in relation to Minute Number 41 be referred back to Cabinet to review the draft 'A' Board Policy, and that consideration be given to the views expressed by members of the public and the Adults, Health and Social Care Scrutiny Board within the meeting.